

Tab 1	CS/CS/SB 136 by AEG, CM, Gruters (CO-INTRODUCERS) Stewart, Perry; (Compare to CS/H 00179) Florida Kratom Consumer Protection Act					
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Tab 2	SB 140 by Rodriguez; (Identical to CS/H 00385) Fees/Professional Counselors Licensure Compact					
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Tab 3	CS/SB 212 by AED, Collins (CO-INTRODUCERS) Avila, Burgess, Calatayud, Harrell, Book; (Similar to CS/CS/H 00301) Emergency Response Mapping Data					
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Tab 4	CS/SB 238 by HP, Burton; (Similar to CS/H 01015) Public Records/Protection from Discrimination Based on Health Care Choices					
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238876	A	S	RS	FP, Burton	Delete L.19 - 20:	04/21 03:23 PM
156626	SA	S	RCS	FP, Burton	Delete L.19 - 36:	04/21 03:23 PM

Tab 5	CS/SB 246 by AHS, Calatayud (CO-INTRODUCERS) Perry, Osgood, Rodriguez; (Similar to CS/CS/H 00121) Florida Kidcare Program Eligibility					
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723386	D	S	RCS	FP, Calatayud	Delete everything after	04/21 03:25 PM
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Tab 6	SB 252 by Burton; (Similar to CS/H 01013) Protection from Discrimination Based on Health Care Choices					
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422702	D	S	RCS	FP, Burton	Delete everything after	04/21 03:25 PM
823424	AA	S	RCS	FP, Burton	Delete L.183 - 215:	04/21 03:25 PM

Tab 7	CS/CS/SB 266 by AED, HE, Grall; (Similar to CS/CS/H 00999) Higher Education					
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615168	A	S	RCS	FP, Grall	Delete L.117 - 118:	04/21 03:26 PM
493372	A	S	UNFAV	FP, Berman	Delete L.264 - 273.	04/21 03:26 PM
933760	A	S	RCS	FP, Grall	Delete L.298 - 317:	04/21 03:26 PM
398812	A	S	RCS	FP, Grall	Delete L.365 - 415:	04/21 03:26 PM
404106	A	S	RCS	FP, Grall	Delete L.616 - 624:	04/21 03:26 PM

Tab 8	CS/SB 528 by CJ, Davis (CO-INTRODUCERS) Book; (Identical to CS/H 00537) Custody and Supervision of Specified Offenders					
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Tab 9	CS/SB 536 by CF, Garcia; (Similar to H 01087) Child Support					
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Tab 10	CS/SB 612 by HP, Yarborough (CO-INTRODUCERS) Gruters, Davis, Book, Osgood, Harrell, Martin, Avila, Collins, Burton, Pizzo, DiCeglie, Berman, Burgess, Calatayud, Wright, Jones, Powell, Hutson, Garcia, Polsky, Torres, Stewart; (Identical to CS/H 00483) Blood Clot and Pulmonary Embolism Policy Workgroup					
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Tab 11	CS/CS/SB 618 by ACJ, CJ, Yarborough; (Identical to CS/H 00095) Rights of Law Enforcement Officers and Correctional Officers					
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Tab 12	SB 658 by Burgess; (Identical to H 01459) Registration Fees for Malt Beverage Brands and Labels					
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Tab 13	CS/SB 670 by BI, Yarborough (CO-INTRODUCERS) Stewart; (Similar to CS/CS/H 00721) Paid Family Leave Insurance					
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Tab 14	SB 704 by Boyd; (Compare to CS/CS/H 00783) Substance Abuse Prevention					
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123050	D	S	RCS	FP, Boyd	Delete everything after	04/21 04:27 PM
214246	AA	S	RCS	FP, Boyd	btw L.14 - 15:	04/21 04:27 PM

Tab 15	CS/SB 748 by BI, Boyd ; (Similar to CS/H 00881) My Safe Florida Home Program						
925002	A	S	RCS	FP, Boyd	Delete L.69 - 223:	04/21 03:46 PM	
Tab 16	CS/SB 824 by MS, Collins ; (Similar to CS/H 00485) Veterans' Services and Recognition						
Tab 17	CS/SB 996 by TR, Berman ; (Identical to CS/H 00965) Driver License, Identification Card, and Motor Vehicle Registration Applications						
Tab 18	CS/SB 1104 by ACJ, Wright ; (Similar to CS/H 01577) Victim Compensation Claims						
Tab 19	SB 1112 by Burgess (CO-INTRODUCERS) Jones ; (Similar to CS/H 00733) Middle School and High School Start Times						
Tab 20	CS/SB 1140 by ACJ, Ingoglia ; (Identical to CS/1ST ENG/H 01105) Rapid DNA Grant Program						
Tab 21	CS/CS/SB 1158 by AEG, BI, DiCeglie ; (Similar to CS/CS/H 00487) Department of Financial Services						
538574	A	S	RCS	FP, DiCeglie	Delete L.1520 - 1522:	04/21 03:52 PM	
Tab 22	CS/SB 1164 by AEG, Collins ; (Similar to CS/CS/H 01279) Department of Agriculture and Consumer Services						
372800	A	S	RCS	FP, Collins	Delete L.907:	04/21 03:53 PM	
Tab 23	SB 1170 by Calatayud (CO-INTRODUCERS) Garcia ; (Similar to CS/H 00111) Flooding and Sea Level Rise Vulnerability Studies						
922214	D	S	RCS	FP, Calatayud	Delete everything after	04/21 03:54 PM	
Tab 24	CS/CS/SB 1182 by AHS, CF, Simon (CO-INTRODUCERS) Book ; (Similar to CS/CS/H 00299) Education and Training for Alzheimer's Disease and Related Forms of Dementia						
Tab 25	SB 1198 by Simon (CO-INTRODUCERS) Davis ; (Similar to H 01207) Operation New Hope						
Tab 26	CS/SB 1252 by TR, DiCeglie ; (Similar to CS/CS/H 01085) Department of Highway Safety and Motor Vehicles						
696464	D	S	RCS	FP, DiCeglie	Delete everything after	04/21 03:55 PM	
854998	AA	S	RCS	FP, DiCeglie	Delete L.741:	04/21 03:55 PM	
Tab 27	CS/SB 1352 by AHS, Rouson (CO-INTRODUCERS) Davis ; (Similar to CS/CS/H 01481) Sickle Cell Disease Medications, Treatment, and Screening						
765662	A	S	RCS	FP, Rouson	Delete L.131 - 137:	04/21 03:56 PM	
Tab 28	CS/SB 1386 by AED, Perry (CO-INTRODUCERS) Collins, Calatayud, Wright ; (Similar to H 01393) Florida School for Competitive Academics						
759490	A	S	RCS	FP, Perry	Delete L.99 - 399:	04/21 03:58 PM	
Tab 29	CS/CS/SB 1408 by AHS, HP, Davis ; (Identical to CS/H 00247) Sickle Cell Program						
Tab 30	SB 1424 by Calatayud ; (Similar to CS/CS/H 07039) Student Outcomes						
Tab 31	CS/SB 1532 by TR, Burgess (CO-INTRODUCERS) Collins ; (Identical to CS/H 01397) Regional Transportation Planning						

Tab 32	CS/SB 1606 by GO, Powell ; (Identical to CS/H 01441) Florida Museum of Black History						
Tab 33	CS/SB 1672 by TR, DiCeglie (CO-INTRODUCERS) Perry ; (Similar to CS/H 00937) Temporary Airports						
204976	D	S	RCS	FP, DiCeglie	Delete everything after	04/21 03:57 PM	
Tab 34	CS/SB 1676 by AG, Burton (CO-INTRODUCERS) Rodriguez ; (Similar to CS/CS/H 01475) Hemp						
663902	D	S	RCS	FP, Burton	Delete everything after	04/21 04:26 PM	
Tab 35	CS/CS/SB 1690 by AHS, CF, Ingoglia ; (Similar to CS/CS/H 01557) Sexual Exploitation and Human Trafficking						
932446	A	S	RS	FP, Garcia	btw L.57 - 58:	04/21 03:58 PM	
485322	SA	S	RCS	FP, Garcia	btw L.57 - 58:	04/21 03:58 PM	
Tab 36	SB 7050 by EE ; (Similar to H 07067) Elections						
880856	PCS	S	RCS	FP		04/21 03:59 PM	
896348	A	S	UNFAV	FP, Thompson	Delete L.463 - 470:	04/21 03:59 PM	
Tab 37	SB 7052 by BI ; (Compare to H 01431) Insurer Accountability						
592450	D	S	RS	FP, Hutson	Delete everything after	04/21 04:00 PM	
451290	SD	S	RCS	FP, Hutson	Delete everything after	04/21 04:00 PM	
Tab 38	SB 7054 by BI ; (Identical to CS/H 07049) Central Bank Digital Currency						
Tab 39	SB 7056 by AHS ; (Similar to H 07061) Child Protective Investigative Services						
Tab 40	SPB 7064 by FP ; Human Trafficking						

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FISCAL POLICY
Senator Hutson, Chair
Senator Stewart, Vice Chair

MEETING DATE: Thursday, April 20, 2023
TIME: 9:30 a.m.—6:00 p.m.
PLACE: Pat Thomas Committee Room, 412 Knott Building

MEMBERS: Senator Hutson, Chair; Senator Stewart, Vice Chair; Senators Albritton, Berman, Boyd, Burton, Calatayud, Collins, DiCeglie, Garcia, Jones, Mayfield, Osgood, Rodriguez, Simon, Thompson, Torres, Trumbull, Wright, and Yarborough

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	CS/CS/SB 136 Appropriations Committee on Agriculture, Environment, and General Government / Commerce and Tourism / Gruters (Compare CS/H 179)	Florida Kratom Consumer Protection Act; Creating the "Florida Kratom Consumer Protection Act"; prohibiting processors from selling, preparing, distributing, or exposing for sale certain kratom products; prohibiting processors from distributing, selling, or exposing for sale a kratom product to an individual under 21 years of age; requiring processors to annually register kratom products with the Department of Agriculture and Consumer Services, etc. CM 03/06/2023 Fav/CS AEG 04/12/2023 Fav/CS FP 04/20/2023 Favorable	Favorable Yeas 18 Nays 1
2	SB 140 Rodriguez (Identical CS/H 385)	Fees/Professional Counselors Licensure Compact; Authorizing member states of the Professional Counselors Licensure Compact to charge individuals a fee for the privilege to practice under the compact, etc. HP 03/27/2023 Favorable AHS 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 19 Nays 0
3	CS/SB 212 Appropriations Committee on Education / Collins (Similar CS/CS/H 301)	Emergency Response Mapping Data; Creating the School Mapping Data Grant Program within the Department of Education; authorizing each school district to apply for funds to provide mapping data for public school buildings; authorizing a school district to use the funds to procure a vendor; requiring the entity that produces the data to provide the data to certain entities, etc. ED 02/07/2023 Favorable AED 03/14/2023 Fav/CS FP 04/20/2023 Favorable	Favorable Yeas 18 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 238 Health Policy / Burton (Similar CS/H 1015, Compare CS/H 1013, Linked S 252)	Public Records/COVID-19 Vaccination Mandates; Providing an exemption from public records requirements for certain information held by the Department of Legal Affairs or the Department of Health relating to complaints or investigations regarding violations of provisions protecting from discrimination based on health care choices; authorizing the disclosure of such information under certain circumstances; providing for future legislative review and repeal of the exemption; providing a statement of public necessity, etc. HP 04/04/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 14 Nays 5
5	CS/SB 246 Appropriations Committee on Health and Human Services / Calatayud (Similar CS/CS/H 121, Compare H 1245)	Florida Kidcare Program Eligibility; Increasing the income eligibility threshold for coverage under the Medikids program component; increasing the income eligibility threshold for coverage under the Florida Kidcare program; requiring an applicant seeking coverage under the program to provide certain documentation if eligibility cannot be verified using reliable data sources; requiring that premiums for certain enrollees under the Florida Kidcare program be based on a tiered system of uniform premiums, etc. HP 03/13/2023 Favorable AHS 04/12/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 18 Nays 0
6	SB 252 Burton (Similar CS/H 1013, Compare CS/H 1015, Linked CS/S 238)	Protection from Discrimination Based on Health Care Choices; Repealing a provision relating to prohibiting public employers from imposing COVID-19 vaccination mandates; prohibiting business entities and governmental entities from requiring COVID-19 testing to gain access to, entry upon, or service from such entities; prohibiting such entities from requiring persons to provide certain documentation or requiring COVID-19 testing as a condition of contracting, hiring, promotion, or continued employment; prohibiting business and governmental entities from refusing to hire persons, discharging persons, depriving or attempting to deprive persons of employment opportunities, adversely affecting persons with respect to employment, or otherwise discriminating against any person based on knowledge or belief of a person's COVID-19 vaccination or postinfection recovery status or failure to take a COVID-19 test, etc. HP 04/04/2023 Favorable FP 04/20/2023 Fav/CS	Fav/CS Yeas 13 Nays 5

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	CS/CS/SB 266 Appropriations Committee on Education / Education Postsecondary / Grall (Similar CS/CS/H 999)	Higher Education; Revising the duties of the Board of Governors relating to the mission of each state university; requiring the Board of Governors Accountability Plan to annually report certain research expenditures of a specified amount; prohibiting specified educational institutions from expending funds to promote specified concepts; revising how general education core courses are established; specifying a one-time limit on the requirement to change accrediting agencies, etc. HE 03/15/2023 Fav/CS AED 04/12/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 14 Nays 6
8	CS/SB 528 Criminal Justice / Davis (Identical CS/H 537)	Custody and Supervision of Specified Offenders; Excluding certain offenders from eligibility to receive basic gain-time; excluding certain offenders from eligibility to receive incentive gain-time; excluding certain offenders from eligibility for specified reductions to a term of supervision; requiring a court to impose additional conditions of supervision on specified offenders, etc. CJ 03/20/2023 Temporarily Postponed CJ 03/27/2023 Fav/CS ACJ 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 19 Nays 0
9	CS/SB 536 Children, Families, and Elder Affairs / Garcia (Similar H 1087)	Child Support; Revising requirements for the deferment of payment agreements for child support; revising the procedures for collection and distribution of court depository fees; removing exceptions to the prohibition on treating incarceration as voluntary employment; revising requirements for the Department of Revenue to commence proceedings regarding paternity and child support, etc. CF 03/06/2023 Fav/CS AEG 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 19 Nays 0
10	CS/SB 612 Health Policy / Yarborough (Identical CS/H 483)	Blood Clot and Pulmonary Embolism Policy Workgroup; Citing this act as the "Emily Adkins Prevention Act"; requiring the Secretary of Health Care Administration, in conjunction with the State Surgeon General, to establish a blood clot and pulmonary embolism policy workgroup; requiring the secretary to submit a final report to the Governor and the Legislature by a specified date, etc. HP 03/27/2023 Fav/CS AHS 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 20 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	CS/CS/SB 618 Appropriations Committee on Criminal and Civil Justice / Criminal Justice / Yarborough (Identical CS/H 95)	Rights of Law Enforcement Officers and Correctional Officers; Providing rights of law enforcement officers and correctional officers relating to Brady identification systems; prohibiting a law enforcement officer or correctional officer from being discharged, suspended, demoted, or otherwise disciplined or threatened with discipline for certain reasons; providing that a prosecuting agency is not required to maintain a Brady identification system; authorizing a law enforcement officer or correctional officer to request reconsideration of the inclusion of his or her name and information in a Brady identification system, etc. CJ 03/20/2023 Fav/CS ACJ 04/12/2023 Fav/CS FP 04/20/2023 Favorable	Favorable Yeas 17 Nays 0
12	SB 658 Burgess (Identical H 1459)	Registration Fees for Malt Beverage Brands and Labels; Providing that the annual registration fee is required only if labels or brands are sold to a distributor; specifying that no other registration fee is authorized, etc. RI 03/14/2023 Favorable AEG 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 15 Nays 1
13	CS/SB 670 Banking and Insurance / Yarborough (Similar CS/CS/H 721)	Paid Family Leave Insurance; Authorizing life insurers to transact paid family leave insurance; specifying circumstances under which family leave benefits may be provided under a paid family leave insurance policy; specifying requirements for policies relating to benefit periods, waiting periods, benefit amounts and certain offsets, and the payment of benefits; providing that eligibility for family leave benefits may be limited, excluded, or reduced, but must be specified in the policy, etc. BI 03/22/2023 Fav/CS FP 04/20/2023 Favorable	Favorable Yeas 17 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	SB 704 Boyd (Compare CS/CS/H 783)	Substance Abuse Prevention; Revising authorizations for prescribing and dispensing emergency opioid antagonists by authorized health care practitioners; authorizing certain pharmacies, pharmacists, and pharmacy technicians to take certain actions relating to emergency opioid antagonists; creating the Statewide Council on Opioid Abatement within the Department of Children and Families; exempting certain pharmacies, pharmacists, and pharmacy technicians from liability for damages, penalties, fines, or costs as a result of certain actions relating to emergency opioid antagonists, etc. HP 03/20/2023 Favorable AHS 04/12/2023 Favorable FP 04/20/2023 Fav/CS	Fav/CS Yeas 20 Nays 0
15	CS/SB 748 Banking and Insurance / Boyd (Similar CS/H 881)	My Safe Florida Home Program; Providing that licensed, rather than certified, inspectors are to provide hurricane mitigation inspections on site-built, single-family, residential properties that have been granted a homestead exemption; revising the hurricane mitigation inspectors that may be selected by the Department of Financial Services to provide hurricane mitigation inspections; revising the criteria for mitigation grant eligibility for homeowners; revising the improvements for which mitigation grants may be used; deleting a provision authorizing low-income homeowners to use grant funds for specified purposes, etc. BI 03/15/2023 Fav/CS AEG 04/12/2023 Favorable FP 04/20/2023 Fav/CS	Fav/CS Yeas 20 Nays 0
16	CS/SB 824 Military and Veterans Affairs, Space, and Domestic Security / Collins (Similar CS/H 485)	Veterans' Services and Recognition; Creating the Division of Long-term Care within the Department of Veterans' Affairs; creating the "Veterans' Adult Day Health Care of Florida Act"; providing a purpose and definitions; providing for program audits, inspections, and operational standards; designating the week of November 11 of each year as "Veterans Week" in Florida, etc. MS 03/29/2023 Fav/CS AHS 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
17	CS/SB 996 Transportation / Berman (Identical CS/H 965)	Driver License, Identification Card, and Motor Vehicle Registration Applications; Requiring that the motor vehicle registration form and registration renewal form and the driver license or identification card application form, respectively, include an option to make a voluntary contribution to Best Buddies International, etc. TR 03/27/2023 Fav/CS ATD 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 17 Nays 0
18	CS/SB 1104 Appropriations Committee on Criminal and Civil Justice / Wright (Similar CS/H 1577)	Victim Compensation Claims; Authorizing the Department of Legal Affairs to issue waivers of any claim filing deadlines for specified victim claims for compensation upon a showing that a delay in filing the application occurred because of a delay in the testing of, or delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, etc. CJ 03/27/2023 Favorable ACJ 04/12/2023 Fav/CS FP 04/20/2023 Favorable	Favorable Yeas 17 Nays 0
19	SB 1112 Burgess (Similar CS/H 733)	Middle School and High School Start Times; Providing requirements for middle school and high school start times; requiring such school start times to be implemented by a specified date; providing district school board requirements, etc. ED 03/27/2023 Favorable AED 04/12/2023 Temporarily Postponed AED 04/18/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 15 Nays 2
20	CS/SB 1140 Appropriations Committee on Criminal and Civil Justice / Ingoglia (Similar CS/H 1105)	Rapid DNA Grant Program; Creating the Rapid DNA Grant Program within the Department of Law Enforcement for county jails or sheriffs' offices; requiring the department to annually award grant funds to county jails or sheriffs' offices; providing funding requirements; authorizing the department to establish criteria and set specific time periods for the acceptance of applications and the selection process for awarding grant funds, etc. CJ 03/27/2023 Favorable ACJ 04/12/2023 Fav/CS FP 04/20/2023 Favorable	Favorable Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

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21	CS/CS/SB 1158 Appropriations Committee on Agriculture, Environment, and General Government / Banking and Insurance / DiCeglie (Similar CS/CS/H 487)	Department of Financial Services; Revising powers and duties of the department's Division of Investigative and Forensic Services; authorizing, rather than requiring, a judge of compensation claims to order an injured employee's evaluation by an expert medical advisor under certain circumstances; revising eligibility requirements for the board of directors of the Florida Self-Insurers Guaranty Association, Incorporated; deleting the authority of designated examination centers to take fingerprints of applicants for a license as an agent, customer representative, adjuster, service representative, or reinsurance intermediary; authorizing certain persons to obtain a limited license to sell only policies of life insurance covering the expense of a prearrangement for funeral services or merchandise; adding grounds for discretionary disciplinary actions taken by the department against a title insurance agent or agency; authorizing the department in receivership proceedings to take certain actions as a domiciliary receiver, etc. BI 03/22/2023 Fav/CS AEG 04/12/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 19 Nays 0
22	CS/SB 1164 Appropriations Committee on Agriculture, Environment, and General Government / Collins (Similar CS/CS/H 1279)	Department of Agriculture and Consumer Services; Authorizing farmers whose property meets certain requirements to apply to the Department of Revenue for a Florida farm tax exempt agricultural materials (TEAM) card; authorizing the Department of Revenue to make certain information available to the Department of Agriculture and Consumer Services for the purpose of administering the Florida farm TEAM card; requiring by a specified date all food commodities purchased by certain state entities to be grown or produced in this state under certain circumstances; revising the types of entities required to obtain food permits from the department; requiring bottled water to be processed in conformance with department rule, etc. AG 03/13/2023 Favorable AEG 04/12/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

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23	SB 1170 Calatayud (Similar CS/H 111)	Flooding and Sea Level Rise Vulnerability Studies; Revising the purposes for which the Department of Environmental Protection may provide grants under the Resilient Florida Grant Program to counties or municipalities; authorizing the department to provide such grants to water management districts for a specified purpose; requiring state-financed constructors to take specified actions before commencing construction of potentially at-risk structures or infrastructure beginning on a specified date, etc. EN 03/14/2023 Favorable AEG 04/12/2023 Favorable FP 04/20/2023 Fav/CS	Fav/CS Yeas 19 Nays 0
24	CS/CS/SB 1182 Appropriations Committee on Health and Human Services / Children, Families, and Elder Affairs / Simon (Similar CS/CS/H 299)	Education and Training for Alzheimer's Disease and Related Forms of Dementia; Designating the "Alzheimer's Disease and Related Forms of Dementia Education and Training Act"; requiring the Department of Elderly Affairs to offer certain education about Alzheimer's disease and related forms of dementia to the general public; providing minimum requirements for the training; authorizing persons to satisfy the training requirements of this act using training curricula approved before the effective date of this act until the department adopts rules for training curricula guidelines, etc. CF 03/14/2023 Fav/CS AHS 04/12/2023 Fav/CS FP 04/20/2023 Favorable	Favorable Yeas 19 Nays 0
25	SB 1198 Simon (Similar H 1207)	Operation New Hope; Authorizing the Department of Corrections, contingent upon appropriation, to contract with Operation New Hope for specified services, etc. CJ 04/04/2023 Favorable ACJ 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 18 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

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26	CS/SB 1252 Transportation / DiCeglie (Similar CS/CS/H 1085, Compare S 1224)	Department of Highway Safety and Motor Vehicles; Requiring the department or its authorized agent to issue certain licenses and fuel tax decals; providing that a certain affidavit constitutes proof of ownership and right of possession to a motor vehicle or mobile home the previous owner of which died testate; authorizing permanent registration of certain rental trucks; requiring that certain information on the driver license or identification card of a sexual offender or sexual predator be printed in red; requiring the department to record in the driver's record that he or she is disqualified from operating a commercial motor vehicle under certain circumstances, etc. TR 03/27/2023 Fav/CS ATD 04/12/2023 Favorable FP 04/20/2023 Fav/CS	Fav/CS Yeas 15 Nays 5
27	CS/SB 1352 Appropriations Committee on Health and Human Services / Rouson (Similar CS/CS/H 1481)	Sickle Cell Disease Medications, Treatment, and Screening; Requiring newborn and infant screening providers to notify primary care physicians of newborns and infants of certain screening results and to submit the results to the Department of Health for a specified purpose; requiring the department to contract with a certain center to establish and maintain a sickle cell registry; authorizing parents and guardians of children in the registry to request to have them removed from the registry; requiring the Agency for Health Care Administration, in consultation with certain entities, to review sickle cell disease medications, treatments, and services for Medicaid recipients and develop a written report, post the report on its website, and submit a copy of the report to the Governor, the Legislature, and certain entities by a specified date and every 2 years thereafter, etc. HP 04/04/2023 Favorable AHS 04/12/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 20 Nays 0
28	CS/SB 1386 Appropriations Committee on Education / Perry (Similar H 1393)	Florida School for Competitive Academics; Revising the components of the delivery of public education within the Florida Early Learning-20 education system to include the Florida School for Competitive Academics; providing for the establishment of the Florida School for Competitive Academics; requiring the Auditor General to conduct audits of the school; exempting the school from specified requirements in the Florida Early Learning-20 Education Code, etc. ED 03/20/2023 Favorable AED 04/12/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
29	CS/CS/SB 1408 Appropriations Committee on Health and Human Services / Health Policy / Davis (Identical CS/H 247)	Sickle Cell Program; Citing this act as the "Sickle Cell Disease and Sickle Cell Trait Prevention, Care, and Treatment Act"; requiring the Department of Health to establish a grant program for the prevention, care, and treatment of sickle cell disease and sickle cell trait or sickle cell trait carriers and for certain educational programs; requiring the department to develop application criteria and standards of eligibility for grants under the program; requiring the department to ensure that grant funds are used for specified purposes, etc. HP 04/04/2023 Fav/CS AHS 04/12/2023 Fav/CS FP 04/20/2023 Favorable	Favorable Yeas 19 Nays 0
30	SB 1424 Calatayud (Similar CS/CS/H 7039, Compare S 758)	Student Outcomes; Revising the responsibilities of the Just Read, Florida! Office; providing that a charter school application must include certain reading instructional strategies; providing that district school board instructional materials must include certain reading instructional strategies; revising requirements for an individualized progress monitoring plan; requiring a school district to evaluate the students at the end of each grading period for a mathematics deficiency; revising training requirements for reading coaches, classroom teachers, and school administrators to include certain instructional strategies, etc. ED 03/27/2023 Favorable AED 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 19 Nays 0
31	CS/SB 1532 Transportation / Burgess (Identical CS/H 1397)	Regional Transportation Planning; Requiring the Department of Transportation, or its consultant, to conduct a study regarding the potential dissolution or transfer of the governance, staff, operations, funding, and facilities of the Hillsborough Area Regional Transit Authority; specifying requirements of the study; requiring the department to submit a report to the Governor and Legislature by a specified date, etc. TR 03/20/2023 Fav/CS ATD 04/12/2023 Favorable FP 04/20/2023 Favorable	Favorable Yeas 17 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
32	CS/SB 1606 Governmental Oversight and Accountability / Powell (Identical CS/H 1441)	Florida Museum of Black History; Creating the Florida Museum of Black History Task Force within the Division of Historical Resources of the Department of State; requiring the division to provide staff and expend funds as necessary to assist the task force; requiring the task force to submit a report to the Governor and the Legislature before a certain date, etc. GO 04/05/2023 Fav/CS FP 04/20/2023 Favorable	Favorable Yeas 19 Nays 0
33	CS/SB 1672 Transportation / DiCeglie (Similar CS/H 937, Compare S 1554)	Temporary Airports; Requiring certain documentation to be submitted to the Department of Transportation for temporary airport site approval and temporary airport registration; requiring a temporary airport to obtain registration before operation of aircraft to or from the airport; removing a condition for licensure or registration as a temporary airport; prohibiting approval of subsequent temporary airport registration applications under certain circumstances, etc. TR 04/04/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 20 Nays 0
34	CS/SB 1676 Agriculture / Burton (Similar CS/CS/H 1475)	Hemp; Providing that hemp extract is considered a food subject to certain requirements; revising the requirements that hemp extract must meet before being distributed and sold in this state; providing that hemp extract may only be sold to businesses in this state which meet certain permitting requirements; requiring the Department of Agriculture and Consumer Services to adopt rules, etc. AG 03/20/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 19 Nays 0
35	CS/CS/SB 1690 Appropriations Committee on Health and Human Services / Children, Families, and Elder Affairs / Ingoglia (Similar CS/CS/H 1557, Compare S 1210)	Sexual Exploitation and Human Trafficking; Requiring residential treatment centers for children and adolescents to place specified signage; requiring the Department of Children and Families, in consultation with the Agency for Health Care Administration, to adopt rules; requiring the department to develop a process to certify adult safe houses that provide housing and care to adult survivors of human trafficking; providing requirements for safe houses and safe foster homes; requiring specified signage to be placed on the premises of facilities maintained by licensed child-caring agencies, etc. CF 03/27/2023 Fav/CS AHS 04/12/2023 Fav/CS FP 04/20/2023 Fav/CS	Fav/CS Yeas 19 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
36	SB 7050 Ethics and Elections (Similar H 7067, Compare H 7005)	Elections; Requiring the Secretary of State to provide mandatory formal signature matching training to specified persons; authorizing the Office of Election Crimes and Security to review complaints and conduct preliminary investigations relating to any alleged election irregularity involving the Florida Election Code; requiring first-time applicants registering to vote in this state to comply with specified identification requirements; requiring third-party voter registration organizations to inform the Division of Elections as to the general election cycle for which they are registering persons to vote; deleting the scheduled repeal of a public records exemption for certain voter registration information from another state or the District of Columbia, etc.	Fav/CS Yeas 14 Nays 5
		FP 04/20/2023 Fav/CS	
37	SB 7052 Banking and Insurance (Compare H 1431, H 7065, S 1340)	Insurer Accountability; Authorizing electronic responses to certain requests from the Division of Consumer Services of the Department of Financial Services concerning consumer complaints; specifying reporting requirements for the Office of Insurance Regulation's internal auditor in the office's annual report relating to the enforcement of insurer compliance; specifying requirements for the office to report quarterly to the Legislature relating to the enforcement of insurer compliance; providing that authorized property insurers must, rather than may, be subject to an additional market conduct examination after a hurricane if specified conditions are met, etc.	Fav/CS Yeas 14 Nays 1
		FP 04/20/2023 Fav/CS	
38	SB 7054 Banking and Insurance (Identical CS/H 7049)	Central Bank Digital Currency; Defining the term "central bank digital currency" and revising the definition of the term "money" for purposes of the Uniform Commercial Code, etc.	Favorable Yeas 18 Nays 2
		FP 04/20/2023 Favorable	
39	SB 7056 Appropriations Committee on Health and Human Services (Similar H 7061)	Child Protective Investigative Services; Repealing provisions relating to sheriffs of certain counties providing child protective investigative services; requiring certain sheriffs to transfer the functions of providing child protective investigative services to the Department of Children and Families; providing that certain sheriffs remain the custodians of certain files and documents; authorizing the department and certain sheriffs to enter into an agreement to allow certain employees to remain in office space owned or leased by the sheriff for a specified time, etc.	Favorable Yeas 20 Nays 0
		FP 04/20/2023 Favorable	

COMMITTEE MEETING EXPANDED AGENDA

Fiscal Policy

Thursday, April 20, 2023, 9:30 a.m.—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
Consideration of proposed bill:			
40	SPB 7064	Human Trafficking; Increasing criminal penalties for specified offenses involving adult theaters; providing a civil cause of action for victims of human trafficking against certain entities or persons; authorizing judicial circuits to establish educational programs for persons convicted of or charged with certain violations; creating the Statewide Data Repository for Anonymous Human Trafficking Data at the University of South Florida, etc.	Submitted and Reported Favorably as Committee Bill Yeas 19 Nays 0
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 136

INTRODUCER: Appropriations Committee on Agriculture, Environment, and General Government: and Commerce and Tourism Committee and Senator Gruters and others

SUBJECT: Florida Kratom Consumer Protection Act

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>McMillan</u>	<u>McKay</u>	<u>CM</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>McMillan</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 136 creates the Florida Kratom Consumer Protection Act, and provides that a processor, which is a person who sells, prepares, manufactures, distributes, or maintains kratom products, may not sell, prepare, or distribute a kratom product that:

- Is adulterated to such a degree that it may injure a consumer;
- Contains a poisonous or otherwise harmful non-kratom ingredient;
- Contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than one percent of the alkaloid composition of the product;
- Contains a synthetic alkaloid;
- Does not include directions for the safe and effective use of the product; or
- Has a label that contains any claim that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease.

The bill establishes that a processor may not sell, prepare, or distribute kratom extract that contains levels of residual solvents higher than the standards set forth in United States Pharmacopeia and the National Formulary (USP-NF) ch. 467. Additionally, a processor may not distribute, sell, or expose for sale a kratom product to an individual under 21 years of age.

The bill requires a processor to annually register any kratom product it intends to sell with the Department of Agriculture and Consumer Services (department), and keep its registration up to date. Additionally, a processor who receives notice of an adverse event related to its kratom

product, must submit a copy of the adverse event to the department. A person who violates any of the bill provisions is subject to a second degree misdemeanor.

The department may revoke the product registration of a processor who fails to timely provide an updated product registration, or fails to report an adverse event, and the department is required to adopt rules to administer the provisions of the Act.

The bill has a significant fiscal impact. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Kratom

Kratom is a tropical tree native to Southeast Asia that contains mitragynine and 7-hydroxymitragynine in its leaves, which are two major psychoactive ingredients.¹ The leaves are crushed and then smoked, brewed with tea, or placed into gel capsules.² Consumption of kratom leaves can produce stimulant and sedative effects, and may also lead to psychotic symptoms.³

Some research finds that kratom can be used as a substitute for opiate users to combat withdrawal symptoms, as well as to treat muscle ache, fatigue, and other conditions.⁴ Low doses of kratom are said to produce a stimulant effect, while higher doses may produce an opioid-like effect.⁵ Additionally, research points to the potential for further development of mitragynine and the use of kratom as a harm reduction agent.⁶ Even so, the toxicity of kratom remains a topic of discussion, as well as its potential to cause herb-drug interactions and even be involved in fatalities.⁷

Currently, kratom is not listed as a controlled substance under federal law or Florida law. However, in 2014, Sarasota County banned kratom, labeling it as a designer drug.⁸ With the

¹ Drug Enforcement Administration, *Kratom* (April 2020), available at https://www.dea.gov/sites/default/files/2020-06/Kratom-2020_0.pdf (last visited April 19, 2023).

² *Id.*

³ *Id.*

⁴ See Dimy Fluyau and Neelambika Revedigar, *Biochemical Benefits, Diagnosis, and Clinical Risks Evaluation of Kratom*, *Frontiers in Psychiatry Journal* Volume 8 (April 24, 2017) available at <https://www.frontiersin.org/articles/10.3389/fpsy.2017.00062/full> (last visited April 19, 2023).

⁵ *Id.*

⁶ See Charles Veltri and Oliver Grundmann, *Current Perspectives on the Impact of Kratom Use*. *Substance Abuse and Rehabilitation Journal* Volume 10 23-31 (July 1, 2019) available at <https://pubmed.ncbi.nlm.nih.gov/31308789/> (last visited April 19, 2023).

⁷ *Id.* See also *Drugs Identified in Deceased Persons by Florida Medical Examiners*, FDLE (May 2022), available at <https://www.fdle.state.fl.us/MEC/Publications-and-Forms/Documents/Drugs-in-Deceased-Persons/2021-Interim-Drug-Report-FINAL.aspx> (last visited April 19, 2023). In May of 2022 the Florida Department of Law Enforcement published its 2021 Interim Report, which found a 36% rise in kratom-involved deaths over the first half of 2021.

⁸ See Sarasota, FL., Code of Ordinances, Sec. 62-351 (2014).

exception of Sarasota County, in Florida, all parts of the plant and its extracts are legal to cultivate, buy, possess, and distribute without a license or prescription. Kratom is illegal in Alabama,⁹ Arkansas,¹⁰ Indiana,¹¹ Rhode Island,¹² Vermont,¹³ and Wisconsin.¹⁴ In 12 other states the possession, sale, manufacture, and distribution of kratom products is regulated.¹⁵

Following an updated import alert that provides information to U.S. Food and Drug Administration (FDA) field staff about detaining without physical examination imported dietary supplements and bulk dietary ingredients that are or contain kratom,¹⁶ in May of 2021, the FDA announced the seizure of around 37,500 tons of adulterated kratom in Florida, worth an estimated \$1.3 million.¹⁷ The FDA's Associate Commissioner for Regulatory Affairs stated that there is substantial concern regarding the safety of kratom and the risk it may pose to public health, and indicated that there are currently no FDA-approved uses for kratom.¹⁸

The U.S. Department of Justice, on behalf of the FDA, filed a complaint in the U.S. District Court for the Middle District of Florida alleging that kratom is a new dietary ingredient for which there is inadequate information to provide reasonable assurance that it does not present a significant or unreasonable risk of illness or injury.¹⁹ Additionally, the FDA stated that dietary supplements and bulk dietary ingredients that are or contain kratom are adulterated under the Federal Food, Drug, and Cosmetic Act.²⁰ On October 26, 2021, a consent decree of condemnation and destruction against the articles seized by the FDA in May of 2021 was entered, which requires the claimants to pay a penal bond and destroy all seized articles.²¹

⁹ See Alabama Public Health, *Controlled Substance List* (Jan. 20, 2021), available at

<https://www.alabamapublichealth.gov/blog/assets/controlledsubstanceslist.pdf> (last visited April 19, 2023).

¹⁰ See Arkansas Department of Health, *List of Controlled Substances*, available at

http://secureservercdn.net/166.62.109.105/e17.085.myftpupload.com/wp-content/uploads/2016/02/arkansas-controlled_substances_list.pdf (last visited April 19, 2023).

¹¹ See IC 35-31.5-2-321.

¹² See Rhode Island Dept. of Health, Notice of Designation of Controlled Substance (May 31, 2017), available at https://docs.wixstatic.com/ugd/9ba5da_9836aee2b9f04a30b55fe480fe3c6ff4.pdf. (last visited April 19, 2023).

¹³ See Vt. Admin. Code 12-5-23:4.0.

¹⁴ See W.S.A. 961.14.

¹⁵ See Regulation of Kratom in America: Update (September 2022), available at [Kratom Fact Sheet \(legislativeanalysis.org\)](https://www.legislativeanalysis.org/kratom-fact-sheet) (last visited April 19, 2023).

¹⁶ The import alert labels kratom as an adulterating ingredient. See Food and Drug Administration, Import Alert 54-15, Import Alert 54-15 (fda.gov) (last visited March 3, 2023) The FDA labeled kratom as adulterating based on the absence of a history of use or other evidence of safety establishing that kratom will reasonably be expected to be safe as a dietary ingredient, kratom and kratom-containing dietary supplements and bulk dietary ingredients are adulterated because they contain a new dietary ingredient for which there is inadequate information to provide reasonable assurance that such ingredient does not present a significant or unreasonable risk of illness or injury.

¹⁷ U.S. Food and Drug Administration, *FDA Announces Seizure of Adulterated Dietary Supplements Containing Kratom* (May 21, 2021), available at <https://www.fda.gov/news-events/press-announcements/fda-announces-seizure-adulterated-dietary-supplements-containing-kratom> (last visited April 19, 2023).

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

The Department of Agriculture and Consumer Services

The Department of Agriculture and Consumer Services (department) safeguards the public and supports Florida's agricultural economy by ensuring the safety and wholesomeness of food and other consumer products through inspection and testing programs.²² In particular, the Division of Food Safety (division) is responsible for assuring Floridians have a safe and properly represented food supply.²³

Florida Food Safety Act

The division regulates food products under the Florida Food Safety Act (FFSA), which includes articles used for food or drink for human consumption, as well as dietary supplements.²⁴ Under the FFSA, individuals may not sell food that is adulterated, adulterate food, or receive food in commerce that is adulterated or misbranded.²⁵

The following are examples of when food is deemed adulterated:

- Food that bears or contains any poisonous or deleterious substance which may render it injurious to health;
- Food that bears or contains any added poisonous or added deleterious substance; a food additive; or a color additive, which is unsafe;
- Food that is or bears or contains any food additive which is unsafe;
- Food whose container is composed, in whole or in part, of any poisonous or deleterious substance;
- Food where any substance has been substituted wholly or in part therefor;
- Food where damage or inferiority has been concealed in any manner; and
- A dietary supplement or its ingredients that present a significant risk of illness or injury due to certain labeling and ingredient requirements.²⁶

If a food is offered for sale and its label or labeling does not comply with the requirements of 21 U.S.C. s. 343(r) pertaining to nutritional content claims and health claims, it is considered to be misbranded. Labels for supplements may not claim to diagnose, mitigate, treat, cure, or prevent a specific disease or class of diseases.²⁷

The department may take the following actions:

- Inspect food that may be adulterated or misbranded;²⁸
- Seize food that is adulterated or misbranded;²⁹

²² See The Florida Department of Agriculture and Consumer Services, *About Us*, available at [About Us / Home - Florida Department of Agriculture & Consumer Services \(fdacs.gov\)](https://www.fdacs.gov/About-Us/Home) (last visited April 19, 2023).

²³ See The Florida Department of Agriculture and Consumer Services, *Division of Food Safety*, available at [Food Safety / Divisions & Offices / Home - Florida Department of Agriculture & Consumer Services \(fdacs.gov\)](https://www.fdacs.gov/Food-Safety/Divisions-Offices/Home) (last visited April 19, 2023).

²⁴ See ch. 500, F.S.

²⁵ Section 500.04, F.S. These prohibitions are similar to Federal law. See also 21 U.S.C. 331.

²⁶ Section 500.10, F.S.

²⁷ Section 500.11(1)(n), F.S.; See also 21 U.S.C. s. 343 (r)(6)(C).

²⁸ Section 500.147(1), F.S.

²⁹ Section 500.173, F.S.

- Suspend permits of those who sell food that is adulterated or misbranded, adulterate or misbrand food, or receive food in commerce that is adulterated or misbranded;³⁰ and
- Impose a fine for adulterated or misbranded food, not to exceed \$5,000³¹ per violation.³²

III. Effect of Proposed Changes:

The bill creates the Florida Kratom Consumer Protection Act in s. 501.9745, F.S., and establishes the following definitions:

- “Kratom extract” means a food product or dietary ingredient that contains any part of the leaf of the plant *Mitragyna speciosa* which has been extracted and concentrated to provide more standardized dosing;
- “Kratom product” means a food product, food ingredient, dietary ingredient, dietary supplement, or beverage intended for human consumption which contains any part of the leaf of the plant *Mitragyna speciosa* or an extract of such plant and is manufactured as a powder, capsule, pill, beverage, or other edible form; and
- “Processor” means a person who sells, prepares, manufactures, distributes, or maintains kratom products.

The bill provides that a processor may not sell, prepare, distribute, or expose for sale a kratom product that:

- Is adulterated with a dangerous non-kratom substance that affects the quality or strength of the kratom product to such a degree that it may injure a consumer;
- Contains a poisonous or otherwise harmful non-kratom ingredient, including, but not limited to, any substance listed in s. 893.03, F.S.;
- Contains a level of 7-hydroxymitragynine in the alkaloid fraction which is greater than one percent of the alkaloid composition of the product;
- Contains a synthetic alkaloid, including, but not limited to, synthetic mitragynine, synthetic 7-hydroxymitragynine, or any other synthetically derived compound of the plant *Mitragyna speciosa*;
- Does not include directions for the safe and effective use of the product, including, but not limited to, a suggested serving size, on the product’s packaging or label; or
- Has a label that contains any claim that the product is intended to diagnose, treat, cure, or prevent any medical condition or disease.

The bill establishes that a processor may not sell, prepare, distribute, or expose for sale kratom extract that contains levels of residual solvents higher than the standards set forth in USP-NF³³

³⁰ Section 500.12(4), F.S.

³¹ Section 570.971(1)(b), F.S.

³² Section 500.121, F.S.

³³ The United States Pharmacopeia (USP) and the National Formulary (NF) contains standards for medicines, dosage forms, drug substances, excipients, biologics, compounded preparations, medical devices, dietary supplements, and other therapeutics. The current version of USP-NF standards deemed official by USP are enforceable by the U.S. Food and Drug Administration for medicines manufactured and marketed in the United States.

ch. 467.³⁴ Additionally, a processor may not distribute, sell, or expose for sale a kratom product to an individual under 21 years of age.

The bill requires a processor to annually register with the Department of Agriculture and Consumer Services (department) any kratom product it intends to sell, which must include a certificate of analysis from an independent certified third-party laboratory.

The bill requires the department to have a processor produce an updated certificate of analysis if the department receives a report that any kratom product offered for sale in Florida is not in compliance with the requirements in the Florida Kratom Consumer Protection Act. Additionally, if a processor receives notice of an adverse event related to its kratom product, the processor must submit a copy of the adverse event to the department.³⁵

The bill authorizes the department to revoke a processor's kratom product registration if the processor fails to keep their registration up to date within the specified timeframe or fails to report an adverse event.

The bill provides that a person who violates the section of law created by the bill is subject to a second degree misdemeanor punishable as provided in s. 775.082, F.S., or s. 775.083, F.S. However, a processor selling kratom products at retail does not violate the kratom product standards provisions if it is shown by a preponderance of the evidence that the processor relied in good faith upon the representations of a manufacturer, processor, packer, or distributor of the kratom product.

The department is required to adopt rules to administer s. 501.9745, F.S.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

³⁴ Residual solvents in pharmaceuticals are defined as organic volatile chemicals that are used or produced in the manufacture of drug substances or excipients, or in the preparation of drug products. The residual solvents are not completely removed by practical manufacturing techniques. Drug products should contain no higher levels of residual solvents than can be supported by safety data. Solvents that are known to cause unacceptable toxicities, "Class 1," should be avoided in the production of drug substances, excipients, or drug products unless their use can be strongly justified in a risk-benefit assessment. Solvents associated with less severe toxicity, "Class 2," should be limited in order to protect patients from potential adverse effects. Less toxic solvents, "Class 3," should be used where practical. *See* The United States Pharmacopeia and the National Formulary, *Residual Solvents*, available at https://www.uspnf.com/sites/default/files/usp_pdf/EN/USPNF/generalChapter467Current.pdf (last visited April 19, 2023).

³⁵ The bill provides that the copy of the adverse event must be sent via certified mail and follow the reporting requirements under the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. s. 379aa-1 (b)(1).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Processors of kratom products will be required to adhere to the regulations set forth in the Florida Kratom Consumer Protection Act, which may benefit consumers.

C. Government Sector Impact:

The department estimates the provisions in the bill will require 19 positions and \$2,320,244 in general revenue for Fiscal Year 2023-2024, to facilitate additional product registration and inspections.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not provide enforcement authority relating to the age restriction.

VIII. Statutes Affected:

This bill creates section 501.9745 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:

The committee substitute provides that a person who violates the section created by the bill commits a second degree misdemeanor.

CS by Commerce and Tourism on March 6, 2023:

The committee substitute makes the following changes:

- Provides that a processor may not sell, prepare, or distribute, a kratom product that contains a level 7-hydroxymitragynine in the alkaloid fraction which is greater than 1 percent of the alkaloid composition of the product;
- Requires a processor to annually register any kratom product it intends to offer for sale with the Department of Agriculture and Consumer Services (department), which must include a certificate of analysis from an independent certified third-party laboratory;
- Provides that a processor must update its registration if the department receives a report that any kratom product is not in compliance with the registration requirement;
- Establishes that a processor who receives notice of an adverse event related to its kratom product, must submit a copy of the adverse event to the department;
- Provides that the department may revoke a processor's kratom product registration under certain circumstances; and
- Requires the department to adopt rules.

B. Amendments:

None.

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Commerce and Tourism; and Senators Gruters, Stewart, and Perry

601-03765-23

2023136c2

1 A bill to be entitled
 2 An act relating to the Florida Kratom Consumer
 3 Protection Act; creating s. 501.9745, F.S.; providing
 4 a short title; defining terms; prohibiting processors
 5 from selling, preparing, distributing, or exposing for
 6 sale certain kratom products; prohibiting processors
 7 from distributing, selling, or exposing for sale a
 8 kratom product to an individual under 21 years of age;
 9 requiring processors to annually register kratom
 10 products with the Department of Agriculture and
 11 Consumer Services; providing requirements for such
 12 registration; requiring processors to report certain
 13 violations and adverse events to the department;
 14 providing for the revocation of a processor's kratom
 15 product registration under certain circumstances;
 16 providing criminal penalties; providing an exception;
 17 requiring the department to adopt rules; providing an
 18 effective date.
 19
 20 Be It Enacted by the Legislature of the State of Florida:
 21
 22 Section 1. Section 501.9745, Florida Statutes, is created
 23 to read:
 24 501.9745 Kratom products; processor prohibitions;
 25 registration; fines.—
 26 (1) SHORT TITLE.—This section may be cited as the "Florida
 27 Kratom Consumer Protection Act."
 28 (2) DEFINITIONS.—As used in this section, the term:
 29 (a) "Kratom extract" means a food product or dietary

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

601-03765-23

2023136c2

30 ingredient that contains any part of the leaf of the plant
 31 Mitragyna speciosa which has been extracted and concentrated to
 32 provide more standardized dosing.
 33 (b) "Kratom product" means a food product, food ingredient,
 34 dietary ingredient, dietary supplement, or beverage intended for
 35 human consumption which contains any part of the leaf of the
 36 plant Mitragyna speciosa or an extract of such plant and is
 37 manufactured as a powder, capsule, pill, or beverage or any
 38 other edible form.
 39 (c) "Processor" means a person who sells, prepares,
 40 manufactures, distributes, or maintains kratom products.
 41 (3) PROHIBITIONS.—
 42 (a) A processor may not sell, prepare, distribute, or
 43 expose for sale:
 44 1. A kratom product that:
 45 a. Is adulterated with a dangerous non-kratom substance
 46 that affects the quality or strength of the kratom product to
 47 such a degree that it may injure a consumer.
 48 b. Contains a poisonous or otherwise harmful non-kratom
 49 ingredient, including, but not limited to, any substance listed
 50 in s. 893.03.
 51 c. Contains a level of 7-hydroxymitragynine in the alkaloid
 52 fraction which is greater than 1 percent of the alkaloid
 53 composition of the product.
 54 d. Contains a synthetic alkaloid, including, but not
 55 limited to, synthetic mitragynine, synthetic 7-
 56 hydroxymitragynine, or any other synthetically derived compound
 57 of the plant Mitragyna speciosa.
 58 e. Does not include directions for the safe and effective

Page 2 of 4

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601-03765-23 2023136c2

59 use of the product, including, but not limited to, a suggested
 60 servicing size, on the product's packaging or label.

61 f. Has a label that contains any claim that the product is
 62 intended to diagnose, treat, cure, or prevent any medical
 63 condition or disease.

64 2. Kratom extract that contains levels of residual solvents
 65 higher than the standards set forth in USP-NF chapter 467.

66 (b) A processor may not sell, distribute, or expose for
 67 sale a kratom product to an individual under 21 years of age.

68 (4) REGISTRATION.—A processor shall annually register with
 69 the department any kratom product it intends to offer for sale
 70 to an end consumer in this state which is in an approved kratom
 71 delivery form. The registration must include a certificate of
 72 analysis from an independent certified third-party laboratory
 73 which shows that the kratom product is in compliance with the
 74 requirements of this section for safe kratom products.

75 (5) REPORTING REQUIREMENTS.—

76 (a) If the department receives a report that any kratom
 77 product offered for sale in this state is not in compliance with
 78 the requirements of this section for safe kratom products, the
 79 department must require the processor to produce an updated
 80 certificate of analysis in a reasonable timeframe from an
 81 independent certified third-party laboratory which shows that
 82 the kratom product is in compliance with the requirements of
 83 this section for safe kratom products.

84 (b) If a processor receives notice of an adverse event
 85 related to its kratom product, the processor must submit via
 86 certified mail to the department a copy of the adverse event
 87 report required to be submitted to the United States Food and

Page 3 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

601-03765-23 2023136c2

88 Drug Administration under the Federal Food, Drug, and Cosmetic
 89 Act, 21 U.S.C. s. 379aa-1(b)(1).

90 (c) If a processor fails to provide the department with an
 91 updated certificate of analysis within the specified timeframe
 92 or fails to report an adverse event to the department as
 93 required by this subsection, the department may revoke the
 94 processor's kratom product registration.

95 (6) VIOLATIONS.—

96 (a) A person who violates this section commits a
 97 misdeemeanor of the second degree, punishable as provided in s.
 98 775.082 or s. 775.083.

99 (b) A processor that sells kratom products at retail does
 100 not violate this section if it is shown by a preponderance of
 101 the evidence that the processor relied in good faith upon the
 102 representations of a manufacturer, processor, packer, or
 103 distributor of food represented to be a kratom product.

104 (7) RULES.—The department shall adopt rules to administer
 105 this section.

106 Section 2. This act shall take effect July 1, 2023.

Page 4 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23 Meeting Date

Kratom 136 Bill Number or Topic

Fiscal Policy Committee

Amendment Barcode (if applicable)

Name Teresa Miller Phone 813 842 3073

Address 3608 W Corona St Email tmiller@stoprxdrugabuse.org

Tampa FL 33629 City State Zip

Speaking: [] For [X] Against [] Information OR Waive Speaking: [] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [X] I am appearing without compensation or sponsorship. [] I am a registered lobbyist, representing: [] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 140

INTRODUCER: Senator Rodriguez

SUBJECT: Fees/Professional Counselors Licensure Compact

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stovall</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Howard</u>	<u>Money</u>	<u>AHS</u>	Favorable
3.	<u>Stovall</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 140 amends the Professional Counselors Licensure Compact found in section 491.017, Florida Statutes, to authorize Florida, a member state, to charge a fee for granting the privilege to practice professional counseling in member states. The Board of Clinical Social Work, Marriage and Family Therapy, and Mental Health Counseling (board) within the Department of Health (DOH) would be responsible for adopting rules to impose the fee if this bill becomes a law.

The Professional Counselors Licensure Compact was enacted into law by the Florida Legislature in 2022.¹ The act's effective date was conditioned upon enactment of the Compact into law by 10 states. Nineteen states have now enacted the Compact into law.² Accordingly, the Professional Counselors Licensure Compact is now effective in Florida.

The Florida Constitution requires that legislation that imposes or authorizes new state taxes or fees,³ or that raises existing state taxes or fees,⁴ must be approved by two-thirds of the membership of each house of the Legislature, and the tax or fee provisions must be passed in a separate bill that contains no other subject.⁵ SB 140 authorizes the imposition of fees on Florida-licensed mental health professionals who desire to practice in member states pursuant to the compact. As such, the Florida Constitution may require that such a fee provision must be approved in a stand-alone bill by two-thirds of the membership of each house of the Legislature.

The bill has no fiscal impact on the DOH.

¹ Ch. 2022-63, Laws of Florida.

² See the 2023 Compact Map, available at: <https://counselingcompact.org/map/> (last visited Mar 22, 2023). The member states are Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Mississippi, Nebraska, New Hampshire, North Carolina, Ohio, Tennessee, Utah, West Virginia, and Wyoming.

³ FLA. CONST. art VII, s. 19(a).

⁴ FLA. CONST. art VII, s. 19(b).

⁵ FLA. CONST. art VII, s. 19(e).

The bill takes effect on July 1, 2023.

II. Present Situation:

Professional Counselors Licensure Compact

The Professional Counselors Licensure Compact (counseling compact) was enacted into law in the 2022 Legislative Session⁶ and is now effective. The act's effective date was conditioned upon enactment of the Compact into law by 10 states. Nineteen states have now enacted the Compact into law⁷ and are considered member states.

The counseling compact facilitates interstate practice of licensed professional counseling by counselors licensed in their home state⁸ to practice in a member state without the necessity to obtain an additional license from the member state. It also facilitates the delivery of professional counseling services through telehealth technology.⁹

The counseling compact defines a "licensed professional counselor" to mean a counselor licensed by a member state, regardless of the title used by that state, to independently assess, diagnose, and treat behavioral health conditions.¹⁰ Within the definition section of ch. 491, F.S., relating to clinical, counseling, and psychotherapy, "licensed professional counselor" means a clinical social worker, marriage and family therapist, or mental health counselor authorized to provide services under [the counseling compact].¹¹

The counseling compact establishes the Counseling Compact Commission that is an instrumentality of the compact states consisting of one voting delegate, appointed by each member state's licensing board.¹²

The board within the DOH is the licensing board responsible for rulemaking and administering ch. 491, F.S., and in particular, the counseling compact. The board has appointed a delegate who is participating in the activities of the Commission.¹³ The duties of the Commission include, among other things, to provide for the development, operation, and maintenance of a data system and to adopt rules to achieve the purposes of the compact.¹⁴ The data system and rules are under

⁶ *Supra* note 1.

⁷ *Supra* note 2.

⁸ "Home State" is defined in the counseling compact to mean the member state that is the licensee's primary state of residence. See Article II (11) of the Professional Counselor Licensure Compact in s. 491.017, F.S.

⁹ Section 456.47, F.S., authorizes certain Florida-licensed health care practitioners, that includes a clinical social worker, marriage and family therapist, or mental health counselor licensed under ch. 491, F.S.; practitioners licensed under a multistate health care licensure compact of which Florida is a member; or a licensed health care professional in another state who registers with the applicable board in Florida to provide services through telehealth for persons located in Florida. However, it does not authorize the Florida-licensed health care practitioners to provide services to out-of-state patients. Whether Florida licensed practitioners can treat patients in other states is governed by laws in those states.

¹⁰ See Article II (15) of the Professional Counselor Licensure Compact in s. 491.017, F.S.

¹¹ Section 491.003(5), F.S.

¹² See Article IX (1) and (2) of the Professional Counselor Licensure Compact in s. 491.017, F.S.

¹³ Email from the Department of Health to staff of the Senate Health Policy Committee, January 27, 2023, on file with the Senate Committee on Health Policy.

¹⁴ See Articles X and XII of the Professional Counselor Licensure Compact in s. 491.017, F.S.

development so full implementation and the issuance of the privilege to practice under the counseling compact is anticipated but is not yet available.

There are approximately 16,682 Licensed Mental Health Counselors in the state. The number of applicants who will apply for a privilege to practice under the compact is indeterminate; applications are expected to open in late 2023 or early 2024.¹⁵

Fee Authority

The Counseling Compact Model Legislation¹⁶ includes a provision that member states may charge a fee for granting the privilege to practice. However, the counseling compact enacted by the 2022 Florida Legislature, did not include this provision ostensibly because of the Constitutional requirement for a separate bill for new state taxes or fees. See Section IV of this analysis.

In 2016, the Florida Legislature enacted the Nurse Licensure Compact that similarly authorizes Registered Nurses (RN) and Licensed Practical Nurses (LPN) with a multistate license to practice in other member states.¹⁷ An RN or LPN in Florida applying for the multistate upgrade to their license must pay a one-time \$100 fee.¹⁸

III. Effect of Proposed Changes:

The bill amends the Professional Counselors Licensure Compact to authorize a member state to charge a fee for granting the privilege to practice professional counseling in member states. If enacted, the board may impose a fee for licensing or otherwise designating licensed practitioners to practice in member states in accordance with the counseling compact. This fee might offset the cost of implementing and administering the counseling compact.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

¹⁵ Department of Health, *Florida Department of Health Agency Bill Analysis for SB 140*, January 27, 2023, on file with the Senate Committee on Health Policy.

¹⁶ Counseling Compact Model Legislation, at line 3, available at: https://counselingcompact.org/wp-content/uploads/2022/03/Final_Counseling_Compact_3.1.22.pdf (last visited Mar 22, 2023).

¹⁷ Ch. 2016-130, Laws of Florida.

¹⁸ Florida. Bd. of Nursing, Florida Department of Health, Frequently Asked Questions, Question “When I renew, will I receive the multi-state license automatically?” at <https://floridasnursing.gov/enhanced-nurse-licensure-compact-faqs/> (last visited Mar 22, 2023).

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, section 19, of the Florida Constitution requires that a new state tax or fee, as well as an increased state tax or fee, must be approved by two-thirds of the membership of each house of the Legislature and must be contained in a separate bill that contains no other subject. Article VII, section 19(d)(1), of the Florida Constitution defines “fee” to mean “any charge or payment required by law, including any fee for services, fee or cost for licenses, and charge for service.

The bill authorizes the imposition of fees for a license for the privilege to practice professional counseling in member states. As such, the Florida Constitution may require that such a fee provision be approved in a stand-alone bill by two-thirds of the membership of each house of the Legislature.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill conforms Florida law to the terms of the compact ensuring Florida’s participation in the compact giving Florida discretion to collect fees for the privilege to practice under the compact.

B. Private Sector Impact:

Obtaining a license to practice professional counseling in member states pursuant to the compact is optional. The exact amount of the fee that may be adopted by rule is unknown at this time. However, under the Nurse Licensure Compact an RN or LPN in Florida applying for the multistate upgrade to their license must pay a one-time \$100 fee.

C. Government Sector Impact:

The bill does not authorize the DOH to collect a fee but rather states that these type of fees are allowable under the compact.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 491.017 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

By Senator Rodriguez

40-00109-23

2023140__

1 A bill to be entitled
2 An act relating to fees; amending s. 491.017, F.S.;
3 authorizing member states of the Professional
4 Counselors Licensure Compact to charge individuals a
5 fee for the privilege to practice under the compact;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Present subsections (3), (4), and (5) of Article
11 III of section 491.017, Florida Statutes, are redesignated as
12 subsections (4), (5), and (6), respectively, and a new
13 subsection (3) is added to Article III of that section, to read:

14 491.017 Professional Counselors Licensure Compact.—The
15 Professional Counselors Licensure Compact is hereby enacted and
16 entered into by this state with all other jurisdictions legally
17 joining therein in the form substantially as follows:

18

19

ARTICLE III

20

STATE PARTICIPATION

21

(3) A member state may charge a fee for granting the
22 privilege to practice.

23

Section 2. This act shall take effect July 1, 2023.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 212

INTRODUCER: Appropriations Committee on Education and Senator Collins and others

SUBJECT: Emergency Response Mapping Data

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Fav/CS
3.	<u>Brick</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 212 requires the Department of Education to create the School Mapping Data Grant Program for standard emergency response mapping data for public school buildings in this state, in order to assist local first responders in responding to emergencies in public schools. Each school district, in consultation with the sheriff's office having jurisdiction, may apply to receive funds from the grant program to provide school mapping for the school district. Funds applied for shall be administered by the Department of Education. The bill requires the vendor to provide the data to the applicable county, district school boards, and the appropriate local, state, and federal public safety agencies for use in response to emergencies.

The bill also specifies minimum requirements for the emergency mapping data.

The bill has a significant, but indeterminate fiscal impact. See section V.

The bill is effective July 1, 2023.

II. Present Situation:

Lessons learned from school emergencies highlight the importance of preparing school officials and first responders to implement emergency operations plans. By having plans in place to keep students and staff safe, schools play a key role in taking preventative and protective measures to

stop an emergency from occurring or reduce the impact of an incident. They provide first aid, notify response partners, and provide instructions before first responders arrive.¹

Schools also work with their community partners (i.e., governmental organizations that have a responsibility in the school emergency operations plan to provide a cohesive, coordinated response). Community partners include first responders (law enforcement officers, fire officials, and emergency medical services personnel) as well as public and mental health entities.²

According to federal guidance,³ the planning process must include preparing and making available to first responders an up-to-date and well-documented site assessment as well as any other information that would assist them. These materials should include building schematics and photos of both the inside and the outside, and include information about door and window locations, and locks and access controls. Emergency responders should also have advance information on where students, staff, and others with disabilities as well as those with access and functional needs are likely to be sheltering or escaping, generally in physically accessible locations, along accessible routes, or in specific classrooms.⁴

State school safety guidance also highlights the importance of ensuring that first responders understand the layout of school facilities. In a 2019 report on school safety, the Marjory Stoneman Douglas High School Public Safety Commission recommended that schools quickly:

- Ensure all campus doors and buildings are clearly marked with easily identifiable markings known to first responders.
- Mark exterior classroom windows so first responders can identify classrooms from the exterior of the building.
- Place building numbers on the roof for aerial support.
- Provide keys/access to on duty law enforcement so they can quickly enter the school.⁵

State-Level Support

Comprehensive Emergency Management Plan

For the 3,697 public schools in Florida,⁶ emergency management is a collaborative process that includes the Division of Emergency Management (DEM), the Department of Education (DOE), local governments and first responders, and district school boards.

¹ U.S. Department of Education, Office of Elementary and Secondary Education, Office of Safe and Healthy Students, *Guide for Developing High-Quality School Emergency Operations Plans* (2013), available at <https://www.fema.gov/sites/default/files/2020-07/guide-developing-school-emergency-operations-plans.pdf> at 7.

² U.S. Department of Education, Office of Elementary and Secondary Education, Office of Safe and Healthy Students, *Guide for Developing High-Quality School Emergency Operations Plans* (2013), available at <https://www.fema.gov/sites/default/files/2020-07/guide-developing-school-emergency-operations-plans.pdf> at 7.

³ The federal agencies collaborating on the guidance include the Federal Bureau of Investigation, the Federal Emergency Management Agency, and the U.S. Departments of Education, Health and Human Services, Homeland Security, and Justice.

⁴ U.S. Department of Education, Office of Elementary and Secondary Education, Office of Safe and Healthy Students, *Guide for Developing High-Quality School Emergency Operations Plans* (2013), available at <https://www.fema.gov/sites/default/files/2020-07/guide-developing-school-emergency-operations-plans.pdf> at 64.

⁵ Marjory Stoneman Douglas Public High School Safety Commission, *Initial Report* (Jan. 2019), available at <http://www.fdle.state.fl.us/MSDHS/CommissionReport.pdf> at 364.

⁶ As of August 2021, there were 3,697 public schools in Florida. Florida Department of Education, *PK-12 Public School Data Publications and Reports: 2021-22 Public School Files*, available at <https://www.fl DOE.org/accountability/data-sys/edu->

The DEM is required to prepare a state comprehensive emergency management plan (CEMP). The CEMP serves as the master operations document for Florida and is the framework through which the state handles emergencies and disasters.⁷

Each county, or with approval from the Governor, a group of two or more adjoining counties, is required to establish and maintain such an emergency management agency and develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.⁸

During a declared state or local emergency and upon the request of the director of the local emergency management agency, the district school board or school boards in the affected area are required to participate in emergency management by providing facilities and necessary personnel to staff such facilities.⁹

The Department of Education

When the needs of disaster survivors exceed local government capabilities, the DOE is tasked under the CEMP, in relevant part, to:

- Coordinate, when necessary during emergency activations, the use of educational facilities, campuses and equipment by federal and state agencies, local school districts and Colleges.
- Serve as the primary liaisons in coordinating all phases of an emergency response from pre-disaster planning through post disaster recovery of educational facilities.
- Facilitate the coordination and implementation of an emergency communication network with the State Emergency Response Team and the public education school districts and Colleges.
- Be prepared to provide trained personnel to other emergency response agencies upon activation of the State Emergency Operations Center.¹⁰

The Commissioner of Education oversees and enforces compliance with the requirements relating to school safety and security by district school boards, district school superintendents, and public schools, including charter schools. The commissioner must facilitate compliance to the maximum extent provided under law, identify incidents of noncompliance, and impose or recommend to the State Board of Education, the Governor, or the Legislature enforcement and sanctioning actions.¹¹

The Office of Safe Schools

The Office of Safe Schools (OSS) is a division of the DOE that serves as a central repository for best practices, training standards, and compliance oversight in matters regarding school safety

[info-accountability-services/pk-12-public-school-data-pubs-reports/school/index.shtml](https://www.floridadisaster.org/globalassets/cemp/2020-cemp/2020-state-cemp.pdf) (Excel file “Number of Elementary, Middle/Junior High, High, and Combination Schools, K-12 General Education, by District”).

⁷ Section 252.35(2), F.S.

⁸ Section 252.38(1)(a), F.S.

⁹ Section 252.38(1)(d), F.S.

¹⁰ Florida Division of Emergency Management, *2020 Comprehensive Emergency Management Plan*, available at <https://www.floridadisaster.org/globalassets/cemp/2020-cemp/2020-state-cemp.pdf> at 92 and 101.

¹¹ Section 1001.11(9), F.S.

and security, including prevention efforts, intervention efforts, and emergency preparedness planning. OSS responsibilities include, in relevant part:

- The establishment of the school security risk assessment tool for use by school districts.
- The development of a model emergency event family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary institutions that are closed or unexpectedly evacuated due to natural or man-made disasters or emergencies.
- The development and implementation of a School Safety Specialist Training Program for school safety specialists, which must be based on national and state best practices on school safety and include active shooter training.
- Provision of ongoing professional development opportunities to district school board and charter school personnel.¹²

School District Requirements Related to School Safety

Emergency Response Policies and Procedures

District school boards must formulate and prescribe policies and procedures for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active assailant and hostage situations, and bomb threats, for all students and faculty at all district K-12 public schools. District school board policies must establish emergency response and emergency preparedness policies and procedures, including emergency notification procedures.¹³

Each district school board must employ a school safety specialist to serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.¹⁴ The school safety specialist must also conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool (FSSAT).

The FSSAT is required to be used by school officials at each school district and public school site in the state in conducting security assessments and is intended to help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise. The FSSAT is required to address certain components of school safety, such as school emergency and crisis preparedness planning.¹⁵

Each district school superintendent must provide to the law enforcement agency and fire department that has jurisdiction over each educational facility a copy of the floor plans and other relevant documents for each educational facility in the district. After the initial submission of the floor plans and other relevant documents, the district school superintendent is required to submit, by October 1 of each year, revised floor plans and other relevant documents for each educational facility in the district that was modified during the preceding year.¹⁶

¹² Section 1001.212, F.S.

¹³ Section 1006.07(4), F.S.

¹⁴ Section 1006.07(6)(a), F.S.

¹⁵ Section 1006.1493, F.S.

¹⁶ Section 1013.13(1), F.S.

Trends in Emergency Response Mapping Data in Schools

At least 24 states are actively investing in digital maps, according to Critical Response Group, Inc., the country's largest school-mapping contractor. An initial digital or critical incident map by a third-party contractor can cost between roughly \$3,500 and \$5,000 per school.¹⁷

Virginia

In Virginia, as part of required safety audits, each school board must create a detailed and accurate floor plan for each public school building in the local school division or certify that the existing floor plan for each such school is sufficiently detailed and accurate.¹⁸ In 2022, the Virginia Department of Criminal Justice Services announced it will reimburse each district school board up to \$3,500 for each school that collaborates with local first responder partners and chooses an approved vendor to provide digital mapping services for the school.¹⁹

New Jersey

Under a bill passed in New Jersey in 2022, public and private schools are required to submit to local law enforcement authorities digital mapping data of school facilities.²⁰ The state has allocated \$6.5 million in funding from the American Rescue Plan Act of 2021²¹ to cover digital mapping for the 1,500 public and private schools that do not have digital maps.²²

Washington

The Washington Legislature has appropriated \$24 million to map schools and cover operational costs of the school mapping system since 2003, when it directed the Washington Association of Sheriffs and Police Chiefs to create a statewide first responder mapping system for schools and other public buildings. Currently, school districts update the information at their own expense. Among districts and agencies that report using the system, 33 to 53 percent intend to use it during an incident. Following a review of the status of the system in schools, the Joint Legislative Audit and Review Committee recommended that the Washington Association of Sheriffs and Police Chiefs should:

- Develop and implement detailed training and outreach strategies that have measurable goals and targets.
- Periodically review technology standards, address user feedback about technology issues, and use system data to inform its program management decisions.²³

¹⁷ Pew, *After Uvalde, States Look to New Digital Maps to Keep Schools Safe* (Oct. 2022), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/10/18/after-uvalde-states-look-to-new-digital-maps-to-keep-schools-safe> (last visited Feb. 2, 2023).

¹⁸ Va. Code s. 22.1-279.8.

¹⁹ Virginia Department of Criminal Justice Services, *Digital Mapping Program for Virginia K-12 Schools*, <https://www.dcjs.virginia.gov/digital-mapping-program-virginia-k-12-schools> (last visited Jan. 31, 2023).

²⁰ New Jersey Legislature, *S2426* (Session 2022-2023), <https://www.njleg.state.nj.us/bill-search/2022/S2426> (last visited Jan. 31, 2023).

²¹ Pub. L. No. 117-2, 135 Stat. 1517 (Mar. 11, 2021).

²² State of New Jersey Governor Phil Murphy, *Governor Murphy Unveils Statewide School Security Initiative* (Aug. 2022), <https://www.nj.gov/governor/news/news/562022/20220830a.shtml> (last visited Jan. 31, 2023).

²³ Washington JLARC, *20-02 Final Report: First Responder Mapping System in K-12 Schools* (June 2020), https://leg.wa.gov/jlarc/reports/2020/mapping/f_3/default.html (last visited Jan. 31, 2023).

Wisconsin

In 2022, the Wisconsin Department of Justice began offering grants of up to \$5,000 per building to district school boards, governing bodies of private schools, public schools, and tribal schools to submit to law enforcement a digital blueprint of a school that can be easily accessed by law enforcement on cell phones or other devices during a critical incident and provide a clear layout of a school for law enforcement when a quick response is necessary. A total of \$2 million is available in grant funding.²⁴

Michigan

The Michigan Legislature appropriated \$12.5 million²⁵ to districts, intermediate districts, and nonpublic schools for the implementation of critical incidence mapping that:

- Is compatible with platforms and applications used by local, state, and federal public safety officials.
- Does not require the purchase of additional software for use.
- Is provided in a printable format.
- Is verified for accuracy through a walk-through of a school building and school grounds.
- Is oriented true north.
- Includes accurate floor plans overlaid on or current aerial imagery of a school building or school plan.
- Includes site-specific labeling that matches the structure of the school building, including room labels, hallway names, external door or stairwell numbers, locations of hazards, key utility locations, key boxes, automated external defibrillators, and trauma kits.
- Includes site-specific labeling that matches the school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties.
- Includes a gridded overlay with x/y coordinates.
- Includes information that best assists first responders in an emergency, including, but not limited to, the following information:
 - Building numbers.
 - Floors.
 - Suite designations.
 - Room numbers.
 - Other available relevant location information for each school.²⁶

III. Effect of Proposed Changes:

In order to assist local first responders in responding to emergencies in public schools, SB 212 amends s. 1013.13, F.S., to require the Department of Education to create a School Mapping Data Grant, which public schools²⁷ in this state can apply to receive funds for. The bill requires

²⁴ Wisconsin Department of Justice, *DOJ Launches \$2 Million Critical Incident Mapping Data Grant Program* (July 2022), <https://www.doj.state.wi.us/news-releases/doj-launches-2-million-critical-incident-mapping-data-grant-program> (last visited Feb. 1, 2023).

²⁵ Michigan House Fiscal Agency, *FY 2021-22 Supplemental Appropriations Summary: Enacted Public Act 93 of 2022 (House Bill 6012)*, available at <http://www.legislature.mi.gov/documents/2021-2022/billanalysis/House/pdf/2021-HLA-6012-2F2BB5B1.pdf>.

²⁶ 2022 Mich. Pub. Act. 93, s. 97d.

²⁷ Public schools include charter schools. Section 1002.33(1), F.S.

the vendor to provide the data to the applicable county, district school boards, and the appropriate local, state, and federal public safety agencies for use in response to emergencies.

The bill specifies minimum requirements for the emergency mapping data. Specifically, the bill requires the emergency response mapping data to be provided in an electronic or digital format to assist first responders in responding to emergencies at schools. The bill also requires the emergency response mapping data to:

- Be compatible with software platforms used by local, state, and federal public safety agencies that provide emergency services to the specific school for which the data is provided without requiring such agencies to purchase additional software or requiring a fee to view or access the data.
- Be compatible with security software platforms in use by the specific school for which the data are provided without requiring local law enforcement agencies or school districts to purchase additional software or requiring a fee to access or view the data.
- Be provided in a printable format and if requested be in a digital file format that can be integrated into interactive mobile platforms in use.
- Be verified for accuracy by a walk-through of school buildings and grounds.
- Be oriented true north.
- Be overlaid on current aerial imagery.
- Contain site-specific labeling that matches the structure of school buildings, including room labels, hallway names, and external door or stairwell numbers and locations of hazards, critical utility locations, key boxes, automated external defibrillators, and trauma kits.
- Contain site-specific labeling that matches the school grounds, including parking areas, athletic fields, surrounding roads, and neighboring properties.
- Be overlaid with gridded x/y coordinates.

Up-to-date mapping data for each public school may provide a more efficient and effective means for school officials and emergency responders to communicate critical information during a school emergency.

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

SB 212 may have a significant, but indeterminate negative impact on general revenue.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 1013.13 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Appropriations Committee on Education on March 14, 2023:

The committee substitute amends the bill to create the School Mapping Data Grant Program to provide flexibility for implementing the school emergency mapping data required by the bill. The committee substitute:

- Replaces the requirement for the Department of Education to procure a vendor to produce standard emergency response mapping data for every public school building in the state with the requirement for the Department of Education to administer the School Mapping Data Grant Program to provide to each applicable school district. School districts, in consultation with the Sheriff's office having jurisdiction, will need to apply to receive funds from the program to provide school mapping data for every public school building in the district.

- Replaces the requirement for the mapping data to be accessible to emergency response services without requiring the integration of third party software with the requirement that data will be accessible to emergency response services and schools without a fee.
- Specifies, that upon request, the mapping data may be provided in digital file format that can be integrated into interactive mobile platforms in use.

B. Amendments:

None.

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

By the Appropriations Committee on Education; and Senators
Collins, Avila, Burgess, Calatayud, Harrell, and Book

602-02564-23

2023212c1

A bill to be entitled

An act relating to emergency response mapping data; amending s. 1013.13, F.S.; creating the School Mapping Data Grant Program within the Department of Education; authorizing each school district to apply for funds to provide mapping data for public school buildings; authorizing a school district to use the funds to procure a vendor; requiring the entity that produces the data to provide the data to certain entities; specifying requirements for the data; providing an effective date.

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

Section 1. Present subsection (2) of section 1013.13, Florida Statutes, is redesignated as subsection (3), and a new subsection (2) is added to that section, to read:

1013.13 Coordination of school safety information; construction design documents.—

(2) In order to facilitate efficient emergency response, the School Mapping Data Grant Program is created within the Department of Education. Each school district, in consultation with the sheriff's office having jurisdiction, may apply to receive funds from the program to provide school mapping data for every public school building in the district. The school district shall use the funds to satisfy all or some of the requirements of this section, which may include procuring a vendor to do so. The entity producing the data is responsible for providing the data to the applicable county and district

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

602-02564-23

2023212c1

school boards and to the appropriate local, state, and federal public safety agencies for use in response to emergencies.

(a) School mapping data must be provided in an electronic or a digital format to assist first responders in responding to emergencies at schools.

(b) The school mapping data provided must:

1. Be compatible with software platforms used by local, state, and federal public safety agencies that provide emergency services to the specific school for which the data is provided without requiring such agencies to purchase additional software or requiring a fee to view or access the data;

2. Be compatible with security software platforms in use by the specific school for which the data is provided without requiring the local law enforcement agencies or school districts to purchase additional software or requiring a fee to view or access the data;

3. Be in a printable format and, if requested in addition to paragraph (a), be in a digital file format that can be integrated into interactive mobile platforms in use;

4. Be verified for accuracy by a walk-through of school buildings and grounds;

5. Be oriented true north;

6. Be overlaid on current aerial imagery;

7. Contain site-specific labeling that matches the structure of school buildings, including room labels, hallway names, and external door or stairwell numbers and locations of hazards, critical utility locations, key boxes, automated external defibrillators, and trauma kits;

8. Contain site-specific labeling that matches the school

Page 2 of 3

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602-02564-23

2023212c1

59 grounds, including parking areas, athletic fields, surrounding
60 roads, and neighboring properties; and
61 9. Be overlaid with gridded x/y coordinates.
62 Section 2. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/20/2023

Meeting Date

Fiscal Policy

Committee

CS/SB 212

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jamie Merchant

Phone

414-329-1995

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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MARCH 20, 2023

Meeting Date

FISCAL POLICY

Committee

SB 212

Bill Number or Topic

Amendment Barcode (if applicable)

Name CHIEF RAY Colburn

Phone 407-468-6622

Address FLORIDA FIRECHIEFS' ASSOC.
221 Pinewood Dr

Email ray@ffca.org

Street

TALLAHASSEE FL 32303

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 212

Bill Number or Topic

4/20/23

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D. (Florida PTA)

Phone 407 855-7604

Address 1747 Orlando Central Pkwy

Email legislation@floridapta.org

Street

Orlando FL 32809

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 238

INTRODUCER: Fiscal Policy Committee, Health Policy Committee, and Senator Burton

SUBJECT: Public Records/Protection from Discrimination Based on Health Care Choices

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Brown</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Looke</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 238 amends s. 381.00318, F.S., to expand and conform its public records exemption (PRE) provisions to match with the changes made to ss. 381.00316 and 381.00319, F.S., in CS/SB 252. Specifically, the bill provides that a complaint alleging a business entity's, governmental entity's, or an educational institution's violation of ss. 381.00316, 381.00317, or 381.00319, F.S., held by the Department of Legal Affairs (DLA) or the Department of Health (DOH) is confidential and exempt from public records provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution.

The exemption lasts until the investigation into the complaint is completed or ceases to be active, unless releasing the information would jeopardize the integrity of another active investigation, reveal medical information about an individual, or reveal information about an individual's religious beliefs. Information made confidential and exempt may be released to a business or governmental entity or education institution in furtherance of the entity's or institution's lawful duties and responsibilities and may also be released in aggregated format.

The bill provides legislative findings and extends the Open Government Sunset Review Act repeal date to October 2, 2028.

The bill provides that its provisions take effect on the same date that SB 252 or similar legislation takes effect.

II. Present Situation:

For background and information related to ss. 381.00316 and 381.00319, F.S., please see the analysis for CS/SB 252.

Access to Public Records – Generally

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

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, section 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the legislature.³ Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.⁴ Lastly, ch. 119, F.S., known as the Public Records Act, provides requirements for public records held by executive branch and local government agencies.

Executive Agency Records – The Public Records Act

The Public Records Act provides that all state, county, and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.⁵

Section 119.011(12), F.S., defines “public records” to include:

[a] ll documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

¹ FLA. CONST. art. I, s. 24(a).

² *Id.*

³ See Rule 1.48, *Rules and Manual of the Florida Senate*, (2018-2020) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2018-2020)

⁴ *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

⁵ Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”⁶

The Florida Statutes specify conditions under which public access to governmental records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.⁷ A violation of the Public Records Act may result in civil or criminal liability.⁸

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.⁹ The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.¹⁰

General exemptions from the public records requirements are contained in the Public Records Act.¹¹ Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.¹²

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.¹³ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.¹⁴ Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.¹⁵

⁶ *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

⁷ Section 119.07(1)(a), F.S.

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

⁹ FLA. CONST. art. I, s. 24(c).

¹⁰ *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

¹¹ *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

¹² *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

¹³ *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

¹⁴ *Id.*

¹⁵ *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

Open Government Sunset Review Act

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act¹⁶ (the Act), prescribe a legislative review process for newly created or substantially amended¹⁷ public records or open meetings exemptions, with specified exceptions.¹⁸ The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment; in order to save an exemption from repeal, the Legislature must reenact the exemption or repeal the sunset date.¹⁹ In practice, many exemptions are continued by repealing the sunset date, rather than reenacting the exemption.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.²⁰ An exemption serves an identifiable purpose if the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption *and* it meets one of the following purposes:

- It allows the state or its political subdivisions to effectively and efficiently administer a program, and administration would be significantly impaired without the exemption;²¹
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;²² or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.²³

The Act also requires specified questions to be considered during the review process.²⁴ In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If, in reenacting an exemption or repealing the sunset date, the exemption is expanded, then a public necessity statement and a two-thirds vote for passage are required.²⁵ If the exemption is

¹⁶ Section 119.15, F.S.

¹⁷ An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

¹⁸ Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

¹⁹ Section 119.15(3), F.S.

²⁰ Section 119.15(6)(b), F.S.

²¹ Section 119.15(6)(b)1., F.S.

²² Section 119.15(6)(b)2., F.S.

²³ Section 119.15(6)(b)3., F.S.

²⁴ Section 119.15(6)(a), F.S. The specified questions are:

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

²⁵ See generally s. 119.15, F.S.

continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.²⁶

III. Effect of Proposed Changes:

CS/CS/SB 238 amends s. 381.00318, F.S., to expand and conform its PRE provisions to match with the changes made to ss. 381.00316 and 381.00319, F.S., in CS/SB 252.

Specifically, the bill provides that a complaint alleging a business entity's, governmental entity's, or an educational institution's violation of ss. 381.00316, 381.00317 or 381.00319, F.S., held by the Department of Legal Affairs (DLA) or the Department of Health (DOH) is confidential and exempt from public records provisions of s. 119.07(1), F.S., and s. 24(a), Art. I of the State Constitution. The exemption lasts until the investigation into the complaint is completed or ceases to be active, unless releasing the information would jeopardize the integrity of another active investigation, reveal medical information about an individual, or reveal information about an individual's religious beliefs. Information made confidential and exempt may be released to a business or governmental entity or education institution in furtherance of the entity's or institution's lawful duties and responsibilities and may also be released in aggregated format.

The bill extends the Open Government Sunset Review Act repeal date to October 2, 2028.

The bill provides Legislative findings that it is a public necessity that a complaint alleging a violation of ss. 381.00316 or 381.00319, F.S., and all information related to an investigation of the complaint held by the DLA or the DOH, be made confidential and exempt because protection of such information is required to safeguard an individual's private information regarding medical information or religious beliefs and to ensure the integrity of an active investigation.

The bill provides that its provisions take effect on the same date that SB 252 or similar legislation takes effect if the bills are adopted in the same legislative session and become law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for records pertaining to

²⁶ Section 119.15(7), F.S.

judicial assistants; therefore, the bill requires a two-thirds vote of each chamber for enactment.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

Breadth of Exemption

Article I, s. 24(c), of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The purpose of the law is to protect judicial assistants. This bill exempts only records pertaining investigations under ss. 381.00316 and 381.00319, F.S., and only while such investigations are active.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 381.00318 of the Florida Statutes.

IX. Additional Information:

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

CS by Fiscal Policy on April 20, 2023:

The CS amends the catchline for s. 381.00318, F.S., to match changes made in the substantive portions of the bill and un-strikes references to s. 381.00317, F.S., to maintain protection of records created under that statute.

CS by Health Policy on April 3, 2023:

The CS incorporates a technical amendment to the bill's effective date to provide that the bill is effective on the same date that SB 252 or similar legislation takes effect, if both are adopted in the same legislative session or an extension thereof and become law.

- B. **Amendments:**

None.



238876

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Burton) recommended the following:

Senate Amendment

Delete lines 19 - 20
and insert:
381.00318 Complaints and investigations regarding mandate prohibitions ~~private employer COVID-19 vaccination mandates;~~
public records



156626

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Burton) recommended the following:

Senate Substitute for Amendment (238876)

Delete lines 19 - 36

and insert:

381.00318 Complaints and investigations regarding mandate prohibitions ~~private employer COVID-19 vaccination mandates;~~ public records exemption.-

(1) A ~~An employee~~ complaint alleging a business entity's, a governmental entity's, or an educational institution's ~~private employer's~~ violation of s. 381.00316, s. 381.00317, or s.



156626

11 381.00319 ~~regarding employer COVID-19 vaccination policies or~~
12 ~~practices~~, and all information relating to an investigation of
13 such complaint, held by the Department of Legal Affairs or the
14 Department of Health is confidential and exempt from s.
15 119.07(1) and s. 24(a), Art. I of the State Constitution until
16 the investigation is completed or ceases to be active. For
17 purposes of this section, an investigation is considered
18 "active" while such investigation is being conducted by the
19 Department of Legal Affairs or the Department of Health with a
20 reasonable good faith belief that it may lead to a determination
21 of whether there was a violation of s. 381.00316, s. 381.00317,
22 or s. 381.00319. An investigation does not cease to be active if

By the Committee on Health Policy; and Senator Burton

588-03487-23

2023238c1

1 A bill to be entitled
 2 An act relating to public records; amending s.
 3 381.00318, F.S.; providing an exemption from public
 4 records requirements for certain information held by
 5 the Department of Legal Affairs or the Department of
 6 Health relating to complaints or investigations
 7 regarding violations of provisions protecting from
 8 discrimination based on health care choices;
 9 authorizing the disclosure of such information under
 10 certain circumstances; providing for future
 11 legislative review and repeal of the exemption;
 12 providing a statement of public necessity; providing a
 13 contingent effective date.

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

16 Section 1. Section 381.00318, Florida Statutes, is amended
 17 to read:

18 381.00318 Complaints and investigations regarding ~~private~~
 19 ~~employer~~ COVID-19 vaccination mandates; public records
 20 exemption.—

21 (1) ~~A An~~ employee complaint alleging a business entity's, a
 22 governmental entity's, or an educational institution's private
 23 employer's violation of s. 381.00316 or s. 381.00319 ~~s-~~
 24 ~~381.00317 regarding employer COVID-19 vaccination policies or~~
 25 ~~practices~~, and all information relating to an investigation of
 26 such complaint, held by the Department of Legal Affairs or the
 27 Department of Health is confidential and exempt from s.
 28 119.07(1) and s. 24(a), Art. I of the State Constitution until
 29

Page 1 of 3

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2023238c1

30 the investigation is completed or ceases to be active. For
 31 purposes of this section, an investigation is considered
 32 "active" while such investigation is being conducted by the
 33 Department of Legal Affairs or the Department of Health with a
 34 reasonable good faith belief that it may lead to a determination
 35 of whether there was a violation of s. 381.00316 or s. 381.00319
 36 ~~s. 381.00317~~. An investigation does not cease to be active if
 37 the Department of Legal Affairs or the Department of Health is
 38 proceeding with reasonable dispatch and there is a good faith
 39 belief that action may be initiated by the Department of Legal
 40 Affairs or the Department of Health.

41 (2) After an investigation is completed or ceases to be
 42 active, information in records relating to the investigation
 43 remains confidential and exempt from s. 119.07(1) and s. 24(a),
 44 Art. I of the State Constitution if disclosure of that
 45 information would do any of the following:

46 (a) Jeopardize the integrity of another active
 47 investigation.

48 (b) Reveal medical information about an individual
 49 ~~employee~~.

50 (c) Reveal information regarding an individual's employee's
 51 religious beliefs.

52 (3) Information made confidential and exempt under this
 53 section may be released to another business entity, governmental
 54 entity, or educational institution in the furtherance of that
 55 entity's or institution's lawful duties and responsibilities.

56 (4) This section does not prohibit the disclosure of
 57 information in an aggregated format.

58 (5) This section is subject to the Open Government Sunset

Page 2 of 3

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588-03487-23

2023238c1

59 Review Act in accordance with s. 119.15 and shall stand repealed
60 on October 2, 2028, unless reviewed and saved from repeal
61 through reenactment by the Legislature ~~This section shall stand~~
62 ~~repealed on October 2, 2023.~~

63 Section 2. The Legislature finds that it is a public
64 necessity that a complaint alleging a business entity's, a
65 governmental entity's, or an educational institution's violation
66 of s. 381.00316, Florida Statutes, or s. 381.00319, Florida
67 Statutes, and all information relating to an investigation of
68 such complaint held by the Department of Legal Affairs or the
69 Department of Health, be made exempt from s. 119.07(1), Florida
70 Statutes, and s. 24(a), Article I of the State Constitution.
71 Protection of such information is required to safeguard an
72 individual's private information regarding medical information
73 or religious beliefs and to ensure the integrity of an active
74 investigation, if applicable.

75 Section 3. This act shall take effect on the same date that
76 SB 252 or similar legislation takes effect, if such legislation
77 is adopted in the same legislative session or an extension
78 thereof and becomes a law.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/20/2023

Meeting Date

CS/SB 238

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Jamie Merchant

Phone

614-329-1995

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 246

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Health and Human Services;
Senator Calatayud and others

SUBJECT: Florida Kidcare Program Eligibility

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stovall</u>	<u>Brown</u>	<u>HP</u>	<u>Favorable</u>
2.	<u>McKnight</u>	<u>Money</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	<u>Stovall</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 246 raises the income eligibility limits for the subsidized MediKids, Florida Healthy Kids, and Children’s Medical Services Network programs within the Florida Kidcare program from 200 percent to 300 percent of the federal poverty level (FPL), effective January 1, 2024. The bill requires the Florida Healthy Kids Corporation to establish new monthly premiums for enrollees in households over 150 percent of the FPL and develop a minimum of three, but not more than six, income-based tiers.

The bill has a significant negative fiscal impact to the Florida KidCare program. *See* Section V of this analysis.

The bill takes effect upon becoming a law, except as otherwise expressly provided in the bill.

II. Present Situation:

The Florida KidCare (KidCare) program was established in 1998 as a combination of Medicaid delivery systems and public and private partnerships, with a wrap-around delivery system serving children with special health care needs.¹ The KidCare program, codified in ss. 409.810 through 409.821, F.S., encompasses four government-sponsored health insurance programs

¹ Chapter 1998-288, Laws of Fla.

serving Florida's children: MediKids, Florida Healthy Kids (Healthy Kids), Children's Medical Services (CMS) Network, and Medicaid for children.²

Three of the four programs, MediKids, Healthy Kids, and CMS, directly receive federal Children's Health Insurance Program (CHIP) funding and constitute Florida's CHIP program. The CHIP was designed as a federal and state partnership, similar to Medicaid, with the goal of expanding health insurance to children whose families earn too much income to be eligible for Medicaid, but not enough money to purchase private, comprehensive health insurance. The federal CHIP is authorized and funded through Fiscal Year 2029.³

CHIP funding is also used to enhance the match rate for some children in Medicaid. More specifically:

- *MediKids* is a Medicaid "look-alike" program administered by the Agency for Health Care Administration (AHCA) for children ages 1 through 4 who are at or below 200 percent of the federal poverty level (FPL).⁴ Families whose income exceeds 200 percent of the FPL can elect to participate in the MediKids full-pay premium option.⁵
- *Healthy Kids* is for children ages 5 through 18 and administered by the Florida Healthy Kids Corporation (FHKC). Children in families with income between 133 percent and 200 percent of the FPL (\$33,383 and \$50,200 for a family of four) are eligible for subsidized coverage through the Healthy Kids program.⁶ Families whose income exceeds 200 percent of the FPL can elect to participate in the Healthy Kids full-pay option.⁷
- *Children's Medical Services (CMS) Network* is a program for children from birth through age 18 with special health care needs.⁸ The Department of Health (DOH) operates the program which is open to all children who meet the clinical eligibility criteria that are Medicaid or Title XXI eligible.⁹
- *Medicaid* eligibility is determined by the Department of Children and Families (DCF) and provides Title XIX coverage to infants from birth to age 1 who are at or below 200 percent of the FPL and children ages 1 through 18 who are at or below 133 percent of the FPL.¹⁰

Families who receive Medicaid are not responsible for paying premiums or co-payments. Families with children that qualify for other KidCare program components are responsible for paying monthly premiums and co-payments for certain services. The Healthy Kids program¹¹

² Florida KidCare, available at <https://www.floridakidcare.org/> (last visited Mar. 13, 2023).

³ Consolidated Appropriations Act, 2023, Public Law No. 117-328 (2022).

⁴ Section 409.8132(6), F.S.

⁵ Agency for Health Care Administration, Florida KidCare, *Welcome to MediKids*, https://ahca.myflorida.com/medicaid/Policy_and_Quality/Policy/program_policy/FLKidCare/PDF/FLORIDA_MEDIKIDS_INFORMATION_2019.pdf (last visited Mar. 13, 2023).

⁶ Florida Healthy Kids Corporation, *Subsidized Premiums/Copays*, <https://www.healthykids.org/cost/subsidized/> (last visited Mar. 13, 2023).

⁷ *Id.*

⁸ See ch. 391, F.S.

⁹ *Id.*

¹⁰ Florida Healthy Kids, *Florida KidCare Health and Dental Insurance Program Eligibility Overview*, https://www.floridakidcare.org/docs/Florida_KidCare_Income_Guidelines.pdf (last visited Mar. 13, 2023).

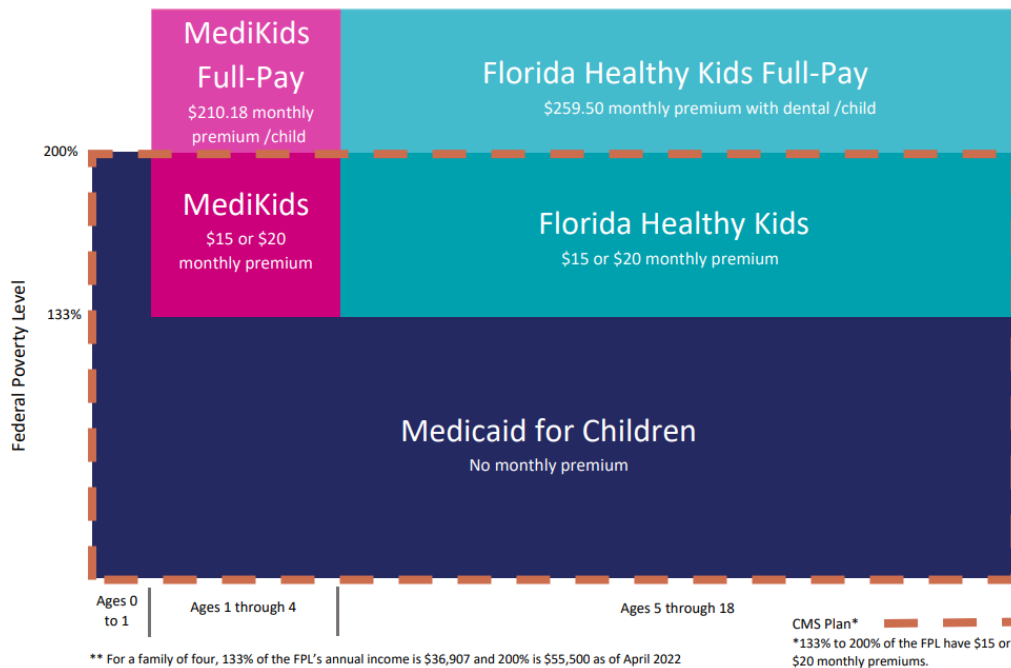
¹¹ Chapter 2019-115, Laws of Fla., Specific Appropriation 178.

and the MediKids program¹² both utilize a combined-risk premium model of Title XXI-subsidized and full-pay enrollments for medical insurance payments.

The total monthly family payment for CHIP enrollees is \$15 or \$20 for families with incomes between 133 percent and 200 percent of the FPL.¹³ The per-child monthly premium rate is \$210.18 for full-pay MediKids coverage and \$259.50 for full-pay Healthy Kids coverage, including dental coverage.¹⁴

As of March 2023, 4,883 children are enrolled in subsidized MediKids; 3,280 children are enrolled in MediKids under the full-pay option; 76,340 children are enrolled in subsidized Healthy Kids; 21,650 children are enrolled in Healthy Kids under the full-pay option; 6,575 children are enrolled in CMS; and 2,466,597 children are enrolled in the Medicaid program.^{15, 16}

The following chart provides an eligibility overview of the KidCare program.¹⁷



¹² Chapter 2020-111, Laws of Fla., Specific Appropriation 185.

¹³ Florida Healthy Kids Corporation, *Florida KidCare Health and Dental Insurance Program Eligibility Overview*, https://www.floridakidcare.org/docs/Florida_KidCare_Income_Guidelines.pdf (last visited Mar. 13, 2023).

¹⁴ *Id.*

¹⁵ Agency for Health Care Administration, Florida KidCare, *Florida KidCare Enrollment Report, March 2023* (on file with the Senate Appropriations Committee on Health and Human Services).

¹⁶ Florida KidCare program enrollment has been affected by federal Medicaid maintenance of effort (MOE) requirements outlined in the Families First Coronavirus Response Act (Public Law No. 116-127). The Act provided for states to receive a 6.2% enhancement to the customary Medicaid Federal Medical Assistance Percentage (FMAP) for the duration of the federal public health emergency (PHE). In return, states are required to provide continuous eligibility to Medicaid enrollees. This Medicaid MOE requirement has resulted in a sharp enrollment decline in the Title XXI, KidCare programs. Children that might have otherwise transferred to KidCare programs are required to remain in Medicaid. The Title XXI enrollment decline is expected to reverse after the PHE ends and the MOE expires.

¹⁷ Florida KidCare, *Program Eligibility Overview*, available at https://www.floridakidcare.org/docs/Florida_KidCare_Income_Guidelines.pdf (last visited Mar. 29, 2023).

The KidCare program is jointly administered by the Agency for Health Care Administration, the Florida Health Kids Corporation, the Department of Health, the Department of Children and Families, and the Office of Insurance Regulation. The general KidCare program responsibilities of each agency are outlined in the following table:

Entity	Responsibilities
Agency for Health Care Administration ¹⁸	<ul style="list-style-type: none"> • Administration of the state Medicaid program that serves individuals eligible for Medicaid under Title XIX. • Administration of the MediKids program that serves Title XXI children from age 1 through age 4. • The Title XXI state contact with the federal Centers for Medicare & Medicaid Services. • Distribution of federal funds for Title XXI programs. • Management of the contract with the FHKC. • Development and maintenance of the Title XXI Florida KidCare State Plan.
Department of Children and Families ¹⁹	<ul style="list-style-type: none"> • Processing Medicaid applications and determining children’s eligibility for Medicaid.
Department of Health ²⁰	<ul style="list-style-type: none"> • Administration of the CMSN that offers a range of services to Title XIX and XXI children from birth through age 18 who have special health care needs. • Chair of the Florida KidCare Coordinating Council. • In consultation with the FHKC and the DCF, establishment of a toll-free telephone line to assist families with questions about the program.
Florida Healthy Kids Corporation ²¹	<ul style="list-style-type: none"> • Under a contract with the AHCA, perform the administrative KidCare functions including eligibility determination, premium billing and collection, refunds, and customer service. • Administration of the Florida Healthy Kids program for Title XXI children from age 5 through age 18.
Office of Insurance Regulation ²²	<ul style="list-style-type: none"> • Certification that health benefits coverage plans seeking to provide services under the KidCare program, aside from services provided under Healthy Kids and CMSN, meet, exceed, or are equivalent to the benchmark benefit plan and that the health insurance plans will be offered at an approved rate.

III. Effect of Proposed Changes:

Section 1 amends s. 409.8132, F.S., relating to eligibility for MediKids (age 1-4), to increase the eligibility threshold from 200 percent to 300 percent of the Federal Poverty Limit (FPL), effective January 1, 2024.

¹⁸ See part II of ch. 409, F.S.

¹⁹ Section 409.818(1), F.S.

²⁰ See ch. 391 and s. 409.818(2), F.S.

²¹ Section 624.91, F.S.

²² Section 409.818(4), F.S.

Section 2 amends s. 409.814, F.S., relating to eligibility for Healthy Kids (age 5-18) and the Children’s Medical Services Network (children with special health care needs), to increase the eligibility threshold from 200 percent to 300 percent of the FPL, effective January 1, 2024.

The bill also provides that if the eligibility determination and redetermination for the KidCare program cannot be verified using reliable data sources in accordance with federal requirements, then the applicant must provide secondary sources of information.

Section 3 amends s. 409.816, F.S., relating to limitations on premiums and cost sharing in the KidCare program to require that enrollment fees, premiums, copayments, deductibles, coinsurance, or similar charges must be based on a minimum of three, but no more than six, tiers of uniform premiums scaled to the FPL, by tier. This provision takes effect January 1, 2024.

Section 4 amends s. 624.91, F.S., relating to the Florida Healthy Kids Corporation, to conform the increased eligibility thresholds to 300 percent of the FPL and is effective January 1, 2024.

Section 5 provides the bill takes effect upon becoming a law, except as otherwise expressly provided in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Increasing the eligibility threshold to 300 percent of the federal poverty level (FPL) will convert a portion of current full-pay enrollees to the Children's Health Insurance Program (CHIP) subsidized payment category. Current CHIP full-pay enrollees with household incomes between 200 to 300 percent FPL will experience lower monthly premium costs, and new potential enrollees may find coverage less expensive compared to the current CHIP full-pay structure and cost.

The bill amends the structure of household premiums for CHIP-subsidized KidCare. Currently, the premium is \$15 a month, per household, for households with incomes between 133 to 158 percent FPL, and \$20, per household, for households with incomes between 158 to 200 percent FPL. Current law caps premiums for households with incomes between 150 to 200 percent FPL to no more than five percent of the household's annual income.

The bill requires the Florida Healthy Kids Corporation (FHKC) to establish premium tiers based on household income for all enrollees with household incomes over 150 percent FPL. The bill's requirement applies both to current enrollees at 150 to 200 percent FPL and to the new eligibility group at 200 to 300 percent FPL. The FHKC must establish at least three, but no more than six, tiers of premiums.

The bill does not address copays for the new eligibility group or amend them for existing eligibility groups.

According to the 2021 U.S. Census Report, 68,455 Florida children have household incomes between 200.01 to 300 percent of the FPL and have no health insurance coverage.²³

C. Government Sector Impact:

Mercer Government Human Services Consulting (Mercer) conducted an actuarial analysis dated March 22, 2023, on behalf of the Florida Healthy Kids Corporation (FHKC), to support discussion of increasing the KidCare program's income eligibility upper income limit for the CHIP program.²⁴

For Fiscal Year 2023-2024, the bill is estimated to increase state expenditures by \$22.2 million, of which \$6.5 million is from general revenue funds. The Florida Healthy Kids Corporation (FHKC) projects 18,575 additional children will enroll.²⁵

- Mercer estimates that the bill's implementation will result in recurring expenditures to the Florida KidCare program of \$19.4 million, of which \$5.7 million is from

²³ Florida Healthy Kids Corporation, SB 246 Bill Analysis (Mar. 7, 2023) (on file with the Senate Appropriations Committee on Health and Human Services).

²⁴ Email from Florida Healthy Kids Corporation to the Senate Appropriations Committee on Health and Human Services (Apr. 10, 2023) (on file with the Senate Appropriations Committee on Health and Human Services).

²⁵ *Id.*

general revenue funds. Recurring expenditures are projected to increase in out years, as more eligible children obtain coverage in the KidCare program.²⁶

- The Florida KidCare eligibility system’s third-party administrator has estimated the programming changes required to comply with the provisions of the bill will result in \$800,000 one-year nonrecurring expenditures, of which approximately \$235,424 is from general revenue funds.²⁷
- The FHKC also estimates a funding need of \$1.6 million in nonrecurring expenditures in Fiscal Year 2023-2024, of which \$470,848 is from general revenue funds, associated with a statewide marketing campaign.²⁸

Family Premium Model – 6 Tiers, Set Premium Household Size of 2.57:²⁹

		FY 2023-24	FY 2024-25	FY 2025-26	FY 2026-27	FY 2027-28
Florida Healthy Kids						
Enrollment ¹		13,629	20,381	29,676	33,065	33,443
	GR	\$ 761,044	\$ 4,088,548	\$ 8,063,746	\$ 9,559,593	\$ 9,625,620
Recurring - Medical Carrier Payments ¹	Fed TF	\$ 1,825,078	\$ 9,786,995	\$ 19,124,756	\$ 22,802,411	\$ 23,458,204
	Total	\$ 2,586,122	\$ 13,875,543	\$ 27,188,502	\$ 32,362,004	\$ 33,083,824
Recurring - Dental Carrier Payments ¹	GR	\$ 361,064	\$ 1,105,321	\$ 1,669,702	\$ 1,911,064	\$ 1,949,653
	Fed TF	\$ 865,875	\$ 2,646,266	\$ 3,960,608	\$ 4,558,566	\$ 4,751,514
	Total	\$ 1,226,939	\$ 3,751,587	\$ 5,630,310	\$ 6,469,630	\$ 6,701,167
Recurring - TPA Administration Fees ²	GR	\$ 116,600	\$ 415,034	\$ 375,014	\$ 427,286	\$ 420,899
	Fed TF	\$ 279,622	\$ 993,771	\$ 889,830	\$ 1,019,181	\$ 1,025,689
	Total	\$ 396,222	\$ 1,408,805	\$ 1,264,844	\$ 1,446,467	\$ 1,446,588
Nonrecurring - TPA Implementation Fees ³	GR	\$ 235,424				
	Fed TF	\$ 564,576				
	Total	\$ 800,000				
Nonrecurring - Marketing Campaign ⁴	GR	\$ 470,848				
	Fed TF	\$ 1,129,152				
	Total	\$ 1,600,000				
	GR	\$ 1,944,980	\$ 5,608,903	\$ 10,108,462	\$ 11,897,943	\$ 11,996,172
	Total Fed TF	\$ 4,664,303	\$ 13,427,032	\$ 23,975,194	\$ 28,380,158	\$ 29,235,407
	Total	\$ 6,609,283	\$ 19,035,935	\$ 34,083,656	\$ 40,278,101	\$ 41,231,579
MediKids (Excludes family contributions deposited and used from the Grants and Donations Trust Fund)						
Enrollment ¹		3,494	4,497	5,545	5,913	5,959
	GR	\$ 936,924	\$ 2,523,533	\$ 3,294,551	\$ 3,578,981	\$ 3,600,700
Recurring - Medical/Dental Carrier Payments ¹	Fed TF	\$ 2,246,860	\$ 6,042,024	\$ 7,815,813	\$ 8,536,900	\$ 8,775,253
	Total	\$ 3,183,784	\$ 8,565,557	\$ 11,110,364	\$ 12,115,881	\$ 12,375,953
Children's Medical Services (Excludes family contributions deposited and used from the Grants and Donations Trust Fund)						
Enrollment ¹		1,452	2,263	2,898	3,146	3,152
	GR	\$ 3,643,829	\$ 11,636,288	\$ 15,626,744	\$ 17,651,663	\$ 18,231,116
Recurring - Medical/Dental Carrier Payments ¹	Fed TF	\$ 8,738,354	\$ 27,860,379	\$ 37,069,137	\$ 42,105,721	\$ 44,434,056
	Total	\$ 12,382,183	\$ 39,496,667	\$ 52,695,881	\$ 59,757,384	\$ 62,665,172
KidCare Administration (Excludes family contributions deposited and used from the Grants and Donations Trust Fund)						
	GR	\$ 20,758	\$ 79,354	\$ 71,030	\$ 80,843	\$ 79,575
Contracted Services ²	Fed TF	\$ 49,781	\$ 190,008	\$ 168,539	\$ 192,829	\$ 193,916
	Total	\$ 70,539	\$ 269,361	\$ 239,569	\$ 273,672	\$ 273,491
Enrollment ¹		18,575	27,141	38,119	42,124	42,554
	GR	\$ 6,546,491	\$ 19,848,078	\$ 29,100,786	\$ 33,209,430	\$ 33,907,563
	Total-All Fed TF	\$ 15,699,298	\$ 47,519,443	\$ 69,028,683	\$ 79,215,608	\$ 82,638,632
	Total	\$ 22,245,789	\$ 67,367,521	\$ 98,129,470	\$ 112,425,038	\$ 116,546,195

²⁶ Email from Florida Healthy Kids Corporation to the Senate Appropriations Committee on Health and Human Services (Apr. 10, 2023) (on file with the Senate Appropriations Committee on Health and Human Services).

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

According to the Agency for Health Care Administration, indeterminate one-time administrative implementation costs may be associated with updating the Florida Medicaid Management Information System (FMMIS).³⁰

The FHKC’s fiscal analysis is based on policy assumptions not directly addressed in the bill.

- The bill requires the FHKC to establish “at least three but no more than six” tiers of premiums scaled to household income for enrollees with incomes over 150 percent of the FPL. This would apply to an income group currently eligible for subsidized Kidcare: those with incomes between 150 to 200 percent of the FPL.
- The FHKC’s fiscal impact estimate uses a per-household premium and assumes 2.57 children per household.

The assumptions referenced above create the following monthly premium schedule based on 2023 FPLs:³¹

Family Premium Model - 6 Tiers Based on Household Size of 2.57													
Family Size	100% FPL	Tier 1 150%-175%	Premium	Tier 2 175%-200%	Premium	Tier 3 200%-225%	Premium	Tier 4 225%-250%	Premium	Tier 5 250%-275%	Premium	Tier 6 275%-300%	Premium
1	\$14,580	\$25,515	\$17.00	\$29,160	\$38.00	\$32,805	\$64.00	\$36,450	\$94.00	\$40,095	\$130.00	\$43,740	\$170.00
2	\$19,720	\$34,510	\$17.00	\$39,440	\$38.00	\$44,370	\$64.00	\$49,300	\$94.00	\$54,230	\$130.00	\$59,160	\$170.00
3	\$24,860	\$43,505	\$17.00	\$49,720	\$38.00	\$55,935	\$64.00	\$62,150	\$94.00	\$68,365	\$130.00	\$74,580	\$170.00
4	\$30,000	\$52,500	\$17.00	\$60,000	\$38.00	\$67,500	\$64.00	\$75,000	\$94.00	\$82,500	\$130.00	\$90,000	\$170.00
5	\$35,140	\$61,495	\$17.00	\$70,280	\$38.00	\$79,065	\$64.00	\$87,850	\$94.00	\$96,635	\$130.00	\$105,420	\$170.00
6	\$40,280	\$70,490	\$17.00	\$80,560	\$38.00	\$90,630	\$64.00	\$100,700	\$94.00	\$110,770	\$130.00	\$120,840	\$170.00
7	\$45,420	\$79,485	\$17.00	\$90,840	\$38.00	\$102,195	\$64.00	\$113,550	\$94.00	\$124,905	\$130.00	\$136,260	\$170.00
8	\$50,560	\$88,480	\$17.00	\$101,120	\$38.00	\$113,760	\$64.00	\$126,400	\$94.00	\$139,040	\$130.00	\$151,680	\$170.00

VI. Technical Deficiencies:

None.

VII. Related Issues:

Implementing the proposed changes requires the Agency for Health Care Administration to seek approval from the federal Centers for Medicare & Medicaid Services through a state plan amendment.³²

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 409.8132, 409.814, 409.816, and 624.91.

³⁰ Agency for Health Care Administration, SB 246 Bill Analysis (Jan. 10, 2023) (on file with the Senate Healthy Policy Committee.)

³¹ Email from Florida Healthy Kids Corporation to the Senate Appropriations Committee on Health and Human Services (Apr. 12, 2023) (on file with the Senate Appropriations Committee on Health and Human Services).

³² *Supra* note 30.

IX. Additional Information:

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

CS by Fiscal Policy on April 20, 2023:

The committee substitute provides an effective date of January 1, 2024, for the increased income eligibility thresholds within the Florida Kidcare program and for the Florida Healthy Kids Corporation.

CS by Appropriations Committee on Health and Human Services on April 12, 2023:

The committee substitute:

- Removes the two-year phase-in for income eligibility increases and requires income eligibility to increase to 300 percent of the federal poverty level.
- Requires the Florida Healthy Kids Corporation to establish new premiums for no less than three but no more than six income-based tiers.
- Removes “Whereas” clauses and clarification that changes made under the bill are subject to federal approval through a waiver or state plan amendment.
- Removes requirement for the Agency for Health Care Administration to notify the Division of Law Revision within 10 days after receiving federal approval through a waiver or state plan amendment.
- Amends effective date to take effect upon becoming a law, except as otherwise expressly provided in the bill.
- Makes technical changes.

- B. **Amendments:**

None.



723386

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Effective January 1, 2024, paragraph (a) of
subsection (6) of section 409.8132, Florida Statutes, is amended
to read:

409.8132 Medikids program component.—

(6) ELIGIBILITY.—

(a) A child who has attained the age of 1 year but who is



723386

11 under the age of 5 years is eligible to enroll in the Medikids
12 program component of the Florida Kidcare program, if the child
13 is a member of a family that has a family income which exceeds
14 the Medicaid applicable income level as specified in s. 409.903,
15 but which is equal to or below 300 ~~200~~ percent of the current
16 federal poverty level. In determining the eligibility of such a
17 child, an assets test is not required. A child who is eligible
18 for Medikids may elect to enroll in Florida Healthy Kids
19 coverage or employer-sponsored group coverage. However, a child
20 who is eligible for Medikids may participate in the Florida
21 Healthy Kids program only if the child has a sibling
22 participating in the Florida Healthy Kids program and the
23 child's county of residence permits such enrollment.

24 Section 2. Effective January 1, 2024, section 409.814,
25 Florida Statutes, is amended to read:

26 409.814 Eligibility.—A child who has not reached 19 years
27 of age whose family income is equal to or below 300 ~~200~~ percent
28 of the federal poverty level is eligible for the Florida Kidcare
29 program as provided in this section. If an enrolled individual
30 is determined to be ineligible for coverage, he or she must be
31 immediately disenrolled from the respective Florida Kidcare
32 program component.

33 (1) A child who is eligible for Medicaid coverage under s.
34 409.903 or s. 409.904 must be enrolled in Medicaid and is not
35 eligible to receive health benefits under any other health
36 benefits coverage authorized under the Florida Kidcare program.

37 (2) A child who is not eligible for Medicaid, but who is
38 eligible for the Florida Kidcare program, may obtain health
39 benefits coverage under any of the other components listed in s.



723386

40 409.813 if such coverage is approved and available in the county
41 in which the child resides.

42 (3) A Title XXI-funded child who is eligible for the
43 Florida Kidcare program who is a child with special health care
44 needs, as determined through a medical or behavioral screening
45 instrument, is eligible for health benefits coverage from and
46 shall be assigned to and may opt out of the Children's Medical
47 Services Network.

48 (4) A Title XXI-funded child who reaches 19 years of age is
49 eligible for continued Title XXI-funded coverage for the
50 duration of a pregnancy and the postpartum period consisting of
51 the 12-month period beginning on the last day of a pregnancy, if
52 such pregnancy or postpartum period begins prior to the child
53 reaching 19 years of age, and if the child is ineligible for
54 Medicaid.

55 (5) The following children are not eligible to receive
56 Title XXI-funded premium assistance for health benefits coverage
57 under the Florida Kidcare program, except under Medicaid if the
58 child would have been eligible for Medicaid under s. 409.903 or
59 s. 409.904 as of June 1, 1997:

60 (a) A child who is covered under a family member's group
61 health benefit plan or under other private or employer health
62 insurance coverage, if the cost of the child's participation is
63 not greater than 5 percent of the family's income. If a child is
64 otherwise eligible for a subsidy under the Florida Kidcare
65 program and the cost of the child's participation in the family
66 member's health insurance benefit plan is greater than 5 percent
67 of the family's income, the child may enroll in the appropriate
68 subsidized Kidcare program.



69 (b) A child who is seeking premium assistance for the
70 Florida Kidcare program through employer-sponsored group
71 coverage, if the child has been covered by the same employer's
72 group coverage during the 60 days before the family submitted an
73 application for determination of eligibility under the program.

74 (c) A child who is an alien but who does not meet the
75 definition of a lawfully residing child. This paragraph does not
76 extend eligibility for the Florida Kidcare program to an
77 undocumented immigrant.

78 (d) A child who is an inmate of a public institution or a
79 patient in an institution for mental diseases.

80 (e) A child who is otherwise eligible for premium
81 assistance for the Florida Kidcare program and has had his or
82 her coverage in an employer-sponsored or private health benefit
83 plan voluntarily canceled in the last 60 days, except those
84 children whose coverage was voluntarily canceled for good cause,
85 including, but not limited to, the following circumstances:

86 1. The cost of participation in an employer-sponsored
87 health benefit plan is greater than 5 percent of the family's
88 income;

89 2. The parent lost a job that provided an employer-
90 sponsored health benefit plan for children;

91 3. The parent who had health benefits coverage for the
92 child is deceased;

93 4. The child has a medical condition that, without medical
94 care, would cause serious disability, loss of function, or
95 death;

96 5. The employer of the parent canceled health benefits
97 coverage for children;



98 6. The child's health benefits coverage ended because the
99 child reached the maximum lifetime coverage amount;

100 7. The child has exhausted coverage under a COBRA
101 continuation provision;

102 8. The health benefits coverage does not cover the child's
103 health care needs; or

104 9. Domestic violence led to loss of coverage.

105 (6) A child who is otherwise eligible for the Florida
106 Kidcare program and who has a preexisting condition that
107 prevents coverage under another insurance plan as described in
108 paragraph (5) (a) which would have disqualified the child for the
109 Florida Kidcare program if the child were able to enroll in the
110 plan is eligible for Florida Kidcare coverage when enrollment is
111 possible.

112 (7) A child whose family income is above 300 ~~200~~ percent of
113 the federal poverty level or a child who is excluded under the
114 provisions of subsection (5) may participate in the Florida
115 Kidcare program as provided in s. 409.8132 or, if the child is
116 ineligible for Medikids by reason of age, in the Florida Healthy
117 Kids program, subject to the following:

118 (a) The family is not eligible for premium assistance
119 payments and must pay the full cost of the premium, including
120 any administrative costs.

121 (b) The board of directors of the Florida Healthy Kids
122 Corporation may offer a reduced benefit package to these
123 children in order to limit program costs for such families.

124 (8) Once a child is enrolled in the Florida Kidcare
125 program, the child is eligible for coverage for 12 months
126 without a redetermination or reverification of eligibility, if



723386

127 the family continues to pay the applicable premium. Eligibility
128 for program components funded through Title XXI of the Social
129 Security Act terminates when a child attains the age of 19. A
130 child who has not attained the age of 5 and who has been
131 determined eligible for the Medicaid program is eligible for
132 coverage for 12 months without a redetermination or
133 reverification of eligibility.

134 (9) When determining or reviewing a child's eligibility
135 under the Florida Kidcare program, the applicant shall be
136 provided with reasonable notice of changes in eligibility which
137 may affect enrollment in one or more of the program components.
138 If a transition from one program component to another is
139 authorized, there shall be cooperation between the program
140 components and the affected family which promotes continuity of
141 health care coverage. Any authorized transfers must be managed
142 within the program's overall appropriated or authorized levels
143 of funding. Each component of the program shall establish a
144 reserve to ensure that transfers between components will be
145 accomplished within current year appropriations. These reserves
146 shall be reviewed by each convening of the Social Services
147 Estimating Conference to determine the adequacy of such reserves
148 to meet actual experience.

149 (10) In determining the eligibility of a child, an assets
150 test is not required. If eligibility for the Florida Kidcare
151 program cannot be verified using reliable data sources in
152 accordance with federal requirements, each applicant must ~~shall~~
153 provide documentation during the application process and the
154 redetermination process, including, but not limited to, the
155 following:



723386

156 (a) Proof of family income, which must be verified
157 electronically to determine financial eligibility for the
158 Florida Kidcare program. Written documentation, which may
159 include wages and earnings statements or pay stubs, W-2 forms,
160 or a copy of the applicant's most recent federal income tax
161 return, is required only if the electronic verification is not
162 available or does not substantiate the applicant's income.

163 (b) A statement from all applicable, employed family
164 members that:

165 1. Their employers do not sponsor health benefit plans for
166 employees;

167 2. The potential enrollee is not covered by an employer-
168 sponsored health benefit plan; or

169 3. The potential enrollee is covered by an employer-
170 sponsored health benefit plan and the cost of the employer-
171 sponsored health benefit plan is more than 5 percent of the
172 family's income.

173 (c) To enroll in the Children's Medical Services Network, a
174 completed application, including a clinical screening.

175 (11) Subject to paragraph (5)(a), the Florida Kidcare
176 program shall withhold benefits from an enrollee if the program
177 obtains evidence that the enrollee is no longer eligible,
178 submitted incorrect or fraudulent information in order to
179 establish eligibility, or failed to provide verification of
180 eligibility. The applicant or enrollee must ~~shall~~ be notified
181 that because of such evidence program benefits will be withheld
182 unless the applicant or enrollee contacts a designated
183 representative of the program by a specified date, which must be
184 within 10 working days after the date of notice, to discuss and



723386

185 resolve the matter. The program shall make every effort to
186 resolve the matter within a timeframe that will not cause
187 benefits to be withheld from an eligible enrollee.

188 (12) The following individuals may be subject to
189 prosecution in accordance with s. 414.39:

190 (a) An applicant obtaining or attempting to obtain benefits
191 for a potential enrollee under the Florida Kidcare program when
192 the applicant knows or should have known the potential enrollee
193 does not qualify for the Florida Kidcare program.

194 (b) An individual who assists an applicant in obtaining or
195 attempting to obtain benefits for a potential enrollee under the
196 Florida Kidcare program when the individual knows or should have
197 known the potential enrollee does not qualify for the Florida
198 Kidcare program.

199 Section 3. Effective January 1, 2024, subsection (3) of
200 section 409.816, Florida Statutes, is amended to read:

201 409.816 Limitations on premiums and cost sharing.—The
202 following limitations on premiums and cost sharing are
203 established for the program.

204 (3) Enrollees in families with a family income above 150
205 percent of the federal poverty level who are not receiving
206 coverage under the Medicaid program or who are not eligible
207 under s. 409.814(7) may be required to pay enrollment fees,
208 premiums, copayments, deductibles, coinsurance, or similar
209 charges on a sliding scale related to income, except that the
210 total annual aggregate cost sharing with respect to all children
211 in a family may not exceed 5 percent of the family's income.
212 However, copayments, deductibles, coinsurance, or similar
213 charges may not be imposed for preventive services, including



214 well-baby and well-child care, age-appropriate immunizations,
215 and routine hearing and vision screenings. Premiums for
216 enrollees who are paying enrollment fees, premiums, copayments,
217 deductibles, coinsurance, or similar charges as provided in this
218 subsection must be based on at least three but no more than six
219 tiers of uniform premiums that increase with each tier as a
220 percentage of the applicable threshold amount of the federal
221 poverty level, by tier.

222 Section 4. Effective January 1, 2024, paragraph (b) of
223 subsection (2) of section 624.91, Florida Statutes, is amended
224 to read:

225 624.91 The Florida Healthy Kids Corporation Act.—

226 (2) LEGISLATIVE INTENT.—

227 (b) It is the intent of the Legislature that the Florida
228 Healthy Kids Corporation serve as one of several providers of
229 services to children eligible for medical assistance under Title
230 XXI of the Social Security Act. Although the corporation may
231 serve other children, the Legislature intends the primary
232 recipients of services provided through the corporation be
233 school-age children with a family income equal to or below 300
234 ~~200~~ percent of the federal poverty level, who do not qualify for
235 Medicaid. It is also the intent of the Legislature that state
236 and local government Florida Healthy Kids funds be used to
237 continue coverage, subject to specific appropriations in the
238 General Appropriations Act, to children not eligible for federal
239 matching funds under Title XXI.

240 Section 5. Except as otherwise expressly provided in this
241 act, this act shall take effect upon becoming a law.

242



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

244 And the title is amended as follows:

245 Delete everything before the enacting clause

246 and insert:

247 A bill to be entitled

248 An act relating to Florida Kidcare program
249 eligibility; amending s. 409.8132, F.S.; increasing
250 the income eligibility threshold for coverage under
251 the Medikids program component; amending s. 409.814,
252 F.S.; increasing the income eligibility threshold for
253 coverage under the Florida Kidcare program; requiring
254 an applicant seeking coverage under the program to
255 provide certain documentation if eligibility cannot be
256 verified using reliable data sources; amending s.
257 409.816, F.S.; requiring that premiums for certain
258 enrollees under the Florida Kidcare program be based
259 on a tiered system of uniform premiums; amending s.
260 624.91, F.S.; conforming a provision to changes made
261 by the act; providing effective dates.

By the Appropriations Committee on Health and Human Services;
and Senators Calatayud, Perry, Osgood, and Rodriguez

603-03744-23

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1 A bill to be entitled
2 An act relating to Florida Kidcare program
3 eligibility; amending s. 409.8132, F.S.; increasing
4 the income eligibility threshold for coverage under
5 the Medikids program component; amending s. 409.814,
6 F.S.; increasing the income eligibility threshold for
7 coverage under the Florida Kidcare program; requiring
8 an applicant seeking coverage under the program to
9 provide certain documentation if eligibility cannot be
10 verified using reliable data sources; amending s.
11 409.816, F.S.; requiring that premiums for certain
12 enrollees under the Florida Kidcare program be based
13 on a tiered system of uniform premiums; amending s.
14 624.91, F.S.; conforming a provision to changes made
15 by the act; providing an effective date.
16
17 Be It Enacted by the Legislature of the State of Florida:
18
19 Section 1. Paragraph (a) of subsection (6) of section
20 409.8132, Florida Statutes, is amended to read:
21 409.8132 Medikids program component.—
22 (6) ELIGIBILITY.—
23 (a) A child who has attained the age of 1 year but who is
24 under the age of 5 years is eligible to enroll in the Medikids
25 program component of the Florida Kidcare program, if the child
26 is a member of a family that has a family income which exceeds
27 the Medicaid applicable income level as specified in s. 409.903,
28 but which is equal to or below 300 ~~200~~ percent of the current
29 federal poverty level. In determining the eligibility of such a

Page 1 of 9

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603-03744-23

2023246c1

30 child, an assets test is not required. A child who is eligible
31 for Medikids may elect to enroll in Florida Healthy Kids
32 coverage or employer-sponsored group coverage. However, a child
33 who is eligible for Medikids may participate in the Florida
34 Healthy Kids program only if the child has a sibling
35 participating in the Florida Healthy Kids program and the
36 child's county of residence permits such enrollment.
37 Section 2. Section 409.814, Florida Statutes, is amended to
38 read:
39 409.814 Eligibility.—A child who has not reached 19 years
40 of age whose family income is equal to or below 300 ~~200~~ percent
41 of the federal poverty level is eligible for the Florida Kidcare
42 program as provided in this section. If an enrolled individual
43 is determined to be ineligible for coverage, he or she must be
44 immediately disenrolled from the respective Florida Kidcare
45 program component.
46 (1) A child who is eligible for Medicaid coverage under s.
47 409.903 or s. 409.904 must be enrolled in Medicaid and is not
48 eligible to receive health benefits under any other health
49 benefits coverage authorized under the Florida Kidcare program.
50 (2) A child who is not eligible for Medicaid, but who is
51 eligible for the Florida Kidcare program, may obtain health
52 benefits coverage under any of the other components listed in s.
53 409.813 if such coverage is approved and available in the county
54 in which the child resides.
55 (3) A Title XXI-funded child who is eligible for the
56 Florida Kidcare program who is a child with special health care
57 needs, as determined through a medical or behavioral screening
58 instrument, is eligible for health benefits coverage from and

Page 2 of 9

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603-03744-23

2023246c1

59 shall be assigned to and may opt out of the Children's Medical
60 Services Network.

61 (4) A Title XXI-funded child who reaches 19 years of age is
62 eligible for continued Title XXI-funded coverage for the
63 duration of a pregnancy and the postpartum period consisting of
64 the 12-month period beginning on the last day of a pregnancy, if
65 such pregnancy or postpartum period begins prior to the child
66 reaching 19 years of age, and if the child is ineligible for
67 Medicaid.

68 (5) The following children are not eligible to receive
69 Title XXI-funded premium assistance for health benefits coverage
70 under the Florida Kidcare program, except under Medicaid if the
71 child would have been eligible for Medicaid under s. 409.903 or
72 s. 409.904 as of June 1, 1997:

73 (a) A child who is covered under a family member's group
74 health benefit plan or under other private or employer health
75 insurance coverage, if the cost of the child's participation is
76 not greater than 5 percent of the family's income. If a child is
77 otherwise eligible for a subsidy under the Florida Kidcare
78 program and the cost of the child's participation in the family
79 member's health insurance benefit plan is greater than 5 percent
80 of the family's income, the child may enroll in the appropriate
81 subsidized Kidcare program.

82 (b) A child who is seeking premium assistance for the
83 Florida Kidcare program through employer-sponsored group
84 coverage, if the child has been covered by the same employer's
85 group coverage during the 60 days before the family submitted an
86 application for determination of eligibility under the program.

87 (c) A child who is an alien but who does not meet the

603-03744-23

2023246c1

88 definition of a lawfully residing child. This paragraph does not
89 extend eligibility for the Florida Kidcare program to an
90 undocumented immigrant.

91 (d) A child who is an inmate of a public institution or a
92 patient in an institution for mental diseases.

93 (e) A child who is otherwise eligible for premium
94 assistance for the Florida Kidcare program and has had his or
95 her coverage in an employer-sponsored or private health benefit
96 plan voluntarily canceled in the last 60 days, except those
97 children whose coverage was voluntarily canceled for good cause,
98 including, but not limited to, the following circumstances:

99 1. The cost of participation in an employer-sponsored
100 health benefit plan is greater than 5 percent of the family's
101 income;

102 2. The parent lost a job that provided an employer-
103 sponsored health benefit plan for children;

104 3. The parent who had health benefits coverage for the
105 child is deceased;

106 4. The child has a medical condition that, without medical
107 care, would cause serious disability, loss of function, or
108 death;

109 5. The employer of the parent canceled health benefits
110 coverage for children;

111 6. The child's health benefits coverage ended because the
112 child reached the maximum lifetime coverage amount;

113 7. The child has exhausted coverage under a COBRA
114 continuation provision;

115 8. The health benefits coverage does not cover the child's
116 health care needs; or

603-03744-23

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117 9. Domestic violence led to loss of coverage.
 118 (6) A child who is otherwise eligible for the Florida
 119 Kidcare program and who has a preexisting condition that
 120 prevents coverage under another insurance plan as described in
 121 paragraph (5) (a) which would have disqualified the child for the
 122 Florida Kidcare program if the child were able to enroll in the
 123 plan is eligible for Florida Kidcare coverage when enrollment is
 124 possible.
 125 (7) A child whose family income is above 300 ~~200~~ percent of
 126 the federal poverty level or a child who is excluded under the
 127 provisions of subsection (5) may participate in the Florida
 128 Kidcare program as provided in s. 409.8132 or, if the child is
 129 ineligible for Medikids by reason of age, in the Florida Healthy
 130 Kids program, subject to the following:
 131 (a) The family is not eligible for premium assistance
 132 payments and must pay the full cost of the premium, including
 133 any administrative costs.
 134 (b) The board of directors of the Florida Healthy Kids
 135 Corporation may offer a reduced benefit package to these
 136 children in order to limit program costs for such families.
 137 (8) Once a child is enrolled in the Florida Kidcare
 138 program, the child is eligible for coverage for 12 months
 139 without a redetermination or reverification of eligibility, if
 140 the family continues to pay the applicable premium. Eligibility
 141 for program components funded through Title XXI of the Social
 142 Security Act terminates when a child attains the age of 19. A
 143 child who has not attained the age of 5 and who has been
 144 determined eligible for the Medicaid program is eligible for
 145 coverage for 12 months without a redetermination or

Page 5 of 9

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603-03744-23

2023246c1

146 reverification of eligibility.
 147 (9) When determining or reviewing a child's eligibility
 148 under the Florida Kidcare program, the applicant shall be
 149 provided with reasonable notice of changes in eligibility which
 150 may affect enrollment in one or more of the program components.
 151 If a transition from one program component to another is
 152 authorized, there shall be cooperation between the program
 153 components and the affected family which promotes continuity of
 154 health care coverage. Any authorized transfers must be managed
 155 within the program's overall appropriated or authorized levels
 156 of funding. Each component of the program shall establish a
 157 reserve to ensure that transfers between components will be
 158 accomplished within current year appropriations. These reserves
 159 shall be reviewed by each convening of the Social Services
 160 Estimating Conference to determine the adequacy of such reserves
 161 to meet actual experience.
 162 (10) In determining the eligibility of a child, an assets
 163 test is not required. If eligibility for the Florida Kidcare
 164 program cannot be verified using reliable data sources in
 165 accordance with federal requirements, each applicant must ~~shall~~
 166 provide documentation during the application process and the
 167 redetermination process, including, but not limited to, the
 168 following:
 169 (a) Proof of family income, which must be verified
 170 electronically to determine financial eligibility for the
 171 Florida Kidcare program. Written documentation, which may
 172 include wages and earnings statements or pay stubs, W-2 forms,
 173 or a copy of the applicant's most recent federal income tax
 174 return, is required only if the electronic verification is not

Page 6 of 9

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603-03744-23

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175 available or does not substantiate the applicant's income.

176 (b) A statement from all applicable, employed family
177 members that:

178 1. Their employers do not sponsor health benefit plans for
179 employees;

180 2. The potential enrollee is not covered by an employer-
181 sponsored health benefit plan; or

182 3. The potential enrollee is covered by an employer-
183 sponsored health benefit plan and the cost of the employer-
184 sponsored health benefit plan is more than 5 percent of the
185 family's income.

186 (c) To enroll in the Children's Medical Services Network, a
187 completed application, including a clinical screening.

188 (11) Subject to paragraph (5) (a), the Florida Kidcare
189 program shall withhold benefits from an enrollee if the program
190 obtains evidence that the enrollee is no longer eligible,
191 submitted incorrect or fraudulent information in order to
192 establish eligibility, or failed to provide verification of
193 eligibility. The applicant or enrollee must ~~shall~~ be notified
194 that because of such evidence program benefits will be withheld
195 unless the applicant or enrollee contacts a designated
196 representative of the program by a specified date, which must be
197 within 10 working days after the date of notice, to discuss and
198 resolve the matter. The program shall make every effort to
199 resolve the matter within a timeframe that will not cause
200 benefits to be withheld from an eligible enrollee.

201 (12) The following individuals may be subject to
202 prosecution in accordance with s. 414.39:

203 (a) An applicant obtaining or attempting to obtain benefits

603-03744-23

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204 for a potential enrollee under the Florida Kidcare program when
205 the applicant knows or should have known the potential enrollee
206 does not qualify for the Florida Kidcare program.

207 (b) An individual who assists an applicant in obtaining or
208 attempting to obtain benefits for a potential enrollee under the
209 Florida Kidcare program when the individual knows or should have
210 known the potential enrollee does not qualify for the Florida
211 Kidcare program.

212 Section 3. Subsection (3) of section 409.816, Florida
213 Statutes, is amended to read:

214 409.816 Limitations on premiums and cost sharing.—The
215 following limitations on premiums and cost sharing are
216 established for the program.

217 (3) Enrollees in families with a family income above 150
218 percent of the federal poverty level who are not receiving
219 coverage under the Medicaid program or who are not eligible
220 under s. 409.814(7) may be required to pay enrollment fees,
221 premiums, copayments, deductibles, coinsurance, or similar
222 charges on a sliding scale related to income, except that the
223 total annual aggregate cost sharing with respect to all children
224 in a family may not exceed 5 percent of the family's income.
225 However, copayments, deductibles, coinsurance, or similar
226 charges may not be imposed for preventive services, including
227 well-baby and well-child care, age-appropriate immunizations,
228 and routine hearing and vision screenings. Premiums for
229 enrollees who are paying enrollment fees, premiums, copayments,
230 deductibles, coinsurance, or similar charges as provided in this
231 subsection must be based on at least three but no more than six
232 tiers of uniform premiums that increase with each tier as a

603-03744-23

2023246c1

233 percentage of the applicable threshold amount of the federal
234 poverty level, by tier.

235 Section 4. Paragraph (b) of subsection (2) of section
236 624.91, Florida Statutes, is amended to read:

237 624.91 The Florida Healthy Kids Corporation Act.—

238 (2) LEGISLATIVE INTENT.—

239 (b) It is the intent of the Legislature that the Florida
240 Healthy Kids Corporation serve as one of several providers of
241 services to children eligible for medical assistance under Title
242 XXI of the Social Security Act. Although the corporation may
243 serve other children, the Legislature intends the primary
244 recipients of services provided through the corporation be
245 school-age children with a family income equal to or below 300
246 ~~200~~ percent of the federal poverty level, who do not qualify for
247 Medicaid. It is also the intent of the Legislature that state
248 and local government Florida Healthy Kids funds be used to
249 continue coverage, subject to specific appropriations in the
250 General Appropriations Act, to children not eligible for federal
251 matching funds under Title XXI.

252 Section 5. Except as otherwise expressly provided in this
253 act, this act shall take effect upon becoming a law.

APPEARANCE RECORD

SB 246

4/20/23

Meeting Date

Bill Number or Topic

Fiscal Policy

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Michael Barrett

Phone (850) 222-3803

Address 201 W. Park Ave
Street

Email mbarrett@flobby.org

Tallahassee
City

FL
State

32301
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
Florida Conference of Catholic Bishops

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

246

04/20/23

Meeting Date

Bill Number or Topic

Fiscal Policy

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name Jason Rodriguez

Phone 7276564256

Address 3001 W. Dr. Martin Luther King BLVD

Email jason.rodriguez@baycare.org

Street

Tampa

FL

33607

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

St. Joseph's Children's Hospital

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-20-23

Meeting Date

SB 246

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Matt Herndon

Phone 941-704-2793

Address 113 E. College Ave

Street

Email matt@teamrsa.com

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

United Way Suncoast
United Way of Broward County

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 20 2023

Meeting Date

fiscal

Committee

246

Bill Number or Topic

Amendment Barcode (if applicable)

Name Melissa Nelson

Phone 904 910 6442

Address 307 5th Avenue

Email melissa@uwof.org

Street

Tallahassee FL 32303

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing: United Way of Florida

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

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4/20/23

Meeting Date

SB 246

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D. (Florida PTA)

Phone 407 855-7604

Address 1747 Orlando Central Pkwy

Email legislator@floridapta.org

Street

Orlando FL 32809

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

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4/20

Meeting Date

FISCAL POLICY

Committee

246

Bill Number or Topic

Amendment Barcode (if applicable)

Name AUSTIN STOWERS

Phone 850 413 5939

Address 200 E GAINES

Email austin.stowers@myfloridacfo.com

Street

TALLAHASSEE

FL

32399

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

CFO JIMMY PATRONIS

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 20, 2023 Meeting Date
Fiscal Policy Committee

SB 246 Bill Number or Topic
N/A Amendment Barcode (if applicable)

Name Tasha Carter, FL's Insurance Consumer Advocate Phone 850.413.5923

Address 200 E. Gaines Street Email tasha.carter@myfloridacfo.com

Tallahassee FL 32399 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: Office of the Insurance Consumer Advocate, Department of Financial Services

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

246

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Michael Covick

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Tallahassee FL 32308

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Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Association of Children's Hospitals

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S-001 (08/10/2021)

APPEARANCE RECORD

4.20.23

240

Meeting Date

Bill Number or Topic

Fiscal Policy

Committee

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Amendment Barcode (if applicable)

Name Sarah Katherine Massey Phone 850 545 0543

Address 136 S. Bronough St. Email smassey@fchamber.com

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Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Chamber of Commerce

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 252

INTRODUCER: Fiscal Policy Committee and Senator Burton

SUBJECT: Protection from Discrimination Based on Health Care Choices

DATE: April 21, 2023 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Looke</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 252 amends several statutes in order to prohibit mask mandates; mandates on emergency use authorizations (EUA) vaccinations, messenger ribonucleic acid (mRNA) vaccinations, and COVID-19 vaccinations; and COVID-19 testing mandates in educational institutions, business entities, and governmental entities. The bill prohibits these entities and institutions from requiring proof of a vaccination with one of the specified types of vaccinations, postinfection recovery from COVID-19, or a COVID-19 test to gain access to, entry upon, or service from the entity or institution. The bill also prohibits business and governmental entities from certain employment practices based on an employee's, or a potential employee's, vaccination or postinfection status or the refusal to take a COVID-19 test. The bill's provisions relating to mRNA vaccines are repealed on June 1, 2025.

Additionally, the bill prohibits business entities, governmental entities, and educational institutions from requiring a person to wear a mask, a face shield, or any other facial covering that covers the nose and mouth or denying a person access to, entry upon, service from, or admission to such entity or institution or otherwise discriminating against any person based on his or her refusal to wear a mask, face shield, or other facial covering. The bill provides exceptions to these prohibitions for health care providers and practitioners, as long as the provider or practitioner meets specific requirements established by the bill, and for when a mask or facial covering is required safety equipment. Business entities and governmental entities that violate these provisions are subject to discipline by the Department of Legal Affairs (DLA) while educational institutions are subject to discipline by the Department of Health (DOH). Such discipline may include fines of up to \$5,000 for each violation.

The bill establishes requirements for mandating masks in health care settings. The bill requires the DOH and the Agency for Health Care Administration (AHCA) to jointly develop standards for the use of facial coverings in such settings by July 1, 2023, and requires each health care provider and health care practitioner who operates or manages an office to establish policies and procedures for facial coverings by August 1, 2023, that are consistent with the standards adopted by the DOH and the AHCA if they require any individual to wear a mask.

The bill prohibits governmental entities and educational institutions from adopting, implementing, or enforcing an international health organization guidelines unless authorized by state law, rule, or executive order issued pursuant to a declared emergency.

The bill also creates and amends several statutes related to the provision of health care for COVID-19 including:

- Prohibiting a hospital from interfering with COVID-19 treatment alternatives that are recommended by a health care practitioner with privileges at the hospital;
- Requiring a health care practitioner to obtain specified informed consent from a patient before prescribing any medication for the treatment of COVID-19 to the patient; and
- Prohibiting a pharmacist from being disciplined for properly dispensing medications prescribed for the treatment of COVID-19.

The bill provides that, except as otherwise provided, the bill's effective date is June 1, 2023.

II. Present Situation:

COVID-19 Vaccines

Timeline

In December of 2020, less than one year after the World Health Organization declared the COVID-19 outbreak to be a pandemic,¹ the United States Food and Drug Administration (FDA) granted the first Emergency Use Authorization (EUA) for a COVID-19 vaccine developed by Pfizer-BioNTech.² A week later, the FDA issued a second EUA for another COVID-19 vaccine developed by Moderna.³

Over the course of 2021, the FDA expanded the EUAs to include more of the population, such as children ages five and older, and to allow for more people to be eligible to receive booster vaccines.⁴ On August 23, 2021, the FDA officially approved the Pfizer vaccine for individuals age 16 and older.⁵ The Moderna vaccine was approved for individuals 18 and older on January 31, 2022.⁶ On June 17, 2022, the FDA authorized the use of both vaccines for children down to

¹ Declared on March 11, 2020. See U.S. Department of Defense, Coronavirus Timeline, available at <https://www.defense.gov/Spotlights/Coronavirus-DOD-Response/Timeline/>, (last visited March 28, 2023).

² COVID-19 Vaccines, United States Department of Health and Human Services, available at <https://www.hhs.gov/coronavirus/covid-19-vaccines/index.html>, (last visited March 28, 2023).

³ Id.

⁴ Id.

⁵ Id.

⁶ Id.

six months of age and authorized the use of Bivalent COVID-19 vaccines for children six months and older on December 8, 2022.⁷

As of March 1, 2023, more than 672 million doses of the COVID-19 vaccine have been given in the United States.⁸

Federal COVID-19 Vaccine Mandates

COVID-19 Vaccination Mandates for Employment

Since the FDA's full approval of COVID-19 vaccinations, some employers have begun to mandate vaccination.⁹ For example on August 6, 2021, United Airlines became the first major airline to announce a COVID-19 vaccination mandate for its employees.¹⁰ The airline terminated more than 230 employees who have not complied with the mandate.¹¹

Testing Mandate for Employers with more than 100 Employees

The Occupational Safety and Health Administration (OSHA) is a regulatory agency within the United States Department of Labor, created "to ensure safe and healthful working conditions for workers by setting and enforcing standards and by providing training, outreach, education and assistance."¹² The Occupational Safety and Health Act (OSH Act) regulates most private sector employers as well as certain public sector employers. The OSH Act applies to employees of an organization, and does not apply to self-employed workers, immediate family members of farm employers, volunteers, or unpaid students.¹³ The OSHA is authorized to set emergency temporary standards in certain limited circumstances which take effect immediately and are in effect until superseded by a permanent standard. "OSHA must determine that workers are in grave danger and that an emergency standard is needed to protect them. Then, OSHA publishes the emergency temporary standard in the Federal Register, where it also serves as a proposed permanent standard." The validity of an emergency temporary standard may be challenged in a U.S. Court of Appeals.¹⁴

⁷ Id.

⁸ Safety of COVID-19 Vaccines, Centers for Disease Control and Prevention, available at <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/safety/safety-of-vaccines.html>, (last visited March 28, 2023).

⁹ NBC News, *From McDonald's to Goldman Sachs, here are the companies mandating vaccines for all or some employees* (August 3, 2021), available at <https://www.nbcnews.com/business/business-news/here-are-companies-mandating-vaccines-all-or-some-employees-n1275808> (last visited March 28, 2023).

¹⁰ United, *COVID-19 vaccine required for United employees*, (Aug. 6, 2021) available at <https://www.united.com/en/us/newsroom/announcements/COVID-19-vaccine-required-for-United-employees> (last visited March 28, 2023).

¹¹ Fox Business, *United Airlines in the process of firing 232 unvaccinated employees*, (October 13, 2021), available at <https://www.foxbusiness.com/lifestyle/united-airlines-firing-unvaccinated-employees> (last visited March 28, 2023).

¹² Occupation Health and Safety Administration (OSHA), United States Department of Labor, *About OSHA*, <https://www.osha.gov/aboutosha> (last visited March 28, 2023).

¹³ OSHA, *All About OSHA*, 8, https://www.osha.gov/sites/default/files/publications/all_about_OSHA.pdf (last visited March 28, 2023.)

¹⁴ OSHA, *OSHA Standards Development*, available at <https://www.osha.gov/laws-regs/standards-development> (last visited March 28, 2023).

On November 5, 2021, OSHA published an emergency temporary standard that requires every employer having 100 or more employees to implement a COVID-19 vaccination mandate.¹⁵ All employers having 100 or more employees were required to ensure that their workforce is fully vaccinated or require any workers who remain unvaccinated to produce a negative test result on at least a weekly basis before coming to work and to wear personal protective equipment. Employees may be exempt from the requirement due to religious beliefs or having a severe allergic reaction to the vaccine or its ingredients. These employers were also required to provide paid time off to employees who decide to be vaccinated, to allow the employee time to receive the vaccination and recover in the event of experiencing any short-term side effects from the shot. The penalty for violation of the emergency temporary standard was up to \$14,000 per violation. The employer was required to comply with the emergency temporary standard by January 4, 2022. On January 13, 2022, the United States Supreme Court issued a stay for the vaccine requirement finding that petitioners challenging the requirement were likely to succeed in their claim.¹⁶ Subsequently, OSHA withdrew the vaccination and testing temporary standard effective January 26, 2022.¹⁷

Vaccine Mandate for Health Care Workers

On November 5, 2021, the federal Centers for Medicare and Medicaid Services (CMS) published an interim final rule to require that a health care employer¹⁸ participating in Medicare or Medicaid implement a COVID-19 vaccination mandate.¹⁹ The vaccination mandate applies to employees, licensed practitioners, students and trainees, volunteers, and contractors (individuals who provide care, treatment, or other services for the provider and/or its residents, under contract or by other arrangement).²⁰ A person may be exempt from the requirement due to religious beliefs or having a severe allergic reaction to the vaccine or its ingredients. The United States Supreme Court stayed a preliminary injunction issued by the lower court on January 13, 2022, and subsequently declined to hear an appeal of the case effectively upholding the mandate.²¹

¹⁵ 86 Fed. Reg. 61402 (Nov. 5, 2021).

¹⁶ Nat'l Fed'n of Indep. Bus. v. Dep't of Lab., Occupational Safety & Health Admin., 211 L. Ed. 2d 448, 142 S. Ct. 661 (2022)

¹⁷ United States Department of Labor, OSHA, Emergency Temporary Standard, COVID-19 Vaccination and Testing ETS, available at

<https://www.osha.gov/coronavirus/ets2#:~:text=The%20U.S.%20Department%20of%20Labor's,from%20workplace%20exposure%20to%20coronavirus.>, (last visited March 28, 2023).

¹⁸ The following entities are included: ambulatory surgical centers (ASCs); hospices; psychiatric residential treatment facilities; programs of all-inclusive care for the elderly (PACE); hospitals; long term care facilities; intermediate care facilities for individuals with intellectual disabilities; home health agencies; comprehensive outpatient rehabilitation facilities; critical access hospitals; clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and speech-language pathology services; community mental health centers; home infusion therapy suppliers; rural health clinics; federally qualified health centers; and end-stage renal disease facilities.

¹⁹ 86 Fed. Reg. 61555 (Nov. 5, 2021).

²⁰ The requirement does not apply to staff working remotely 100 percent of the time, or to staff providing offsite support services, if they have no direct contact with patients or other staff who are subject to the requirement. Similarly, it does not apply to one-time or infrequent non-health service providers or contractors who have no contact with patients or staff who are subject to the requirement.

²¹ Biden v. Missouri, 211 L. Ed. 2d 433, 142 S. Ct. 647 (2022)

Vaccine Mandate for Federal Employees and Contractors

On September 29, 2021, the President of the United States issued an Executive Order requiring that every new federal contract after October 15, 2021, include a requirement to impose a COVID-19 vaccination requirement on the employees of federal contractors.²² This Executive Order was stayed by a preliminary injunction issued by an En Banc panel of the United States Fifth District Court of Appeals.²³

Florida's COVID-19 Vaccination Prohibitions

In special session 2021B, the Florida Legislature passed HB 1-B²⁴ which prohibited COVID-19 vaccination mandates in governmental entities and educational institutions and required businesses to provide employees the ability to opt-out of a vaccine mandate imposed by the business. Specifically, the bill:

- For private employers:
 - Prohibited private employers from mandating COVID-19 vaccination without providing employees the ability to opt-out of the mandate.
 - Required private employers that choose to impose a COVID-19 vaccination mandate to authorize all of the following exemptions: medical, which includes pregnancy or anticipated pregnancy; religious; COVID-19 immunity; periodic testing; or use of employer-provided personal protective equipment. These exemptions must be submitted to the employer on forms adopted by the DOH or substantially similar forms.
 - Authorized the Attorney General to receive and investigate complaints and impose administrative fines of up to \$50,000 per violation, if an employee was terminated for refusing vaccination and the employer failed to follow the exemption procedures.
- Prohibited public educational institutions and governmental entities from requiring COVID-19 vaccination as a condition of employment and authorized the DOH to impose a fine not to exceed \$5,000 per violation.
- Specified that employees improperly terminated on the basis of COVID-19 vaccination mandates may be eligible for reemployment benefits and established that reemployment benefits may not be denied or discontinued based on a new job offer that would require COVID-19 vaccination.
- Prohibited educational institutions and elected or appointed local officials from mandating COVID-19 vaccination for students, allowed parents and students to bring an action against educational institutions for declaratory and injunctive relief, and required courts to award attorney fees and court costs to prevailing parents and students.
- Prohibited school boards and local officials from requiring students to wear a face mask, face shield, or other face covering without providing for parental exemption from such requirements and limited the quarantining of asymptomatic students and teachers for exposure to COVID-19.

²² *Executive Order on Ensuring Adequate COVID Safety Protocols for Federal Contractors* (September 9, 2021), available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/09/09/executive-order-on-ensuring-adequate-covid-safety-protocols-for-federal-contractors/> (last visited Nov. 8, 2021). See Safer Federal Workforce, *COVID-19 Workplace Safety: Guidance for Federal Contractors and Subcontractors*, available at <https://www.saferfederalworkforce.gov/overview/> (last visited Nov. 10, 2021).

²³ *Feds for Med. Freedom v. Biden*, No. 22-40043, 2023 WL 2609247 (5th Cir. Mar. 23, 2023)

²⁴ Ch. 2021-272, L.O.F.

Under current law, these provisions will sunset on June 1, 2023.

Emergency Use Authorization

Emergency use authorization was designed to allow the FDA to help strengthen the nation's public health protections against chemical, biological, radiological, and nuclear (CBRN) threats, including infectious diseases, by facilitating the availability and use of medical countermeasures needed during public health emergencies. Under section 564 of the Federal Food, Drug, and Cosmetic Act, when the Secretary of HHS declares that an emergency use authorization is appropriate, the FDA may authorize unapproved medical products or unapproved uses of approved medical products to be used in an emergency to diagnose, treat, or prevent serious or life-threatening diseases or conditions caused by CBRN threat agents when certain criteria are met, including a finding that there are no adequate, approved, and available alternatives. The HHS declaration to support such use must be based on one of four types of determinations of threats or potential threats by the Secretary of HHS, Homeland Security, or Defense. Other than the COVID-19 and Monkeypox EUAs, other current EUAs include anthrax, Ebola virus, freeze dried plasma, H7N9 Influenza, Middle East Respiratory Syndrome Coronavirus, Nerve Agents, and Zika Virus.²⁵

Messenger Ribonucleic Acid (mRNA) Vaccines

Messenger RNA is a molecule that contains the instructions or recipe that directs cells in the human body to make a protein using their natural machinery. To enter cells smoothly, mRNA travels within a protective bubble called a Lipid Nanoparticle. Once inside, mRNA causes cells to read the mRNA as a set of instructions, building proteins that match parts of the pathogen called antigens. The immune system sees these foreign antigens as invaders, dispatching defenders called antibodies and T-cells, and training the immune system for potential future attacks. So, if and when the real virus comes along, the body might recognize it, sounding the alarm to help defend against infection and illness.

Though many people first became aware of mRNA technology because of COVID-19 vaccines, the technology is not new to the scientific community. For decades, scientists have studied mRNA, looking for ways to unlock its potential to prevent and treat disease. While the mechanism of action for mRNA technology is relatively simple, researchers have worked for years to develop technologies to allow mRNA to work in the real world.²⁶

Current research is ongoing for mRNA vaccines for various infectious diseases, including HIV, Hepatitis C, Influenza, Malaria, and Tuberculosis. Additionally, researchers are working on mRNA vaccines for cancer and genetic diseases as well as treatments for food and environmental allergies.²⁷

²⁵ Emergency Use Authorization, U.S. Food and Drug Administration, last updated April 20, 2023, available at <https://www.fda.gov/emergency-preparedness-and-response/mcm-legal-regulatory-and-policy-framework/emergency-use-authorization#othercurrenteuas>, (last visited April 20, 2023).

²⁶ Pfizer, *Harnessing the Potential of mRNA*, available at <https://www.pfizer.com/science/innovation/mrna-technology>, (last visited April 20, 2023).

²⁷ Penn Medicine, *The Future of mRNA Vaccines*, available at <https://www.pennmedicine.org/mrna>, (last visited April 20, 2023).

FDA-Approved COVID-19 Medications

Currently, there are three COVID-19 medications approved by the FDA:

- Actemra (Tocilizumab) is approved for the treatment of COVID-19 in hospitalized adults who are receiving systemic corticosteroids and require supplemental oxygen, non-invasive or invasive mechanical ventilation, or extracorporeal membrane oxygenation (ECMO).
- Veklury (Remdesivir) is approved for the treatment of COVID-19 in adults and pediatric patients (28 days of age and older and weighing at least 3 kilograms) with positive results of direct SARS-CoV-2 viral testing, who are:
 - Hospitalized; or
 - Not hospitalized and have mild-to-moderate COVID-19 and are at high risk for progression to severe COVID-19, including hospitalization or death.
- Olumiant (baricitinib) is approved for the treatment of COVID-19 in hospitalized adults requiring supplemental oxygen, non-invasive or invasive mechanical ventilation, or ECMO.²⁸

The following types of medications are authorized for treating COVID-19 under an emergency use authorization.

Antiviral Drugs

Antiviral drugs are prescription medicines (pills, liquid, an inhaled powder, or an intravenous solution) that fight against viruses in your body. These include Paxlovid (nirmatrelvir and ritonavir) and Lagevrio (molnupiravir).

Immune Modulators

Immune modulators are a category of drugs that help activate, boost, or suppress the immune function. In the case of COVID-19 infection, the immune system can become hyperactive which may result in worsening of disease. Immune modulators can help suppress this hyperinflammation. These medications include:

- Kineret (anakinra), authorized for the treatment of COVID-19 in hospitalized adults with pneumonia requiring supplemental oxygen (low- or high-flow oxygen) who are at risk of progressing to severe respiratory failure and likely to have an elevated plasma soluble urokinase plasminogen activator receptor (suPAR).
- Olumiant (baricitinib), authorized for the treatment of COVID-19 in pediatric patients two to less than 18 years of age requiring supplemental oxygen, invasive mechanical ventilation, or extracorporeal membrane oxygen (ECMO).
- Actemra (tocilizumab), authorized for the treatment of COVID-19 in hospitalized pediatric patients two to less than 18 years of age who are receiving systemic corticosteroids and require supplemental oxygen, non-invasive or invasive mechanical ventilation, or extracorporeal membrane oxygenation (ECMO).

²⁸ United States Food and Drug Administration, Coronavirus (COVID-19) Drugs, available at <https://www.fda.gov/drugs/emergency-preparedness-drugs/coronavirus-covid-19-drugs>, (last visited March 30, 2023)

SARS-COV-2-targeting Monoclonal Antibodies

SARS-COV-2-targeting monoclonal antibodies (mAbs) are laboratory-produced antibodies that can help the immune system's attack on SARS-COV-2. These mAbs block entry into human cells, thus neutralizing the virus like other infectious organisms, SARS-CoV-2 can mutate over time, resulting in genetic variation in the population of circulating viral strains. Some variants can cause resistance to one or more of the mAb therapies authorized to treat COVID-19.

Due to the high frequency of variants circulating within the United States that are not susceptible to the following mAbs, the some mAbs are not currently authorized in any U.S. region until further notice by FDA and may not be administered for the pre-exposure prophylaxis for prevention or the treatment of COVID-19 under the EUA.

Sedatives

Sedatives are drugs that maintain sedation, generally via continuous intravenous infusion, in patients who are intubated and require mechanical ventilation in an intensive care unit setting. The only sedative authorized for emergency use is Propofol-Lipuro 1 percent.

Renal Replacement Therapies

Continuous renal replacement therapy (CRRT) is a type of “dialysis,” which is a machine treatment that filters and purifies the blood when a patient’s kidneys are damaged or are not functioning normally. CRRT is used for patients with kidney injury in acute care settings.

SARS-CoV-2 led to an increased population with critical illness and multiple organ failure, including acute kidney injury, increasing the need for CRRT. In addition, there was an insufficient supply of replacement solutions to meet the emergency need to provide CRRT in critically ill patients.²⁹

III. Effect of Proposed Changes:

CS/SB 252 consolidates mask mandate prohibitions and COVID-19 vaccine and testing mandate prohibitions for business entities and governmental entities in s. 381.00316, F.S., and for educational institutions in s. 381.00319, F.S. Additionally, the bill saves s. 1002.20, F.S., related to face covering mandates in schools, from repeal.

Legislative Findings and Intent

The bill provides that it is the intent of the Legislature that Floridians be free from mandated facial coverings, COVID-19 vaccination mandates of any kind, and discrimination based on COVID-19 vaccination status, and receive adequate information regarding treatment alternatives for COVID-19. The bill also provides Legislative findings that society is harmed by discrimination based on COVID-19 vaccination status because healthy persons are deprived of participating in society and accessing employment opportunities and that remedies to prevent such discrimination are in the best interest of the state.

²⁹ *Supra* n. 25

Definitions Related to Sections 381.00316 and 381.00319, F.S.

The bill defines the following terms:

- “Business entity” has the same meaning as in s. 606.03, F.S.,³⁰ and also includes a charitable organization as defined in s. 496.404, a corporation not for profit as defined in s. 617.01401, a private club, or any other business operating in this state.
- “Governmental entity” means the state or any political subdivision thereof, including the Executive, Legislative, and Judicial branches of government; the independent establishments of the state, counties, municipalities, districts, authorities, boards, or commissions; or any agencies that are subject to chapter 286, F.S. The term does not include an educational institution as defined in s. 381.00319, F.S.
- “Educational institution” means a public or private school, including a preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school.
- “COVID-19” means the novel coronavirus identified as SARS-CoV-2; any disease caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom; and all conditions associated with the disease which are caused by SARS-CoV-2, its viral fragments, or a virus mutating therefrom.
- “COVID-19 vaccine” means a preparation designed to stimulate the human body’s immune response against COVID-19.
- “Emergency use authorization vaccine” means any vaccine that is authorized for emergency use under 21 U.S.C. 360bbb-3(a)(1) and qualifies as an unapproved product under 21 U.S.C. 360bbb-3(a)(2)(A).
- “Messenger ribonucleic acid vaccine” means any vaccine that uses laboratory-produced messenger ribonucleic acid to trigger the human body’s immune system to generate an immune response.

COVID-19 Vaccine and Testing Mandate Prohibitions

The bill prohibits a business entity, governmental entity, or educational institution from requiring any person to provide any documentation certifying vaccination with any of the defined vaccines or postinfection recovery from COVID-19, or requiring a COVID-19 test, in order to gain access, entry upon, or service from entity or institution.

The bill prohibits:

- Requiring the above documentation or testing as a condition of contracting, hiring, promotion, or continued employment;
- Using a knowledge or belief of a person’s vaccination with any of the listed vaccines or COVID-19 postinfection status, or a person’s failure to take a COVID-19 test, to:
 - Refuse to hire, or discharge, the person;
 - Deprive or attempt to deprive the person of employment opportunities;
 - Adversely affect the person’s status as an employee or as an applicant; or
 - Otherwise discriminate against the person.

³⁰ Defined as any form of corporation, partnership, association, cooperative, joint venture, business trust, or sole proprietorship that conducts business in this state.

The bill provides that if a governmental entity fails to comply with the above provisions, an employee terminated based on such noncompliance is eligible for reemployment assistance under ch. 443, F.S., in addition to any other remedies available for such violation.

Additionally, the bill requires that for matters related to any vaccine other than a defined vaccine, a defined entity or institution must provide for reasonable religious and medical accommodations in compliance with federal law.

The bill provides that the definitions for “messenger ribonucleic acid vaccine” in ss. 381.00316 and 381.00319, F.S., expire on June 1, 2025, effectively eliminating the prohibitions for that type of vaccine on that date.

Mask Mandate Prohibitions

The bill prohibits business entities, governmental entities, and educational institutions from requiring a person to wear a face mask, face shield, or any other facial covering that covers the mouth and nose and prohibits such entities and institutions from denying a person access to, entry upon, service from, or admission to, or otherwise discriminating against the person based on the person’s refusal to wear such a mask or facial covering. The bill provides exceptions to the mandate prohibition for:

- A health care provider or health care practitioner, as defined in s. 408.824, F.S.,³¹ provided the provider or practitioner is in compliance with that section; and
- A business entity, governmental entity, or educational institution when a face mask, a face shield, or any other facial covering that covers the mouth and nose is required safety equipment consistent with occupational or laboratory safety requirements in accordance with standards adopted by the DOH.³² The bill requires the DOH to adopt standards using emergency rulemaking procedures and exempts rules adopted this way from expiring pursuant to s. 120.54(4)(c), F.S.

Enforcement Provisions

The bill places the DLA in charge of enforcing the mandate prohibitions for business and governmental entities and the DOH in charge of enforcing the prohibitions for educational institutions. Each individual and separate violation of the respective section may incur a fine of up to \$5,000 imposed by the respective agency. Fines collected pursuant to the sections must be deposited into the General Revenue Fund. The bill grants the DLA and DOH investigative authority including to administer oaths, take depositions, make inspections when authorized by law, issue subpoenas supported by affidavit, serve subpoenas and other process, and compel the attendance of witnesses and the production of books, papers, documents, and other evidence. The bill specifies that challenges to and enforcement of subpoenas or orders shall be in accordance with s. 120.569, F.S., and that nothing in the respective sections limits the right of the person aggrieved by a violation of this section to recover damages or other relief under any other applicable law.

³¹ This section is created by the bill and is discussed below.

³² The bill specifies that, for an educational institution, the mask or face shield must be required safety equipment in a course of study.

Mask Mandates in Health Care Settings

Effective upon the bill becoming a law, CS/SB 252 creates s. 408.824, F.S., to establish requirements for mask mandates in health care settings.

Definitions

The bill establishes definitions including:

- “Facial covering” to mean a cloth or surgical face mask, a face shield, or any other facial covering that covers the mouth and nose.
- “Health care practitioner” to have the same meaning as in s. 456.001, F.S.
- “Health care provider” to mean a health care provider as defined in s. 408.07, F.S.; a service provider licensed or certified under s. 393.17, part III of chapter 401, or part IV of chapter 468, F.S.; or a provider with an active health care clinic exemption under s. 400.9935, F.S.
- “Office” to mean an office maintained for the practice of a health care practitioner’s profession, as provided in his or her practice act.

AHCA and DOH rules

The bill requires the AHCA and the DOH to jointly develop standards for the appropriate use of facial coverings for infection control in health care settings by July 1, 2023. The standards must be posted on the AHCA and the DOH’s website and must include an easily accessible link to report complaints for violations of the standards. The bill requires the AHCA and the DOH to adopt rules to implement the standards and authorizes emergency rulemaking procedures established in s. 120.54(4), F.S.,³³ to adopt the rules. Any emergency rules adopted are exempt from the 90 day expiration requirement in s. 154.54(4)(c), F.S., and stay in place until rules are adopted using standard rulemaking procedures.

Individual Provider and Practitioner Standards

The bill requires that by August 1, 2023, each health care provider and each health care practitioner who runs or manages an office to establish facial covering policies and procedures for their respective health care settings if they require any individual to wear a mask. These policies and procedures must be consistent with the standards adopted by the AHCA and the DOH. The policies and procedures must be accessible to the public on the homepages of their respective websites or conspicuously displayed in the lobby of the health care setting.

Effective August 1, 2023, the bill prohibits health care practitioners and providers from requiring facial coverings for any reason unless the requirement is in accordance with the standards adopted by the DOH and the AHCA and with its policies and procedures. Any health care practitioner or provider that violates the section is subject to disciplinary action by the AHCA, his or her regulatory board, or the DOH if there is no board, as applicable.

³³ Emergency rulemaking procedures allow an agency to adopt rules by any procedure which is fair under the circumstances as long as the procedure meets specified minimum procedural requirements, the agency only takes action necessary to protect the public interest, and the agency publishes specific findings. Typically, emergency rules are not effective for a period longer than 90 days and are not renewable unless the rule is challenged or is awaiting legislative ratification. Nothing prohibits an agency from adopting an identical rule through standard rulemaking procedures.

International Health Organizations

The bill prohibits a governmental entity or an educational institution from adopting, implementing, or enforcing an international health organization's public health policies or guidelines unless authorized to do so under state law, rule, or executive order issued by the Governor under s. 252.36, F.S.

COVID-19 Treatment Provisions

The bill establishes several provisions related to the treatment of COVID-19.

Treatment of COVID-19 in Hospitals

The bill creates s. 395.1057, F.S., to prohibit a hospital from interfering with a patient's right to choose COVID-19 treatment alternatives as recommended by a health care practitioner with privileges at the hospital as long as the practitioner has the informed consent of the patient as detailed below. A hospital that violates this provision is subject to AHCA disciplinary action.

Dispensing of COVID-19 Medications

The bill amends s. 465.0266, F.S., to prohibit the DOH or the Board of Pharmacy from disciplining a pharmacist who properly dispenses an alternative medication prescribed for the treatment of COVID-19, solely for such dispensing.

COVID-19 Treatment Informed Consent

The bill creates s. 456.62, F.S., to require that a health care practitioner treating a patient diagnosed with COVID-19 must obtain the informed consent of the patient or the patient's legal representative before prescribing any medication for the treatment of COVID-19. The practitioner must provide an explanation of alternative medications for the treatment of COVID-19 and the relative advantages, disadvantages, and risks associated with such alternative medications to the extent necessary to allow the patient or the patient's legal representative to make a prudent decision regarding treatment. In determining which alternative medications to present the health care practitioner must include any medications currently authorized or approved by the FDA for the treatment of COVID-19 and use his or her best clinical judgment to identify any alternative medications that could be reasonably expected to benefit the patient.

The bill provides that, except as otherwise provided, the bill's effective date is June 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

CS/SB 252 may have an indeterminate negative fiscal impacts on businesses and private educational institutions that violate the requirements established in the bill. The bill may also have a negative fiscal impact on health care providers and practitioners related to creating and enforcing policies and procedures and other meeting requirements for masking.

C. Government Sector Impact:

CS/SB 252 may have an indeterminate negative fiscal impact on governmental entities and public educational institutions that violated the requirements established by the bill. The bill may have a negative fiscal impact on the AHCA and the DOH related to adopting and posting standards for masking. The bill may have an indeterminate positive fiscal impact if the DOH or the DLA collects fines for violations of the provisions of the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 381.00316, 381.00319, 465.0266, and 1002.20.

This bill creates the following sections of the Florida Statutes: 381.00321, 395.1057, 408.824, and 456.62.

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

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

CS by Fiscal Policy on April 20, 2023:

The CS:

- Adds new definitions for Emergency Use Authorization vaccine and Messenger Ribonucleic Acid vaccine;
- Expands mandate prohibitions to include all defined vaccines;
- Sunsets the definition for mRNA vaccines on June 1, 2025;
- Requires that for all other vaccines the specified entities and institutions must provide for reasonable accommodations in accordance with federal law;
- Requires the DOH to create standards for masks when required in occupational and laboratory settings; and
- Prohibits local governments from adopting international health organization guidelines in certain circumstances.

B. Amendments:

None.



422702

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 381.00316, Florida Statutes, is amended
to read:

381.00316 Discrimination by governmental and business
entities based on health care choices; prohibition COVID-19
vaccine documentation.—

(1)(a) It is the intent of the Legislature that Floridians



422702

11 be free from mandated facial coverings, mandates of any kind
12 relating to vaccines as provided in this section, and
13 discrimination based on such vaccination status.

14 (b) The Legislature finds that society is harmed by
15 discrimination based on vaccination status as provided in this
16 section when healthy persons are prevented from participating in
17 society and accessing employment opportunities. The Legislature
18 further finds that remedies to prevent such discrimination are
19 in the best interest of this state.

20 (2) As used in this section, the term:

21 (a) "Business entity" has the same meaning as in s. 606.03.
22 The term also includes a charitable organization as defined in
23 s. 496.404, a corporation not for profit as defined in s.
24 617.01401, or any other business operating in this state.

25 (b) "COVID-19" means the novel coronavirus identified as
26 SARS-CoV-2; any disease caused by SARS-CoV-2, its viral
27 fragments, or a virus mutating therefrom; and all conditions
28 associated with the disease which are caused by SARS-CoV-2, its
29 viral fragments, or a virus mutating therefrom.

30 (c) "COVID-19 vaccine" means a preparation designed to
31 stimulate the human body's immune response against COVID-19.

32 (d) "Department" means the Department of Legal Affairs.

33 (e) "Emergency use authorization vaccine" means any vaccine
34 that is authorized for emergency use under 21 U.S.C. 360bbb-
35 3(a)(1) and qualifies as an unapproved product under 21 U.S.C.
36 360bbb-3(a)(2)(A).

37 (f) "Governmental entity" means the state or any political
38 subdivision thereof, including the executive, legislative, and
39 judicial branches of government; the independent establishments



422702

40 of the state, counties, municipalities, districts, authorities,
41 boards, or commissions; or any agencies that are subject to
42 chapter 286. The term does not include an educational
43 institution as defined in s. 381.00319.

44 (g) "Messenger ribonucleic acid vaccine" means any vaccine
45 that uses laboratory-produced messenger ribonucleic acid to
46 trigger the human body's immune system to generate an immune
47 response.

48 (3) (a) ~~(1)~~ A business entity, as defined in s. 768.38 to
49 include any business operating in this state, may not require
50 any person patrons or customers to provide any documentation
51 certifying COVID-19 vaccination with any vaccine defined under
52 subsection (2) or postinfection recovery from COVID-19, or
53 require a COVID-19 test, to gain access to, entry upon, or
54 service from the business operations in this state or as a
55 condition of contracting, hiring, promotion, or continued
56 employment with the business entity.

57 (b) A business entity may not discharge or refuse to hire a
58 person; deprive or attempt to deprive a person of employment
59 opportunities; adversely affect a person's status as an employee
60 or as an applicant for employment; or otherwise discriminate
61 against a person based on knowledge or belief of the person's
62 status relating to vaccination with any vaccine defined under
63 subsection (2) or COVID-19 postinfection recovery, or a person's
64 failure to take a COVID-19 test.

65 (c) For matters relating to vaccines other than those
66 defined under subsection (2), a business entity shall provide
67 for exemptions and reasonable accommodations for religious and
68 medical reasons in accordance with federal law ~~This subsection~~



422702

69 ~~does not otherwise restrict businesses from instituting~~
70 ~~screening protocols consistent with authoritative or controlling~~
71 ~~government issued guidance to protect public health.~~

72 (4) (a) ~~(2)~~ A governmental entity as defined in s. 768.38 may
73 not require any person persons to provide any documentation
74 certifying ~~COVID-19~~ vaccination with any vaccine defined under
75 subsection (2) or postinfection recovery from COVID-19, or
76 require a COVID-19 test, to gain access to, entry upon, or
77 service from the governmental entity's operations in this state
78 or as a condition of contracting, hiring, promotion, or
79 continued employment with the governmental entity.

80 (b) A governmental entity may not discharge or refuse to
81 hire a person; deprive or attempt to deprive a person of
82 employment opportunities; adversely affect a person's status as
83 an employee; or otherwise discriminate against a person based on
84 the knowledge or belief of the person's status relating to
85 vaccination with any vaccine defined under subsection (2) or a
86 person's failure to take a COVID-19 test.

87 (c) For matters relating to vaccines other than those
88 defined under subsection (2), a governmental entity shall
89 provide for exemptions and reasonable accommodations for
90 religious and medical reasons in accordance with federal law.

91 (5) (a) A business entity or governmental entity may not
92 require a person to wear a face mask, a face shield, or any
93 other facial covering that covers the mouth and nose. A business
94 entity or governmental entity may not deny any person access to,
95 entry upon, service from, or admission to such entity or
96 otherwise discriminate against a person based on such person's
97 refusal to wear a face mask, a face shield, or any other facial



422702

98 covering that covers the mouth and nose.

99 (b) Paragraph (a) does not apply to:

100 1. A health care provider or health care practitioner as
101 those terms are defined in s. 408.824, provided that such health
102 care provider or health care practitioner is in compliance with
103 that section.

104 2. A business entity or governmental entity when a face
105 mask, a face shield, or any other facial covering that covers
106 the mouth and nose is required safety equipment consistent with
107 occupational or laboratory safety requirements, in accordance
108 with standards adopted by the Department of Health. The
109 Department of Health shall adopt emergency rules to develop such
110 standards. Emergency rules adopted under this subparagraph are
111 exempt from s. 120.54(4)(c) and shall remain in effect until
112 replaced by rules adopted under the nonemergency rulemaking
113 procedures of the Administrative Procedure Act ~~This subsection~~
114 ~~does not otherwise restrict governmental entities from~~
115 ~~instituting screening protocols consistent with authoritative or~~
116 ~~controlling government-issued guidance to protect public health.~~

117 ~~(3) An educational institution as defined in s. 768.38 may~~
118 ~~not require students or residents to provide any documentation~~
119 ~~certifying COVID-19 vaccination or postinfection recovery for~~
120 ~~attendance or enrollment, or to gain access to, entry upon, or~~
121 ~~service from such educational institution in this state. This~~
122 ~~subsection does not otherwise restrict educational institutions~~
123 ~~from instituting screening protocols consistent with~~
124 ~~authoritative or controlling government-issued guidance to~~
125 ~~protect public health.~~

126 (6) (a)-(4) The department may impose an administrative a



422702

127 fine not to exceed \$5,000 for each individual and separate per
128 violation of this section.

129 (b) For purposes of conducting an investigation or a
130 proceeding, the department may administer oaths, take
131 depositions, make inspections when authorized by law, issue
132 subpoenas supported by affidavit, serve subpoenas and other
133 process, and compel the attendance of witnesses and the
134 production of books, papers, documents, and other evidence.
135 Challenges to and enforcement of subpoenas or orders shall be in
136 accordance with s. 120.569.

137 (c) Fines collected pursuant to this section must be
138 deposited into the General Revenue Fund.

139 (7) This section does not limit the right of the person
140 aggrieved by a violation of this section to recover damages or
141 other relief under any other applicable law.

142 (8) If a governmental entity fails to comply with
143 subsection (4), an employee terminated based on such
144 noncompliance may be eligible for reemployment assistance under
145 chapter 443 in addition to any other remedy available to the
146 employee for a violation of this section.

147 ~~(5) This section does not apply to a health care provider~~
148 ~~as defined in s. 768.38; a service provider licensed or~~
149 ~~certified under s. 393.17, part III of chapter 401, or part IV~~
150 ~~of chapter 468; or a provider with an active health care clinic~~
151 ~~exemption under s. 400.9935.~~

152 (9) ~~(6)~~ The department may adopt rules pursuant to ss.
153 120.536 and 120.54 to implement this section.

154 Section 2. Section 381.00319, Florida Statutes, is amended
155 to read:



422702

156 381.00319 Prohibition on mask mandates and COVID-19
157 vaccination and testing mandates for educational institutions
158 students.—

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

160 (a) "COVID-19" has the same meaning as in s. 381.00316
161 381.00317(1).

162 (b) "COVID-19 vaccine" has the same meaning as in s.
163 381.00316.

164 (c) "Educational institution" means a public or private
165 school, including a preschool, elementary school, middle school,
166 junior high school, secondary school, career center, or
167 postsecondary school has the same meaning as in s. 112.0441(1).

168 (d) "Emergency use authorization vaccine" has the same
169 meaning as in s. 381.00316.

170 (e) "Messenger ribonucleic acid vaccine" has the same
171 meaning as in s. 381.00316.

172 ~~(c) "Parent" has the same meaning as in s. 1000.21(5).~~

173 (2) ~~(a) Notwithstanding any other law to the contrary, An~~
174 ~~educational institution or elected or appointed local official~~
175 ~~may not impose a COVID-19 vaccination mandate on for any person~~
176 ~~requiring vaccination with any vaccine defined under subsection~~
177 ~~(1) student.~~

178 (b) An educational institution may not require any person
179 to provide any documentation certifying vaccination with any
180 vaccine defined under subsection (1) or postinfection recovery
181 from COVID-19, or require a COVID-19 test, to gain admission or
182 access to, entry upon, or service from the educational
183 institution in this state. An educational institution may not
184 otherwise discriminate against any person based on such person's



422702

185 status relating to vaccination with any vaccine defined under
186 subsection (1) or COVID-19 postinfection recovery, or such
187 person's failure to take a COVID-19 test.

188 (c) For matters relating to vaccines other than those
189 defined under subsection (1), a business entity shall provide
190 for exemptions and reasonable accommodations for religious and
191 medical reasons in accordance with federal law.

192 (3) (a) An educational institution may not require a person
193 to wear a face mask, a face shield, or any other facial covering
194 that covers the mouth and nose. An educational institution may
195 not deny any person access to, entry upon, service from, or
196 admission to such educational institution or otherwise
197 discriminate against a person based on such person's refusal to
198 wear a face mask, a face shield, or any other facial covering
199 that covers the mouth and nose.

200 (b) Paragraph (a) does not apply to:

201 1. A health care provider or health care practitioner as
202 those terms are defined in s. 408.824, provided such health care
203 provider or health care practitioner is in compliance with that
204 section.

205 2. An educational institution when a face mask, a face
206 shield, or any other facial covering that covers the mouth and
207 nose is used as required safety equipment in a course of study
208 consistent with occupational or laboratory safety requirements,
209 in accordance with standards adopted by the Department of
210 Health. The Department of Health shall adopt emergency rules to
211 develop such standards. Emergency rules adopted under this
212 subparagraph are exempt from s. 120.54(4)(c) and shall remain in
213 effect until replaced by rules adopted under the nonemergency



422702

214 rulemaking procedures of the Administrative Procedure Act.

215 (4) (a) The Department of Health may impose an
216 administrative fine not to exceed \$5,000 for each individual and
217 separate violation of this section.

218 (b) For the purpose of conducting an investigation or a
219 proceeding, the Department of Health may administer oaths, take
220 depositions, make inspections when authorized by law, issue
221 subpoenas supported by affidavit, serve subpoenas and other
222 process, and compel the attendance of witnesses and the
223 production of books, papers, documents, and other evidence.
224 Challenges to and enforcement of subpoenas or orders shall be in
225 accordance with s. 120.569.

226 (c) Fines collected pursuant to this section must be
227 deposited in the General Revenue Fund.

228 (5) This section does not limit the right of the person
229 aggrieved by a violation of this section to recover damages or
230 other relief under any other applicable law.

231 (6) The Department of Health may adopt rules to implement
232 this section.

233 ~~(3) A parent of a student, a student who is an emancipated~~
234 ~~minor, or a student who is 18 years of age or older may bring an~~
235 ~~action against the educational institution to obtain a~~
236 ~~declaratory judgment that an act or practice violates this~~
237 ~~section and to seek injunctive relief. A prevailing parent or~~
238 ~~student, as applicable, must be awarded reasonable attorney fees~~
239 ~~and court costs.~~

240 ~~(4) This section expires June 1, 2023.~~

241 Section 3. Section 381.00321, Florida Statutes, is created
242 to read:



422702

243 381.00321 International health organization policies.—A
244 governmental entity as defined in s. 381.00316 or an educational
245 institution as defined in s. 381.00319 may not adopt, implement,
246 or enforce an international health organization’s public health
247 policies or guidelines unless authorized to do so under state
248 law, rule, or executive order issued by the Governor under s.
249 252.36.

250 Section 4. Section 395.1057, Florida Statutes, is created
251 to read:

252 395.1057 Patients’ right to choose COVID-19 treatment
253 alternatives.—A hospital may not interfere with a patient’s
254 right to choose COVID-19 treatment alternatives as recommended
255 by a health care practitioner with privileges at the hospital if
256 the health care practitioner has obtained informed consent from
257 the patient in accordance with s. 456.62. Any hospital that
258 violates this section by preventing a health care practitioner
259 from exercising his or her sound judgment is subject to agency
260 disciplinary action under s. 395.1065(2).

261 Section 5. Effective upon this act becoming a law, section
262 408.824, Florida Statutes, is created to read:

263 408.824 Facial covering requirements for health care
264 practitioners and health care providers.—

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

266 (a) “Department” means the Department of Health.

267 (b) “Facial covering” means a cloth or surgical face mask,
268 a face shield, or any other facial covering that covers the
269 mouth and nose.

270 (c) “Health care practitioner” has the same meaning as in
271 s. 456.001.



422702

272 (d) "Health care provider" means a provider as defined in
273 s. 408.803; a service provider licensed or certified under s.
274 393.17, part III of chapter 401, or part IV of chapter 468; a
275 provider with an active health care clinic exemption under s.
276 400.9935; an optical establishment permitted under s. 484.007; a
277 massage establishment licensed under s. 480.043; a pharmacy as
278 defined in s. 465.003; or an office registered under s. 458.328
279 or s. 459.0138.

280 (e) "Office" means an office maintained for the practice of
281 a health care practitioner's profession, as provided in his or
282 her practice act.

283 (2) (a) By July 1, 2023, the agency and the department shall
284 jointly develop standards for the appropriate use of facial
285 coverings for infection control in health care settings.

286 (b) The agency and the department shall adopt emergency
287 rules for the standards developed under paragraph (a). Emergency
288 rules adopted under this section are exempt from s. 120.54(4)(c)
289 and shall remain in effect until replaced by rules adopted under
290 the nonemergency rulemaking procedures of the Administrative
291 Procedure Act.

292 (c) The agency and the department shall publish the
293 standards developed under paragraph (a) on their respective
294 websites and provide a link for persons to report violations of
295 the standards.

296 (3) By August 1, 2023, each health care practitioner who
297 owns or operates an office and each health care provider shall
298 establish facial covering policies and procedures for their
299 respective health care settings, if such health care
300 practitioner or health care provider requires any individual to



422702

301 wear a facial covering for any reason. Such policies and
302 procedures must comply with the standards developed under
303 subsection (2) and must be accessible from the home page of such
304 health care practitioner's or health care provider's website or
305 conspicuously displayed in the lobby of its health care service
306 setting or settings.

307 (4) Effective August 1, 2023:

308 (a) Health care practitioners and health care providers may
309 not require any person to wear a facial covering for any reason
310 unless the requirement is in accordance with the standards
311 developed under subsection (2) and the policies and procedures
312 established under subsection (3).

313 (b) A health care practitioner or a health care provider in
314 violation of paragraph (a) or subsection (3) is subject to
315 disciplinary action by the agency or a board as defined in s.
316 456.001, or the department if there is no board, as applicable.

317 Section 6. Section 456.62, Florida Statutes, is created to
318 read:

319 456.62 Communication of COVID-19 treatment alternatives.-

320 (1) A health care practitioner treating a patient diagnosed
321 with COVID-19 shall obtain the informed consent of the patient
322 or the patient's legal representative before prescribing any
323 medication for the treatment of COVID-19.

324 (2) To obtain informed consent, the health care
325 practitioner must provide an explanation of alternative
326 medications for the treatment of COVID-19 and the relative
327 advantages, disadvantages, and risks associated with such
328 alternative medications to the extent necessary to allow the
329 patient or the patient's legal representative to make a prudent



422702

330 decision regarding treatment.

331 (3) In determining which alternative medications to present
332 to a patient for purposes of obtaining informed consent, the
333 health care practitioner must include any medications currently
334 authorized or approved by the United States Food and Drug
335 Administration for the treatment of COVID-19 and use his or her
336 best clinical judgment to identify any alternative medications
337 that could reasonably be expected to benefit the patient.

338 (4) In providing such information regarding alternative
339 medications, the health care practitioner shall take into
340 consideration the physical state of the patient and the
341 patient's ability to understand the information.

342 (5) A health care practitioner treating a patient diagnosed
343 with COVID-19 shall indicate on such patient's medical record
344 the health care practitioner's compliance or noncompliance with
345 this section.

346 (6) This section does not supersede any other provision of
347 law regarding informed consent.

348 Section 7. Section 465.0266, Florida Statutes, is amended
349 to read:

350 465.0266 Common database.—Nothing contained in this chapter
351 may ~~shall~~ be construed to prohibit the dispensing by a
352 pharmacist licensed in this state or another state of a
353 prescription contained in a common database, and such dispensing
354 does ~~shall~~ not constitute a transfer as defined in s.
355 465.026(1)-(6), provided that the following conditions are met:

356 (1) All pharmacies involved in the transactions pursuant to
357 which the prescription is dispensed are under common ownership
358 and utilize a common database.



422702

359 (2) All pharmacies involved in the transactions pursuant to
360 which the prescription is dispensed and all pharmacists engaging
361 in dispensing functions are properly licensed, permitted, or
362 registered in this state or another state.

363 (3) The common database maintains a record of all
364 pharmacists involved in the process of dispensing a
365 prescription.

366 (4) The owner of the common database maintains a policy and
367 procedures manual that governs its participating pharmacies,
368 pharmacists, and pharmacy employees and that is available to the
369 board or its agent upon request. The policy and procedures
370 manual must ~~shall~~ include the following information:

371 (a) A best practices model detailing how each pharmacy and
372 each pharmacist accessing the common database will comply with
373 applicable federal and state laws, rules, and regulations.

374 (b) The procedure for maintaining appropriate records for
375 regulatory oversight for tracking a prescription during each
376 stage of the filling and dispensing process, identifying the
377 pharmacists involved in filling and dispensing the prescription
378 and counseling the patient, and responding to any requests for
379 information made by the board under s. 465.0156.

380 (c) The policy and procedure for providing adequate
381 security to protect the confidentiality and integrity of patient
382 information.

383 (d) A quality assurance program designed to objectively and
384 systematically monitor, evaluate, and improve the quality and
385 appropriateness of patient care through the use of the common
386 database.

387



422702

388 Any pharmacist dispensing a prescription has at all times the
389 right and obligation to exercise his or her independent
390 professional judgment. Any pharmacist properly dispensing an
391 alternative medication prescribed for the treatment of COVID-19
392 is not subject to disciplinary action by the board or the
393 department based solely on such dispensing. Notwithstanding
394 ~~other provisions in this section, a~~ no pharmacist licensed in
395 this state ~~participating in the~~ dispensing ~~of~~ a prescription
396 pursuant to this section is not ~~shall be~~ responsible for the
397 acts and omissions of another person participating in the
398 dispensing process provided such person is not under the direct
399 supervision and control of the pharmacist licensed in this
400 state.

401 Section 8. Paragraph (n) of subsection (3) of section
402 1002.20, Florida Statutes, is amended to read:

403 1002.20 K-12 student and parent rights.—Parents of public
404 school students must receive accurate and timely information
405 regarding their child's academic progress and must be informed
406 of ways they can help their child to succeed in school. K-12
407 students and their parents are afforded numerous statutory
408 rights including, but not limited to, the following:

409 (3) HEALTH ISSUES.—

410 (n) *Face covering mandates and quarantine mandates in*
411 *response to COVID-19.*—

412 1. A district school board, a district school
413 superintendent, an elected or appointed local official, or any
414 district school board employee may not:

415 a. Require a student to wear a face mask, a face shield, or
416 any other facial covering that fits over the mouth or nose.



422702

417 However, a parent, at the parent's sole discretion, may allow
418 his or her child to wear a face mask, a face shield, or any
419 other facial covering that fits over the mouth or nose. This
420 prohibition does not apply to safety equipment required as part
421 of a course of study consistent with occupational or laboratory
422 safety requirements.

423 b. Prohibit a student from attending school or school-
424 sponsored activities, prohibit a student from being on school
425 property, or subject a student to restrictions or disparate
426 treatment, based on an exposure to COVID-19, so long as the
427 student remains asymptomatic and has not received a positive
428 test for COVID-19 as defined in s. 381.00319(1) ~~s. 381.00317(1)~~.

429
430 A parent of a student, a student who is an emancipated minor, or
431 a student who is 18 years of age or older may bring an action
432 against the school district to obtain a declaratory judgment
433 that an act or practice violates this subparagraph and to seek
434 injunctive relief. A prevailing parent or student, as
435 applicable, must be awarded reasonable attorney fees and court
436 costs.

437 2. A district school board, a district school
438 superintendent, an elected or appointed local official, or any
439 school district employee may not prohibit an employee from
440 returning to work or subject an employee to restrictions or
441 disparate treatment based on an exposure to COVID-19 so long as
442 the employee remains asymptomatic and has not received a
443 positive test for COVID-19 as defined in s. 381.00319(1) ~~s.~~
444 ~~381.00317(1)~~.

445 ~~3. This paragraph expires June 1, 2023.~~



422702

446 Section 9. Sections 381.00316(2)(g) and 381.00319(1)(e),
447 Florida Statutes, as created by this act, are repealed on June
448 1, 2025.

449 Section 10. Except as otherwise provided in this act, and
450 except for this section, which shall take effect upon this act
451 becoming a law, this act shall take effect June 1, 2023.

452
453 ===== T I T L E A M E N D M E N T =====

454 And the title is amended as follows:

455 Delete everything before the enacting clause
456 and insert:

457 A bill to be entitled
458 An act relating to protection from discrimination
459 based on health care choices; amending s. 381.00316,
460 F.S.; providing legislative intent and findings;
461 defining terms; prohibiting business entities and
462 governmental entities from requiring certain
463 documentation or COVID-19 testing to gain access to,
464 entry upon, or service from such entities or as a
465 condition of contracting, hiring, promotion, or
466 continued employment; prohibiting business and
467 governmental entities from refusing to hire persons,
468 discharging persons, depriving or attempting to
469 deprive persons of employment opportunities, adversely
470 affecting persons with respect to employment, or
471 otherwise discriminating against any person based on
472 knowledge or belief of a person's vaccination or
473 COVID-19 postinfection recovery status or failure to
474 take a COVID-19 test; requiring such entities to



422702

475 provide exemptions and reasonable accommodations for
476 religious and medical reasons; prohibiting such
477 entities from requiring persons to wear face coverings
478 in order to gain access to, entry upon, services from,
479 or admission to such entities or from otherwise
480 discriminating against persons based on their refusal
481 to wear a facial covering; providing exceptions;
482 requiring the Department of Health to adopt certain
483 emergency rules; providing administrative penalties;
484 authorizing the Department of Legal Affairs to take
485 specified actions for purposes of conducting
486 investigations or proceedings; requiring that
487 collected fines be deposited in the General Revenue
488 Fund; providing construction; providing that certain
489 terminated employees are eligible for reemployment
490 assistance; amending s. 381.00319, F.S.; revising and
491 defining terms; revising provisions related to the
492 prohibition on COVID-19-related mandates by
493 educational institutions; prohibiting educational
494 institutions from imposing certain vaccine mandates on
495 any person; prohibiting educational institutions from
496 requiring a person to provide certain documentation or
497 requiring a COVID-19 test to gain admission to, access
498 to, entry upon, or service from such institutions or
499 otherwise discriminating against any person based on
500 such person's vaccination or COVID-19 postinfection
501 recovery status or failure to take a COVID-19 test;
502 requiring educational institutions to provide
503 exemptions and reasonable accommodations for religious



422702

504 and medical reasons; prohibiting educational
505 institutions from requiring persons to wear face
506 coverings, from denying persons access to, entry upon,
507 services from, or admission to such institutions, or
508 from otherwise discriminating against persons based on
509 their refusal to wear a facial covering; providing
510 exceptions; requiring the Department of Health to
511 adopt certain emergency rules; providing
512 administrative penalties; authorizing the department
513 to take specified actions for purposes of conducting
514 investigations or proceedings; requiring that
515 collected fines be deposited in the General Revenue
516 Fund; providing construction; authorizing the
517 department to adopt rules; creating s. 381.00321,
518 F.S.; prohibiting governmental entities and
519 educational institutions from adopting, implementing,
520 or enforcing certain public health policies or
521 guidelines unless authorized by state law, rule, or
522 executive order; creating s. 395.1057, F.S.;
523 prohibiting hospitals from interfering with patients'
524 right to choose COVID-19 treatment alternatives if
525 certain conditions are met; providing for disciplinary
526 action; creating s. 408.824, F.S.; defining terms;
527 requiring the Agency for Health Care Administration
528 and the Department of Health to jointly develop
529 standards for the appropriate use of facial coverings
530 in health care settings by a specified date; requiring
531 the agency and the department to adopt emergency rules
532 to develop such standards; requiring the agency and



533 the department to post such standards on their
534 respective websites and provide a link for reporting
535 related violations; requiring certain health care
536 practitioners and all health care providers to
537 establish facial covering policies and procedures by a
538 specified date; providing requirements for such
539 policies and procedures; requiring such health care
540 practitioners and health care providers to make their
541 policies and procedures easily accessible on their
542 respective websites; beginning on a specified date,
543 prohibiting health care practitioners and health care
544 providers from requiring persons to wear a facial
545 covering for any reason unless the requirement is in
546 accordance with specified policies and procedures;
547 providing for disciplinary action; creating s. 456.62,
548 F.S.; requiring health care practitioners treating
549 patients diagnosed with COVID-19 to obtain patients'
550 informed consent before prescribing any medications
551 for treatment of COVID-19; providing a requirement for
552 obtaining such informed consent; requiring health care
553 practitioners to include certain information and use
554 their best clinical judgment when making certain
555 determinations related to alternative medications for
556 treatment of COVID-19; requiring health care
557 practitioners to indicate certain information in their
558 patients' medical records; providing construction;
559 amending s. 465.0266, F.S.; exempting certain
560 pharmacists from disciplinary action under certain
561 circumstances; amending s. 1002.20, F.S.; conforming



422702

562 provisions to changes made by the act; abrogating the
563 future repeal of specified provisions; providing for
564 the future repeal of specified provisions; providing
565 effective dates.



823424

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Burton) recommended the following:

Senate Amendment to Amendment (422702) (with title amendment)

Delete lines 183 - 215
and insert:

institution in this state or as a condition of contracting, hiring, promotion, or continued employment with the educational institution. An educational institution may not discharge or refuse to hire a person; deprive or attempt to deprive a person of employment opportunities; adversely affect a person's status



823424

11 as an employee or as an applicant for employment; or otherwise
12 discriminate against a person based on knowledge or belief of
13 the person's status relating to vaccination with any vaccine
14 defined under subsection (1) or COVID-19 postinfection recovery,
15 or a person's failure to take a COVID-19 test.

16 (c) For matters relating to vaccines other than those
17 defined under subsection (1), an educational institution shall
18 provide for exemptions and reasonable accommodations for
19 religious and medical reasons in accordance with federal law.

20 (3) (a) An educational institution may not require a person
21 to wear a face mask, a face shield, or any other facial covering
22 that covers the mouth and nose. An educational institution may
23 not deny any person access to, entry upon, service from, or
24 admission to such educational institution or otherwise
25 discriminate against a person based on such person's refusal to
26 wear a face mask, a face shield, or any other facial covering
27 that covers the mouth and nose.

28 (b) Paragraph (a) does not apply to:

29 1. A health care provider or health care practitioner as
30 those terms are defined in s. 408.824, provided such health care
31 provider or health care practitioner is in compliance with that
32 section.

33 2. An educational institution when a face mask, a face
34 shield, or any other facial covering that covers the mouth and
35 nose is used as required safety equipment in a course of study
36 consistent with occupational or laboratory safety requirements,
37 in accordance with standards adopted by the Department of
38 Health. The Department of Health shall adopt emergency rules to
39 develop such standards. Emergency rules adopted under this



823424

40 subparagraph are exempt from s. 120.54(4)(c) and shall remain in
41 effect until replaced by rules adopted under the nonemergency
42 rulemaking procedures of the Administrative Procedure Act.

43 (4)(a) Notwithstanding s. 768.39, the Department of Health
44 may impose an

45
46 ===== T I T L E A M E N D M E N T =====

47 And the title is amended as follows:

48 Delete lines 499 - 500

49 and insert:

50 as a condition of contracting, hiring, promotion, or
51 continued employment; prohibiting educational
52 institutions from discharging persons, refusing to
53 hire persons, depriving or attempting to deprive
54 persons of employment opportunities, adversely
55 affecting persons with respect to employment, or
56 otherwise discriminating against any person based on
57 the knowledge or belief of a person's vaccination or
58 COVID-19 postinfection

By Senator Burton

12-01819B-23

2023252__

1 A bill to be entitled
 2 An act relating to protection from discrimination
 3 based on health care choices; repealing s. 112.0441,
 4 F.S., relating to prohibiting public employers from
 5 imposing COVID-19 vaccination mandates; amending s.
 6 381.00316, F.S.; providing legislative intent and
 7 findings; defining terms; prohibiting business
 8 entities and governmental entities from requiring
 9 COVID-19 testing to gain access to, entry upon, or
 10 service from such entities; prohibiting such entities
 11 from requiring persons to provide certain
 12 documentation or requiring COVID-19 testing as a
 13 condition of contracting, hiring, promotion, or
 14 continued employment; prohibiting business and
 15 governmental entities from refusing to hire persons,
 16 discharging persons, depriving or attempting to
 17 deprive persons of employment opportunities, adversely
 18 affecting persons with respect to employment, or
 19 otherwise discriminating against any person based on
 20 knowledge or belief of a person's COVID-19 vaccination
 21 or postinfection recovery status or failure to take a
 22 COVID-19 test; prohibiting such entities from
 23 requiring persons to wear face coverings in order to
 24 gain access to, entry upon, services from, or
 25 admission to such entities or from otherwise
 26 discriminating against persons based on their refusal
 27 to wear a facial covering; providing exceptions;
 28 providing administrative penalties; authorizing the
 29 Department of Legal Affairs to take specified actions

Page 1 of 18

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12-01819B-23

2023252__

30 for purposes of conducting investigations or
 31 proceedings; requiring collected fines to be deposited
 32 in the General Revenue Fund; providing construction;
 33 providing that certain terminated employees are
 34 eligible for reemployment assistance; repealing s.
 35 381.00317, F.S., relating to prohibiting private
 36 employers from imposing COVID-19 vaccination mandates;
 37 amending s. 381.00319, F.S.; revising definitions;
 38 revising provisions related to the prohibition on
 39 COVID-19-related mandates by educational institutions;
 40 prohibiting educational institutions from requiring a
 41 person to provide certain documentation or requiring a
 42 COVID-19 test to gain admission to, access to, entry
 43 upon, or service from such institutions or otherwise
 44 discriminating against any person based on such
 45 person's COVID-19 vaccination or postinfection
 46 recovery status or failure to take a COVID-19 test;
 47 prohibiting educational institutions from requiring
 48 persons to wear face coverings; from denying a person
 49 access to, entry upon, services from, or admission to
 50 such institutions; or from otherwise discriminating
 51 against persons based on their refusal to wear a
 52 facial covering; providing exceptions; providing
 53 administrative penalties; authorizing the Department
 54 of Health to take specified actions for purposes of
 55 conducting investigations or proceedings; requiring
 56 collected fines to be deposited in the General Revenue
 57 Fund; providing construction; creating s. 395.1057,
 58 F.S.; prohibiting hospitals from interfering with

Page 2 of 18

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12-01819B-23

2023252__

59 patients' right to choose COVID-19 treatment
 60 alternatives if certain conditions are met; providing
 61 for disciplinary action; creating s. 408.833, F.S.;
 62 defining terms; requiring the Agency for Health Care
 63 Administration and the Department of Health to jointly
 64 develop standards for the appropriate use of facial
 65 coverings in health care settings by a specified date;
 66 requiring that such standards be posted on the
 67 agency's and department's respective websites in a
 68 specified manner; requiring their websites to include
 69 a link for reporting related complaints; requiring the
 70 agency and department to adopt rules; providing for
 71 emergency rulemaking; requiring health care providers
 72 and certain health care practitioners to establish
 73 facial covering policies and procedures by a specified
 74 date; providing requirements for such policies and
 75 procedures; requiring health care providers and health
 76 care practitioners to submit their facial covering
 77 policies to the agency or department, as applicable,
 78 for approval; requiring health care providers and
 79 health care practitioners to make such policies and
 80 procedures available to the agency or department, as
 81 applicable, upon request and easily accessible on
 82 their respective websites; creating s. 456.62, F.S.;
 83 requiring health care practitioners treating patients
 84 diagnosed with COVID-19 to obtain patients' informed
 85 consent before prescribing any medications for
 86 treatment of COVID-19; providing a requirement for
 87 obtaining such informed consent; requiring health care

Page 3 of 18

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12-01819B-23

2023252__

88 practitioners to include certain information and use
 89 their best clinical judgment when making certain
 90 determinations related to alternative medications for
 91 treatment of COVID-19; requiring health care
 92 practitioners to indicate certain information in their
 93 patients' medical records; providing construction;
 94 amending s. 465.0266, F.S.; exempting certain
 95 pharmacists from disciplinary action under certain
 96 circumstances; amending s. 1002.20, F.S.; conforming
 97 provisions to changes made by the act; revising the
 98 date of the future repeal of certain provisions;
 99 providing an effective date.

100
 101 Be It Enacted by the Legislature of the State of Florida:

102
 103 Section 1. Section 112.0441, Florida Statutes, is repealed.
 104 Section 2. Section 381.00316, Florida Statutes, is amended
 105 to read:

106 381.00316 Discrimination based on COVID-19 vaccination
 107 status; prohibition vaccine documentation.-

108 (1) (a) It is the intent of the Legislature that Floridians
 109 be free from mandated facial coverings, COVID-19 vaccination
 110 mandates of any kind, and discrimination based on COVID-19
 111 vaccination status, and receive adequate information regarding
 112 treatment alternatives for COVID-19.

113 (b) The Legislature finds and declares that society is
 114 harmed by discrimination based on COVID-19 vaccination status
 115 because healthy persons are deprived of participating in society
 116 and accessing employment opportunities. The Legislature further

Page 4 of 18

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12-01819B-23 2023252__

117 finds and declares that remedies to prevent such discrimination
118 are in the best interest of this state.

119 (2) As used in this section, the term:

120 (a) "Business entity" has the same meaning as in s. 606.03.

121 The term also includes a charitable organization as defined in
122 s. 496.404, a corporation not for profit as defined in s.
123 617.01401, a private club, or any other business operating in
124 this state.

125 (b) "COVID-19" means the novel coronavirus identified as
126 SARS-CoV-2; any disease caused by SARS-CoV-2, its viral
127 fragments, or a virus mutating therefrom; and all conditions
128 associated with the disease which are caused by SARS-CoV-2, its
129 viral fragments, or a virus mutating therefrom.

130 (c) "Department" means the Department of Legal Affairs.

131 (d) "Governmental entity" means the state or any political
132 subdivision thereof, including the executive, legislative, and
133 judicial branches of government; the independent establishments
134 of the state, counties, municipalities, districts, authorities,
135 boards, or commissions; or any agencies that are subject to
136 chapter 286. The term does not include an educational
137 institution as defined in s. 381.00319.

138 ~~(3)(1)~~ A business entity, as defined in s. 768.38 to
139 include any business operating in this state, may not require
140 any person patrons or customers to provide any documentation
141 certifying COVID-19 vaccination or postinfection recovery or
142 require a COVID-19 test to gain access to, entry upon, or
143 service from the business operations in this state or as a
144 condition of contracting, hiring, promotion, or continued
145 employment from the business entity. A business entity may not

12-01819B-23 2023252__

146 refuse to hire, or discharge, a person; deprive or attempt to
147 deprive a person of employment opportunities; adversely affect a
148 person's status as an employee or as an applicant for
149 employment; or otherwise discriminate against a person based on
150 knowledge or belief of the person's COVID-19 vaccination or
151 postinfection recovery status or a person's failure to take a
152 COVID-19 test. This subsection does not otherwise restrict
153 businesses from instituting screening protocols consistent with
154 authoritative or controlling government-issued guidance to
155 protect public health.

156 ~~(4)(2)~~ A governmental entity as defined in s. 768.38 may
157 not require any person persons to provide any documentation
158 certifying COVID-19 vaccination or postinfection recovery or
159 require a COVID-19 test to gain access to, entry upon, or
160 service from the governmental entity's operations in this state
161 or as a condition of contracting, hiring, promotion, or
162 continued employment from the governmental entity. A
163 governmental entity may not refuse to hire, or discharge, a
164 person; deprive or attempt to deprive a person of employment
165 opportunities; adversely affect a person's status as an
166 employee; or otherwise discriminate against a person based on
167 the knowledge or belief of the person's COVID-19 vaccination or
168 postinfection recovery status or a person's failure to take a
169 COVID-19 test.

170 (5) A business entity or governmental entity may not
171 require a person to wear a face mask, a face shield, or any
172 other facial covering that covers the mouth and nose. A business
173 entity or governmental entity may not deny any person access to,
174 entry upon, service from, or admission to such entity or

12-01819B-23 2023252__

175 otherwise discriminate against a person based on such person's
 176 refusal to wear a face mask, a face shield, or any other facial
 177 covering that covers the mouth and nose. This subsection does
 178 not apply to:

179 (a) A health care provider or health care practitioner as
 180 those terms are defined in s. 408.833, provided such health care
 181 provider or health care practitioner is in compliance with that
 182 section.

183 (b) A business entity or governmental entity when a face
 184 mask, a face shield, or any other facial covering that covers
 185 the mouth and nose is required safety equipment consistent with
 186 occupational or laboratory safety requirements This subsection
 187 does not otherwise restrict governmental entities from
 188 instituting screening protocols consistent with authoritative or
 189 controlling government-issued guidance to protect public health.

190 ~~(3) An educational institution as defined in s. 768.38 may~~
 191 ~~not require students or residents to provide any documentation~~
 192 ~~certifying COVID-19 vaccination or postinfection recovery for~~
 193 ~~attendance or enrollment, or to gain access to, entry upon, or~~
 194 ~~service from such educational institution in this state. This~~
 195 ~~subsection does not otherwise restrict educational institutions~~
 196 ~~from instituting screening protocols consistent with~~
 197 ~~authoritative or controlling government-issued guidance to~~
 198 ~~protect public health.~~

199 ~~(6) (a) (4) The department may impose an administrative a~~
 200 ~~fine not to exceed \$5,000 for each individual and separate per~~
 201 ~~violation of this section.~~

202 (b) For purposes of conducting an investigation or a
 203 proceeding, the department may administer oaths, take

12-01819B-23 2023252__

204 depositions, make inspections when authorized by law, issue
 205 subpoenas supported by affidavit, serve subpoenas and other
 206 process, and compel the attendance of witnesses and the
 207 production of books, papers, documents, and other evidence.
 208 Challenges to and enforcement of subpoenas or orders shall be in
 209 accordance with s. 120.569.

210 (c) Fines collected pursuant to this section must be
 211 deposited into the General Revenue Fund.

212 (7) This section does not limit the right of the person
 213 aggrieved by a violation of this section to recover damages or
 214 other relief under any other applicable law.

215 (8) If a governmental entity fails to comply with
 216 subsection (4), an employee terminated based on such
 217 noncompliance may be eligible for reemployment assistance under
 218 chapter 443 in addition to any other remedy available to the
 219 employee for a violation of this section.

220 ~~(5) This section does not apply to a health care provider~~
 221 ~~as defined in s. 768.38; a service provider licensed or~~
 222 ~~certified under s. 393.17, part III of chapter 401, or part IV~~
 223 ~~of chapter 468; or a provider with an active health care clinic~~
 224 ~~exemption under s. 400.9935.~~

225 ~~(9) (6) The department may adopt rules pursuant to ss.~~
 226 ~~120.536 and 120.54 to implement this section.~~

227 Section 3. Section 381.00317, Florida Statutes, is
 228 repealed.

229 Section 4. Section 381.00319, Florida Statutes, is amended
 230 to read:

231 381.00319 Prohibition on mask mandates and COVID-19
 232 vaccination and testing mandates for educational institutions

12-01819B-23 2023252__

233 ~~students.~~

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

235 (a) "COVID-19" means the novel coronavirus identified as

236 SARS-CoV-2; any disease caused by SARS-CoV-2, its viral

237 fragments, or a virus mutating therefrom; and all conditions

238 associated with the disease which are caused by SARS-CoV-2, its

239 viral fragments, or a virus mutating therefrom ~~has the same~~

240 ~~meaning as in s. 381.00317(1).~~

241 (b) "Educational institution" means a public or private

242 school, including a preschool, elementary school, middle school,

243 junior high school, secondary school, career center, or

244 postsecondary school ~~has the same meaning as in s. 112.0441(1).~~

245 ~~(c) "Parent" has the same meaning as in s. 1000.21(5).~~

246 (2) (a) ~~Notwithstanding any other law to the contrary,~~ An

247 educational institution ~~or elected or appointed local official~~

248 may not impose a COVID-19 vaccination mandate ~~on~~ for any person

249 student.

250 (b) An educational institution may not require any person

251 to provide any documentation certifying COVID-19 vaccination or

252 postinfection recovery or require a COVID-19 test to gain

253 admission or access to, entry upon, or service from the

254 educational institution in this state. An educational

255 institution may not otherwise discriminate against any person

256 based on such person's COVID-19 vaccination or postinfection

257 recovery status or such person's failure to take a COVID-19

258 test.

259 (3) An educational institution may not require a person to

260 wear a face mask, a face shield, or any other facial covering

261 that covers the mouth and nose. An educational institution may

12-01819B-23 2023252__

262 not deny any person access to, entry upon, service from, or

263 admission to such educational institution or otherwise

264 discriminate against a person based on such person's refusal to

265 wear a face mask, a face shield, or any other facial covering

266 that covers the mouth and nose. This subsection does not apply

267 to:

268 (a) A health care provider or health care practitioner as

269 those terms are defined in s. 408.833, provided such health care

270 provider or health care practitioner is in compliance with that

271 section.

272 (b) An educational institution when a face mask, a face

273 shield, or any other facial covering that covers the mouth and

274 nose is used as required safety equipment in a course of study

275 consistent with occupational or laboratory safety requirements.

276 (4) (a) The Department of Health may impose an

277 administrative fine not to exceed \$5,000 for each individual and

278 separate violation of this section.

279 (b) For the purpose of conducting an investigation or a

280 proceeding, the Department of Health may administer oaths, take

281 depositions, make inspections when authorized by law, issue

282 subpoenas supported by affidavit, serve subpoenas and other

283 process, and compel the attendance of witnesses and the

284 production of books, papers, documents, and other evidence.

285 Challenges to and enforcement of subpoenas or orders shall be in

286 accordance with s. 120.569.

287 (c) Fines collected pursuant to this section must be

288 deposited into the General Revenue Fund.

289 (5) This section does not limit the right of the person

290 aggrieved by a violation of this section to recover damages or

12-01819B-23

2023252__

291 other relief under any other applicable law.

292 ~~(3) A parent of a student, a student who is an emancipated~~
 293 ~~minor, or a student who is 18 years of age or older may bring an~~
 294 ~~action against the educational institution to obtain a~~
 295 ~~declaratory judgment that an act or practice violates this~~
 296 ~~section and to seek injunctive relief. A prevailing parent or~~
 297 ~~student, as applicable, must be awarded reasonable attorney fees~~
 298 ~~and court costs.~~

299 ~~(4) This section expires June 1, 2023.~~

300 Section 5. Section 395.1057, Florida Statutes, is created
 301 to read:

302 395.1057 Patients' right to choose COVID-19 treatment
 303 alternatives.—A hospital may not interfere with a patient's
 304 right to choose COVID-19 treatment alternatives as recommended
 305 by a health care practitioner with privileges at the hospital if
 306 the health care practitioner has obtained informed consent from
 307 the patient in accordance with s. 456.62. Any hospital that
 308 violates this section by preventing a health care practitioner
 309 from exercising his or her sound judgment is subject to agency
 310 disciplinary action under s. 395.1065(2).

311 Section 6. Section 408.833, Florida Statutes, is created to
 312 read:

313 408.833 Facial covering requirements for health care
 314 facilities and health care providers.—

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

316 (a) "Department" means the Department of Health.

317 (b) "Facial covering" means a cloth or surgical face mask,
 318 a face shield, or any other facial covering that covers the
 319 mouth and nose.

12-01819B-23

2023252__

320 (c) "Health care practitioner" has the same meaning as in
 321 s. 456.001.

322 (d) "Health care provider" means a health care provider as
 323 defined in s. 408.07; a service provider licensed or certified
 324 under s. 393.17, part III of chapter 401, or part IV of chapter
 325 468; or a provider with an active health care clinic exemption
 326 under s. 400.9935.

327 (e) "Office" means an office maintained by a health care
 328 practitioner for the practice of the individual's profession, as
 329 defined in his or her practice act.

330 (2) By August 1, 2023, the agency and the department shall
 331 jointly develop standards for the appropriate use of facial
 332 coverings for infection control in health care settings.

333 (a) The standards must be posted on the agency and
 334 department's respective websites and in a manner easily
 335 accessible from the homepage of their respective websites. Each
 336 website must also include an easily accessible link to report
 337 complaints for violations of the standards.

338 (b) The agency and department shall adopt rules to
 339 implement this subsection and may use emergency rulemaking
 340 procedures established in s. 120.54(4) to adopt such rules. Such
 341 emergency rules are exempt from s. 120.54(4) (c) and shall remain
 342 in effect until replaced by rules adopted under the nonemergency
 343 rulemaking procedures established in chapter 120.

344 (3) (a) By September 1, 2023, each health care provider and
 345 each health care practitioner who operates or manages an office
 346 shall establish facial covering policies and procedures for
 347 their respective health care settings, consistent with the
 348 standards adopted by the agency and the department. The policies

12-01819B-23

2023252__

349 and procedures:

350 1. Must detail the clinical circumstances under which
 351 facial coverings are required to be worn by employees and
 352 contractors; and

353 2. May not require patients, visitors, or guests to wear
 354 facial coverings unless it is clinically necessitated in order
 355 to stop the transmission of a confirmed or suspected infectious
 356 disease, in accordance with the standards adopted by the agency
 357 and department.

358 (b) Health care providers and health care practitioners
 359 shall submit their facial covering policies and procedures to
 360 the agency or department, as applicable, for approval when
 361 applying for initial licensure, license renewal, or change of
 362 ownership. Health care providers and health care practitioners
 363 must make such policies and procedures available to the agency
 364 or department, as applicable, for review upon request, and
 365 easily accessible to the public on the homepages of their
 366 respective websites.

367 Section 7. Section 456.62, Florida Statutes, is created to
 368 read:

369 456.62 Communication of COVID-19 treatment alternatives.—

370 (1) A health care practitioner treating a patient diagnosed
 371 with COVID-19 shall obtain the informed consent of the patient
 372 or the patient's legal representative before prescribing any
 373 medication for the treatment of COVID-19.

374 (2) To obtain informed consent, the health care
 375 practitioner must provide an explanation of alternative
 376 medications for the treatment of COVID-19 and the relative
 377 advantages, disadvantages, and risks associated with such

Page 13 of 18

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12-01819B-23

2023252__

378 alternative medications to the extent necessary to allow the
 379 patient or the patient's legal representative to make a prudent
 380 decision regarding treatment.

381 (3) In determining which alternative medications to present
 382 to a patient for purposes of obtaining informed consent, the
 383 health care practitioner must include any medications currently
 384 authorized or approved by the United States Food and Drug
 385 Administration for the treatment of COVID-19 and use his or her
 386 best clinical judgment to identify any alternative medications
 387 that could be reasonably expected to benefit the patient.

388 (4) In providing such information regarding alternative
 389 medications, the health care practitioner shall take into
 390 consideration the physical state of the patient and the
 391 patient's ability to understand the information.

392 (5) A health care practitioner treating a patient diagnosed
 393 with COVID-19 shall indicate on such patient's medical record
 394 the health care practitioner's compliance or noncompliance with
 395 this section.

396 (6) This section does not supersede any other provision of
 397 law regarding informed consent.

398 Section 8. Section 465.0266, Florida Statutes, is amended
 399 to read:

400 465.0266 Common database.—Nothing contained in this chapter
 401 shall be construed to prohibit the dispensing by a pharmacist
 402 licensed in this state or another state of a prescription
 403 contained in a common database, and such dispensing shall not
 404 constitute a transfer as defined in s. 465.026(1)-(6), provided
 405 that the following conditions are met:

406 (1) All pharmacies involved in the transactions pursuant to

Page 14 of 18

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12-01819B-23

2023252__

407 which the prescription is dispensed are under common ownership
408 and utilize a common database.

409 (2) All pharmacies involved in the transactions pursuant to
410 which the prescription is dispensed and all pharmacists engaging
411 in dispensing functions are properly licensed, permitted, or
412 registered in this state or another state.

413 (3) The common database maintains a record of all
414 pharmacists involved in the process of dispensing a
415 prescription.

416 (4) The owner of the common database maintains a policy and
417 procedures manual that governs its participating pharmacies,
418 pharmacists, and pharmacy employees and that is available to the
419 board or its agent upon request. The policy and procedures
420 manual shall include the following information:

421 (a) A best practices model detailing how each pharmacy and
422 each pharmacist accessing the common database will comply with
423 applicable federal and state laws, rules, and regulations.

424 (b) The procedure for maintaining appropriate records for
425 regulatory oversight for tracking a prescription during each
426 stage of the filling and dispensing process, identifying the
427 pharmacists involved in filling and dispensing the prescription
428 and counseling the patient, and responding to any requests for
429 information made by the board under s. 465.0156.

430 (c) The policy and procedure for providing adequate
431 security to protect the confidentiality and integrity of patient
432 information.

433 (d) A quality assurance program designed to objectively and
434 systematically monitor, evaluate, and improve the quality and
435 appropriateness of patient care through the use of the common

12-01819B-23

2023252__

436 database.

437

438 Any pharmacist dispensing a prescription has at all times the
439 right and obligation to exercise his or her independent
440 professional judgment. Any pharmacist properly dispensing an
441 alternative medication prescribed for the treatment of COVID-19
442 is not subject to disciplinary action by the board or the
443 department based solely on such dispensing. Notwithstanding
444 ~~other provisions in this section, a~~ ~~ne~~ pharmacist licensed in
445 this state ~~participating in the dispensing of~~ a prescription
446 pursuant to this section is not ~~shall be~~ responsible for the
447 acts and omissions of another person participating in the
448 dispensing process provided such person is not under the direct
449 supervision and control of the pharmacist licensed in this
450 state.

451 Section 9. Paragraph (n) of subsection (3) of section
452 1002.20, Florida Statutes, is amended to read:

453 1002.20 K-12 student and parent rights.—Parents of public
454 school students must receive accurate and timely information
455 regarding their child's academic progress and must be informed
456 of ways they can help their child to succeed in school. K-12
457 students and their parents are afforded numerous statutory
458 rights including, but not limited to, the following:

459 (3) HEALTH ISSUES.—

460 (n) *Face covering mandates and quarantine mandates in*
461 *response to COVID-19.*—

462 1. A district school board, a district school
463 superintendent, an elected or appointed local official, or any
464 district school board employee may not:

12-01819B-23

2023252__

465 a. Require a student to wear a face mask, a face shield, or
 466 any other facial covering that fits over the mouth or nose.
 467 However, a parent, at the parent's sole discretion, may allow
 468 his or her child to wear a face mask, a face shield, or any
 469 other facial covering that fits over the mouth or nose. This
 470 prohibition does not apply to safety equipment required as part
 471 of a course of study consistent with occupational or laboratory
 472 safety requirements.

473 b. Prohibit a student from attending school or school-
 474 sponsored activities, prohibit a student from being on school
 475 property, or subject a student to restrictions or disparate
 476 treatment, based on an exposure to COVID-19, so long as the
 477 student remains asymptomatic and has not received a positive
 478 test for COVID-19 as defined in s. 381.00319(1) ~~s. 381.00317(1)~~.
 479

480 A parent of a student, a student who is an emancipated minor, or
 481 a student who is 18 years of age or older may bring an action
 482 against the school district to obtain a declaratory judgment
 483 that an act or practice violates this subparagraph and to seek
 484 injunctive relief. A prevailing parent or student, as
 485 applicable, must be awarded reasonable attorney fees and court
 486 costs.

487 2. A district school board, a district school
 488 superintendent, an elected or appointed local official, or any
 489 school district employee may not prohibit an employee from
 490 returning to work or subject an employee to restrictions or
 491 disparate treatment based on an exposure to COVID-19 so long as
 492 the employee remains asymptomatic and has not received a
 493 positive test for COVID-19 as defined in s. 381.00319(1) ~~s.~~

Page 17 of 18

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

12-01819B-23

2023252__

494 ~~381.00317(1)~~.495 3. This paragraph expires July ~~June~~ 1, 2023.

496 Section 10. This act shall take effect July 1, 2023.

Page 18 of 18

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

SB 252

20 April 23

Meeting Date

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Fiscal

Committee

Amendment Barcode (if applicable)

Name

LEN RACIPPI

Phone

908 403 3140

Address

Email

LMRWVY@OUTLOOK.COM

Street

Ocala, FL

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23 Meeting Date

SB 252 Bill Number or Topic

Risk Fiscal Committee

Amendment Barcode (if applicable)

Brigitte Smith Name

727 482 1124 Phone

4278 SW 88th Ave Street

brigitte.smith37@yahoo.com Email

Ocala FL 34487 City State Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

The Florida Senate
APPEARANCE RECORD

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4/20/2023

Meeting Date

Fiscal

Committee

SB 252

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Koni Updyke

Phone

352-895-7893

Address

11140 SW 78th Court

Email

kgupdyke8512@yahoo.com

Street

Ocala

City

FL

State

34476

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20/2023

Meeting Date

Fiscal Policy

Committee

SB 252

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jamie Merchant

Phone 414-329-1995

Address

Email

Street

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

4-20-23

Meeting Date

FISCIAL

Committee

The Florida Senate

APPEARANCE RECORD

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SB 252

Bill Number or Topic

Amendment Barcode (if applicable)

Name TRISH BAUMGARDNER

Phone 352-262-0020

Address 18665 NW 146th AVE.

Email trailbum@reagan.com

Street

Williston

FL

32696

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 252

Bill Number or Topic

4/20/23

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Kenneth Scheppke

Phone 850-245-4444

Address 4052 Bald Cypress Way

Email Kenneth.Scheppke@FLHealth.gov

Street

Tallahassee FL 32399

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Employee of the Florida Department of Health

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/CS/SB 266

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Education; Education Postsecondary Committee; and Senator Grall

SUBJECT: Higher Education

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Bouck</u>	<u>HE</u>	<u>Fav/CS</u>
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	<u>Fav/CS</u>
3.	<u>Bouck</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 266 includes a number of provisions intended to focus state university administrative and curricular activities on education that benefits students and the state. Specifically, the bill:

- Requires the Board of Governors (BOG) of the State University System to:
 - Include in the alignment of university missions, and in its strategic plan, economic development needs of the state and nondegree credential attainment, respectively.
 - Provide a directive for universities regarding their programs for any violations of state law regarding discrimination and those based on specified theories.
- Modifies personnel policies at each university by:
 - Assigning hiring authority to the president, who may delegate authority to the executive team or individual deans.
 - Prohibiting a pledge or oath in the admissions or personnel process except those to state or federal law, or the State or United States Constitution.
 - Specifying that the faculty grievance process terminates with the university president.
 - Requiring the university president to present to the university board of trustees evaluations and salaries for personnel earning over \$200,000.
- Provides additional restrictions on public education institution spending, to include diversity, equity, and inclusion and social and political activism, with exceptions for students organizations, compliance with law, accreditation, and access programs.

- Adds to the preeminent state research universities program a metric regarding STEM-related research, and revises the number of standards an institution must meet to earn a designation.
- Modifies the general education program to:
 - Require a periodic review of general education core courses.
 - Specify standards for general education core course.
 - Require the Articulation Coordinating Committee to submit to the state-level governing boards for approval institution-approved general education course.
- Creates the Institute for Risk Management and Insurance Education, and modifies the purpose, goals, or authorized activities of the Hamilton Center for Classical and Civic Education, Florida Institute of Politics, and the Adam Smith Center for the Study of Economic Freedom.
- Specifies that a required change in accreditation for public postsecondary institutions is a one-time-only change, and prohibits an accrediting agency from compelling an institution to violate state law.
- Modifies the “buy one, get one free” tuition waiver program to include up to two state-approved teacher preparation programs, and specifies that students may not lose the tuition waiver if the program is removed from the approved list after enrollment.

The bill takes effect on July 1, 2023.

II. Present Situation:

The Present Situation is included in the Effect of Proposed Changes section of the analysis.

III. Effect of Proposed Changes:

Board of Governors

Present Situation

Powers and Duties

The State University System (SUS) is composed of 12 public universities. The Board of Governors (BOG) is responsible to operate, regulate, control, and be fully responsible for the management of the whole SUS. Fourteen of the 17 members of the BOG are appointed by the Governor and confirmed by the Senate.¹

For each constituent university, the BOG, is responsible for cost-effective policy decisions appropriate to the university’s mission, the implementation and maintenance of high-quality education programs within law, the measurement of performance, the reporting of information, and the provision of input regarding state policy, budgeting, and education standards.² The BOG is, among other duties, responsible for defining the distinctive mission of each constituent university, accounting for expenditures, adopting a strategic plan for the university system and each university, and taking action on proposed or current degree programs.³

¹ FLA. CONST., art. IX, s. 7.

² Section 1001.706(1), F.S.

³ Section 1001.705(2), F.S.

Tenure Review

The BOG may adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every 5 years. The board may include other considerations in the regulation, but the regulation must address:

- Accomplishments and productivity;
- Assigned duties in research, teaching, and service;
- Performance metrics, evaluations, and ratings; and
- Recognition and compensation considerations, as well as improvement plans and consequences for underperformance.⁴

On March 29, 2023, the BOG approved its regulation requiring each university BOT to adopt policies regarding a post-tenure faculty review.⁵

According to Integrated Postsecondary Education Data System, in Fall 2021, there were 12,435 individuals with faculty status at Florida public universities, of those, 5,652 are tenured, 2,058 are on a tenure track, and 4,725 are not on a tenure track or are at an institution without a tenure system.⁶ Florida Gulf Coast University and Florida Polytechnic University do not have a tenure system.

Effect of Proposed Changes

Powers and Duties

The bill modifies s. 1001.706, F.S., to require the BOG, in its alignment of the mission of state universities to specified goals, include the existing and emerging economic development needs of the state. Similarly, the bill requires the BOG to include in its strategic plan criteria and metrics for non-degree credentials.

Tenure Review

The bill modifies s. 1001.706, F.S., to require, rather than authorize, the BOG to adopt a regulation requiring each tenured state university faculty member to undergo a comprehensive post-tenure review every 5 years.

Personnel

Present Situation

University Board of Trustees

Each local constituent university is administered by a board of trustees (BOT) composed of 6 citizen members appointed by the Governor and 5 citizen members appointed by the Board of Governors (BOG), all confirmed by the Senate.⁷ The BOG establishes the powers and duties of

⁴ Section 1001.706(6)(b), F.S.

⁵ Board of Governors Regulation 10.003.

⁶ Integrated Postsecondary Education Data System. Statistical Tables: Fall 2021; (Report on file with Senate Committee on Education).

⁷ FLA. CONST., art. IX, s. 7(c).

the BOT. The university president serves as the chief executive officer to the board of trustees and is responsible to the board of trustees for all operations of the university.⁸

Responsibilities of a university BOT include:

- Administration of the university in a manner that is dedicated to, and consistent with the university's and system's mission.
- Preparing a workplan to outline strategic directions and specific actions, and performance expectations and outcomes for institutional and systemwide goals.
- Adopting university regulations regarding degree programs, access, academic performance standards, student activities, and student code of conduct.
- Establishing a personnel program for all employees of the university.
- The financial management of the university.
- Compliance with all applicable laws, rules, regulations, and requirements.⁹

Each board of trustees establishes the powers and duties of the university president. The university president serves as the chief executive officer to the BOT and is responsible to the board of trustees for all operations of the university.¹⁰

Pledges and Oaths

Nearly one in five professors are now being selected based on not only academic merit but also their commitment to a particular ideological vision.¹¹ In a 2020 survey, most college students believe efforts at diversity and inclusion “frequently” (27%) or “occasionally” (49%) come into conflict with free speech rights.¹²

At the University of North Carolina, the BOT recently approved a change to its policy regarding political activities, to read:

[T]he University shall neither solicit nor require an employee or applicant for academic admission or employment to affirmatively ascribe to or opine about beliefs, affiliations, ideals, or principles regarding matters of contemporary political debate or social action as a condition to admission, employment, or professional advancement. Nor shall any employee or applicant be solicited or required to describe his or her actions in support of, or in opposition to, such beliefs, affiliations, ideals, or principles. Practices prohibited here include but are not limited to solicitations or requirements for statements of commitment to particular views on matters of contemporary political debate or social

⁸ Board of Governors Regulation 1.001.

⁹ *Id.*

¹⁰ Board of Governors Regulation 1.001(2).

¹¹ American Enterprise Institute, *Other Than Merit: The Prevalence of Diversity, Equity, and Inclusion Statements in University Hiring* (Nov. 2021) available at <https://www.aei.org/wp-content/uploads/2021/11/Other-than-merit-The-prevalence-of-diversity-equity-and-inclusion-statements-in-university-hiring.pdf?x91208>, at 10.

¹² Knight Foundation, *The First Amendment on Campus 2020 Report: College Students' Views of Free Expression* (2020) available at <https://knightfoundation.org/wp-content/uploads/2020/05/First-Amendment-on-Campus-2020.pdf>, at 1.

action contained on applications or qualifications for admission or employment or included as criteria for analysis of an employee's career progression.¹³

The U.S. Supreme Court (Court) has repeatedly held that the right to free speech protected by the first amendment to the constitution protects an individual from being compelled to speak. "If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein."¹⁴ Stated even more plainly, the Court has held that free speech principles prohibit the government from telling people what they must say.¹⁵ Additionally, an individual is also protected from being compelled to host or accommodate the speech of another.¹⁶

The Court has consistently struck down mandatory political loyalty oaths, particularly in the education setting.¹⁷ The Court established a four-part test for reviewing the constitutionality of such oaths, requiring that:

- The oath may not infringe on First or Fourteenth Amendment rights;
- Employment may not be conditioned on an oath that one has not engaged in, or will not engage in, protected speech activities;
- Employment may not be conditioned on an oath denying past or avoiding future associational activities protected by the Constitution; and
- The oath may not be so vague that a person of ordinary intelligence must guess at its meaning.¹⁸

Grievance Procedures

Each public employer and bargaining agent is required to negotiate a grievance procedure to be used for the settlement of disputes between employer and employee, or group of employees, involving the interpretation or application of a collective bargaining agreement. The grievance procedure must have as its terminal step a final and binding disposition by an impartial neutral, mutually selected by the parties. If an employee organization is certified as the bargaining agent of a unit, the grievance procedure then in existence may be the subject of collective bargaining, and any agreement which is reached shall supersede the previously existing procedure. All public employees shall have the right to a fair and equitable grievance procedure administered without regard to membership or nonmembership in any organization.¹⁹

¹³ University of North Carolina, *UNC Policy Manual 300.5.1, Political Activities of Employees*, <https://www.northcarolina.edu/apps/policy/doc.php?id=125> (last visited Apr. 13, 2023).

¹⁴ *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943).

¹⁵ *Rumsfeld v. Forum for Academic and Institutional Rights*, 547 U.S. 47, 61 (2006).

¹⁶ *See Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston, Inc.*, 515 U.S. 557 (1995) (state law cannot require a parade to include a group whose message the parade's organizer does not wish to send) and *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241 (1974) (right-of-reply statute violates editors' right to determine the content of their newspapers).

¹⁷ *See, e.g., Baggett v. Bullitt*, 377 U.S. 360 (1964); *Elfbrandt v. Russell*, 384 U.S. 11 (1966); and *Keyishian v. Board of Regents*, 385 U.S. 589 (1967).

¹⁸ *Cole v. Richardson*, 405 U.S. 676 (1972).

¹⁹ Section 447.401, F.S.

Effect of Proposed Changes

Hiring and Personnel Authority

The bill creates s. 1001.741, F.S., to assign final authority for hiring the provost, deans, and full-time faculty to the president of the university. The president may delegate hiring authority to individuals on the university's executive management team, to the provost, or to individual deans; however, the bill specifies that the president or the person delegated hiring authority is not bound by the recommendations or opinions of faculty or other individuals.

The bill specifies that the president has an ongoing duty to assess the performance, productivity, and employment practices of the university's provost and deans. The president of the university is encouraged to engage in faculty recruiting as appropriate, and shall provide a regular report and recommendations on employment practices to the university board of trustees at least twice annually.

The bill requires each state university board of trustees to have procedures for the review of the president's selection and reappointment of each member of the university's executive management team, and his or her respective contract and annual salary, before such contracts and salaries become effective, in accordance with the personnel program established by the BOG.

Finally, the bill requires each university president to annually present to his or her board of trustees for review the results of performance evaluations and associated salaries of all evaluated personnel earning an annual compensation of \$200,000 or more, regardless of fund source.

Pledges and Oaths

The bill prohibits a state university from requiring any statement, pledge, or oath other than to uphold general and federal law, the United States Constitution, and the State Constitution as a part of any admissions, hiring, employment, promotion, tenure, disciplinary, or evaluation process.

Grievance Procedures

The bill replaces the requirement in law regarding grievance procedures to specify that personnel actions or decisions regarding faculty, including in the areas of evaluations, promotions, tenure, discipline, or termination, may not be appealed beyond the level of a university president or designee. Such actions or decisions must have as their terminal step a final agency disposition, which must be issued in writing to the faculty member, and are not subject to arbitration. The filing of a grievance does not pause or delay the action or decision of the university, including the termination of pay and benefits of a suspended or terminated faculty member.

Diversity, Equity, and Inclusion

Present Situation

A position statement by the Southern Association of Colleges and Schools (SACS) describes the benefits of diversity, equity, and inclusion policies in postsecondary institutions.

By creating and sustaining an equitable and inclusive institutional culture, colleges and universities can foster a community in which all members can be respected and appreciated for their differences, and in which all learners can be engaged to reach their full potential. Promoting diversity, equity and inclusion is an opportunity for institutions to recruit students of all backgrounds, identities, and abilities; to support them, adapt teaching methods and use technology to meet their needs and break down barriers to learning; and to successfully guide, mentor, retain, and graduate them.²⁰

A statement by the presidents of the Florida College System (FCS) echoes the SACS statement in its description of DEI as a tool “to increase diversity of thought as well as the enrollment and the success of underrepresented populations.” However, this statement also warns that DEI “initiatives and instruction in higher education under the same title have come to mean and accomplish the very opposite and seek to push ideologies such as critical race theory and its related tenets.” The statement continues:

To be clear in this environment, the FCS presidents, by and through the FCS Council of Presidents, will ensure that all initiatives, instruction, and activities do not promote any ideology that suppresses intellectual and academic freedom, freedom of expression, viewpoint diversity, and the pursuit of truth in teaching and learning. As such, our institutions will not fund or support any institutional practice, policy, or academic requirement that compels belief in critical race theory or related concepts such as intersectionality, or the idea that systems of oppression should be the primary lens through which teaching and learning are analyzed and/or improved upon.

Specifically, by February 1, 2023, the FCS presidents commit to having fully evaluated and removed any institutional instruction, training, and policies opposed to the forms of discrimination described in this statement.²¹

On December 28, 2022, the Executive Office of the Governor directed the colleges and universities to provide a comprehensive list of all staff, programs and campus activities related to diversity, equity and inclusion and critical race theory. The list must include costs associated with the administration of each program or activity, including a description of the activities, paid positions and how much of the money is provided by the state. The results of the survey for the State University System indicated that state universities spend approximately \$34.5 million on such activities, with about \$20.7 million from state funds.²²

Critical Theory is a philosophical and social theory originating from several generations of German philosophers and social theorists in the Western European Marxist tradition known as the Frankfurt School. It involves an examination of social structures to seek “human

²⁰ Southern Association of Colleges and Schools, Commission on Colleges, *Diversity, Equity and Inclusion* (Dec. 2020), available at <https://sacscoc.org/app/uploads/2019/08/DiversityStatement.pdf>.

²¹ Florida College System, *Florida College System Presidents Statement on Diversity, Equity, Inclusion and Critical Race Theory* (Jan. 18, 2023), available at <https://www.fldoe.org/core/fileparse.php/5673/urlt/FCSDEIstatement.pdf>.

²² Executive Office of the Governor, Memorandum # 23-021, *Higher Education Program and Activity Survey* (Dec. 28, 2022).

emancipation” in circumstances of domination and oppression.²³ Critical theorists maintain that a primary goal of philosophy is to understand and to help overcome the social structures through which people are dominated and oppressed.²⁴ Examples of Critical Theory are feminist theory, critical race theory, postcolonial theory, and Marxist theory.

Florida Educational Equity Act

The “Florida Educational Equity Act” (FEEA) prohibits discrimination in any program or employment condition on the basis of race, color, national origin, sex, disability, religion, or marital status against a student or an employee in the state system of public K-20 education.

The FEEA specifies, in part, that:

- No individual may, on the basis of race, color, national origin, sex, disability, religion, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.²⁵
- The criteria for admission to a program or course may not have the effect of restricting access by persons of a particular race, color, national origin, sex, disability, religion, or marital status.²⁶

Included in the prohibition on discrimination on the basis of race, color, national origin, or sex is subjecting any student or employee to training or instruction that espouses, promotes, advances, inculcates, or compels such student or employee to believe any of the following concepts:

- Members of one race, color, national origin, or sex are morally superior to members of another race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- A person’s moral character or status as either privileged or oppressed is necessarily determined by his or her race, color, national origin, or sex.
- Members of one race, color, national origin, or sex cannot and should not attempt to treat others without respect to race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, bears responsibility for, or should be discriminated against or receive adverse treatment because of, actions committed in the past by other members of the same race, color, national origin, or sex.
- A person, by virtue of his or her race, color, national origin, or sex, should be discriminated against or receive adverse treatment to achieve diversity, equity, or inclusion.
- A person, by virtue of his or her race, color, sex, or national origin, bears personal responsibility for and must feel guilt, anguish, or other forms of psychological distress because of actions, in which the person played no part, committed in the past by other members of the same race, color, national origin, or sex.

²³ Stanford Encyclopedia of Philosophy, *Critical Theory*, <https://plato.stanford.edu/entries/critical-theory/> (last visited Apr. 13, 2023).

²⁴ Encyclopedia Britannica, *critical theory*, <https://www.britannica.com/topic/critical-theory> (last visited Apr. 13, 2023).

²⁵ Section 1000.05(2)(a), F.S.

²⁶ Section 1000.05(2)(b), F.S.

- Such virtues as merit, excellence, hard work, fairness, neutrality, objectivity, and racial colorblindness are racist or sexist, or were created by members of a particular race, color, national origin, or sex to oppress members of another race, color, national origin, or sex.²⁷

Effect of Proposed Changes

University Mission and Accountability

The bill modifies s. 1001.706, F.S., to require the Board of Governors (BOG) to periodically review the mission of each constituent university and make updates or revisions as needed. Upon completion of a review of the mission, the BOG must review existing academic programs to ensure alignment with the mission. The BOG must include in its review a directive to each constituent university regarding its programs for any violation of the Florida Educational Equity Act in s. 1000.05, F.S., or that are based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.

Prohibited Expenditures

The bill adds to current spending restrictions in law for memberships or good and services from any organization that discriminates on the basis of race, color, national origin, sex, disability, or religion.²⁸ The bill modifies s. 1004.06, F.S., to specify that an FCS institution, state university, FCS institution direct-support organization,²⁹ or state university direct-support organization may not expend any funds, regardless of source, to promote, support, or maintain any programs or campus activities that:

- Violate s. 1000.05, F.S.; or
- Advocate for diversity, equity, and inclusion, or promote or engage in political or social activism, as defined by rules of the State Board of Education (SBE) and regulations of the BOG.

The bill exempts from prohibited expenditure requirements student fees to support student-led organizations regardless of any speech or expressive activity by such organizations that would otherwise violate the above provisions, but the public funds must be allocated to student-led organizations pursuant to written policies or regulations of each FCS institution or state university, as applicable. The bill also exempts the use of institution facilities by student-led organizations provided that such use must be granted to student-led organizations pursuant to written policies or regulations of each FCS institution or state university, as applicable.

The prohibition on expenditures established in the bill does not prohibit programs, campus activities, or functions required for compliance with general or federal laws or regulations; for obtaining or retaining institutional or discipline-specific accreditation; or for access programs for

²⁷ Section 1000.05(4)(a), F.S. A federal district court has issued a preliminary injunction to prohibit the Board of Governors from enforcing ss. 1000.05(4)(a)-(b), F.S., and to prohibit the University of South Florida Board of Trustees from enforcing ss. 1000.05(4)(a)1.-3., 5., and 7., and s. 1000.05(4)(b), F.S. *See Pernell v. Florida Bd. of Governors of State Univ. Sys.*, No. 4:22CV304-MW-MAF (N.D. Fla. Nov. 17, 2022) (order granting preliminary injunction), *motion to stay injunction pending appeal denied*, No. 22-13992-J (11th Cir. Mar. 16, 2023).

²⁸ Section 1004.06, F.S.

²⁹ Direct-support organizations (DSOs) are statutorily created private entities that are generally required to be non-profit corporations, and are authorized to carry out specific tasks in support of public entities or public causes.

military veterans, Pell Grant recipients, first generation college students, nontraditional students, "2+2" transfer students from the FCS, students from low-income families, or students with unique abilities.

The bill authorizes the SBE and the BOG to adopt rules and regulations to implement these provisions.

Preeminent State Research Universities Program

Present Situation

The Preeminent State Research University program is a collaborative partnership between the Board of Governors (BOG) and the Legislature to elevate the academic and research preeminence of Florida's highest performing state research universities.³⁰ A state research university that meets at least 11 of the 12 academic and research excellence standards specified in law is designated as a preeminent state research university.³¹

The academic and research excellence standards are:

- An average weighted grade point average of 4.0 or higher on a 4.0 scale and an average SAT score of 1200 or higher on a 1600-point scale or an average ACT score of 25 or higher on a 36 score scale, for fall semester incoming freshmen.
- A top-50 ranking on at least two well-known and highly respected national public university rankings using the most recent rankings.
- A freshman retention rate of 90 percent or higher for full-time, first-time-in-college (FTIC) students.
- A 4-year graduation rate of 60 percent or higher for full-time, FTIC students.
- Six or more faculty members at the state university who are members of a national academy.
- Total annual research expenditures, including federal research expenditures, of \$200 million or more.
- Total annual research expenditures in diversified nonmedical sciences of \$150 million or more.
- A top-100 university national ranking for research expenditures in five or more science, technology, engineering, or mathematics fields of study.
- One hundred or more total patents awarded by the United States Patent and Trademark Office for the most recent 3-year period.
- Four hundred or more doctoral degrees awarded annually, including professional doctoral degrees awarded in medical and health care disciplines.
- Two hundred or more postdoctoral appointees annually.
- An endowment of \$500 million or more.³²

A state university that meets at least 6 of the 12 academic and research excellence standards is designated as an "emerging preeminent state research university."³³

³⁰ Section 1001.7065(1), F.S.

³¹ Section 1001.7065(3), F.S.

³² Section 1001.7065(2), F.S.

³³ Section 1001.7065(3)(b), F.S.

In the most recent State University System Accountability Plan, Florida State University, the University of Florida, and the University of South Florida are designated as preeminent state research universities. Florida International University and the University of Central Florida are designated as emerging preeminent state research universities.³⁴

Effect of Proposed Changes

The bill amends s. 1001.7065, F.S. to add another criteria to the academic and research excellence standards for designation as a preeminent or emerging preeminent state research university. The bills adds the total annual STEM-related research expenditures of \$50 million or more, which includes federal research expenditures.

Accordingly, because the bill increases from 12 to 13 the total number of standards, the bill modifies the total number of standards that an institution must meet to be designated as a preeminent or emerging preeminent state research university. The bill specifies that an institution must meet 12 standards for a preeminence designation, and 7 standards for an emerging preeminent designation.

General Education

Present Situation

Associate in Arts (AA) degrees at a Florida College System (FCS) or state university may be no more than 60 semester hours of college credit and include 36 semester hours of general education course work. A baccalaureate degree must be no more than 120 semester hours of college credit, unless prior approval has been granted by the Board of Governors (BOG) or the State Board of Education (SBE), as applicable, and include 36 semester hours of general education coursework.

General Education Core

Students initially entering an FCS or state university in 2015-2016 and thereafter, are required to complete at least one identified general education core course in each of the subject areas of communication, mathematics, social sciences, humanities, and natural sciences. All public postsecondary educational institutions are required to accept these courses as meeting general education core course requirements. Beginning in 2022-2023, the general education core course requirement is extended to students in an associate in applied science and associate in science degree program.³⁵

General education core course options consist of a maximum of five courses in each identified subject area, but may exceed that limit with SBE or BOG approval. The general education core courses are established in SBE rule³⁶ and BOG regulation³⁷ and include the following courses:

- Communication:

³⁴ Board of Governors, *2022 Accountability Plan, State University System of Florida Summary* (Sept. 14, 2022), available at https://www.flbog.edu/wp-content/uploads/2022/10/2022_SYSTEM_Accountability_Plan_Final.pdf, at 11.

³⁵ Section 1007.25, F.S.

³⁶ Rule 6A-14.0303, F.A.C.

³⁷ Board of Governors Regulation 8.005.

- ENC X101 English Composition I.
- Humanities:
 - ARH X000 Art Appreciation;
 - HUM X020 Introduction to Humanities;
 - LIT X000 Introduction to Literature;
 - MUL X010 Music Literature/Music Appreciation;
 - PHI X010 Introduction to Philosophy; or
 - THE X000 Theatre Appreciation.
- Mathematics for students initially entering in the Fall Term, 2015, through the 2023-24 academic year:
 - MAC X105 College Algebra;
 - MAC X311 Calculus I;
 - MGF X106 Liberal Arts Mathematics I;
 - MGF X107 Liberal Arts Mathematics II; or
 - STA X023 Statistical Methods.
- Mathematics for students initially entering in the 2024-25 academic year and thereafter:
 - MAC X105 College Algebra;
 - MAC X311 Calculus I;
 - MGF X130 Mathematical Thinking; or
 - STA X023 Statistical Methods.
- Natural Sciences:
 - AST X002 Descriptive Astronomy;
 - BSC X005 General Biology;
 - BSC X010 General Biology I;
 - BSC X085 Anatomy and Physiology I;
 - CHM X020 Chemistry for Liberal Studies;
 - CHM X045 General Chemistry I;
 - ESC X000 Introduction to Earth Science;
 - EVR X001 Introduction to Environmental Science;
 - PHY X020 Fundamentals of Physics;
 - PHY X048 General Physics with Calculus; or
 - PHY X053 General Physics I.
- Social Sciences:
 - AMH X020 Introductory Survey Since 1877;
 - ANT X000 Introduction to Anthropology;
 - ECO X013 Principles of Macroeconomics;
 - POS X041 American Government;
 - PSY X012 Introduction to Psychology; or
 - SYG X000 Principles of Sociology.

A student has completed that core subject area if the student completes a communication, mathematics, or natural science course for which the designated course is a prerequisite.³⁸

³⁸ Rule 6A-14.0303, F.A.C. and Board of Governors Regulation 8.005.

Transfer of General Education Courses

Each public postsecondary institution must accept in transfer general education core courses taken at another institution. After completing the general education core course requirements, the remaining courses and credits that fulfill the total 36-hour general education requirement for an associate in arts or baccalaureate degree are at the discretion of the FCS or SUS institution.³⁹

General education programs in Florida, while consistent at the general education core requirements and the total of 36 hours for completion, vary in the selection of institutionally-required courses. Students who transfer with an AA or associate in science (AS) degree, or who have completed their block of 36 general education hours do not have to meet the receiving institution's general education program requirements. If a student does not complete the total 36-hour general education curriculum prior to transfer, each course, outside of courses taken as general education courses, will be reviewed individually to determine if it meets the general education requirements of the new institution.⁴⁰

Articulation Coordinating Committee

The Commissioner of Education, in consultation with the Chancellor of the State University System, establishes the Articulation Coordinating Committee (ACC), whose primary role is to recommend statewide articulation policies. Specifically, the ACC must monitor articulation between education systems, propose guidelines for articulation agreements, publish lists of general education and common prerequisite courses, establish dual enrollment course equivalencies to high school credit, and annually review the Statewide Articulation Agreement.⁴¹ The Office of K-20 Articulation within the Florida Department of Education provides administrative support to the ACC.⁴²

Statewide Course Numbering System

The Florida statewide course numbering system (SCNS) is a taxonomy of courses offered by participating postsecondary institutions in order to improve program planning and communication among all delivery systems, and facilitate student acceleration and the transfer of students and credits between public school districts, public postsecondary educational institutions, and participating nonpublic educational institutions.

Any student who transfers among participating postsecondary educational institutions must be awarded credit by the receiving institution for equivalent courses satisfactorily completed at the previous institution. Courses are considered equivalent if they are judged by the appropriate SCNS faculty committees to be academically equivalent, and are then assigned an equivalent course number. Credits awarded for equivalent courses must satisfy institutional requirements on the same basis as credits awarded to native students.⁴³

³⁹ Florida Board of Governors, *Regulation 8.005 General Education Core Course Options*, available at https://www.flbog.edu/wp-content/uploads/8_005GeneralEducationCore_final.pdf and Rule 6A -14.0303(5), F.A.C.

⁴⁰ Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 15, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

⁴¹ Section 1007.01(3), F.S.

⁴² Section 1007.01(3), F.S.; s. 20.15(3)(h), F.S.

⁴³ Section 1007.24(7), F.S.

All 12 of Florida's state universities, 28 FCS institutions, 38 participating nonpublic postsecondary institutions, and 48 career education centers participate in the SCNS.⁴⁴

Effect of Proposed Changes

General Education Core Course Options

The bill modifies s. 1007.25, F.S., to require revisions to the general education core course options by faculty committees appointed by the SBE and BOG. Faculty committees must, by July 1, 2024, and each four years thereafter, review and recommend to the ACC and the SBE and BOG changes to the core course options.

The bill establishes conditions and standards for the content and identification of courses as general education core, which include the following:

- General education core courses may not distort significant historical events or include a curriculum that teaches identity politics that violates Florida Educational Equity Act, or that are based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.
- General education core courses must meet the following standards:
 - Communication courses must afford students the ability to communicate effectively, including the ability to write clearly and engage in public speaking.
 - Humanities courses must afford students the ability to think critically through the mastering of subjects concerned with human culture, especially literature, history, art, music, and philosophy, and must include selections from the Western canon.
 - Social science courses must afford students an understanding of the basic social and behavioral science concepts and principles used in the analysis of behavior and past and present social, political, and economic issues.
 - Natural science courses must afford students the ability to critically examine and evaluate the principles of the scientific method, model construction, and use the scientific method to explain natural experiences and phenomena.
 - Mathematics courses must afford students a mastery of foundational mathematical and computation models and methods by applying such models and methods in problem solving.

The bill requires each public postsecondary institution to offer at least one general education core course in each of the identified subject areas, and accept all such courses, whether or not the receiving institution offers that course.

The bill also protects a student who has completed a general education core course from having to take an additional core course in that subject area if the course is later removed from the identified list.

⁴⁴ Florida Department of Education, *Statewide Postsecondary Articulation Manual* (Jan. 2021), at 3, available at <https://www.fldoe.org/core/fileparse.php/5421/urlt/Statewide-Articulation-Manual.pdf>.

General Education Courses

The bill creates s. 1007.55, F.S., to specify general education course principles, standards, and content. The bill asserts that every undergraduate student of a Florida public postsecondary educational institution should graduate as an informed citizen through participation in rigorous general education courses that promote and preserve the constitutional republic through traditional, historically accurate, and high-quality coursework. General education courses should provide broad foundational knowledge to help students develop intellectual skills and habits that enable them to become more effective and lifelong learners. Courses with a curriculum based on unproven, speculative, or exploratory content are best suited as elective or specific program prerequisite credit, not general education credit.

The bill specifies that general education courses must meet the following criteria:

- Meet the course standards as provided in law.
- Whenever applicable, provide instruction on the historical background and philosophical foundations of Western civilization and this nation's historical documents, such as the Declaration of Independence, the United States Constitution, the Bill of Rights and subsequent amendments, and the Federalist Papers.

The bill specifies that public postsecondary educational institution boards of trustees (BOT) and presidents are responsible for annually reviewing and approving, at a public meeting, general education course requirements. The following information must be included for each general education course record on the list for approval by the institution board of trustees (BOT):

- The general education distribution area;
- The number of state universities that offer the course and the number of Florida College System institutions that offer the course; and
- The course level.

Public postsecondary educational institutions must report courses meeting institutional general education subject requirements to the DOE by their statewide course number, which is a current practice of the statewide course numbering system.

The ACC must by December 1, 2024, and each December 1 thereafter, submit to the SBE and the BOG courses that have been approved by public postsecondary educational institutions as meeting general education requirements. The listing of general education courses must include the information in required for the list approved by the institution BOT. The SBE and the BOG must approve or reject the list of general education courses for each FCS institution and state university, respectively.

Public postsecondary educational institutions that fail to comply with the requirements for general education courses are not eligible to receive performance-based funding.

Finally, similar to the general education core courses, the bill specifies that an institution may not require a student who has completed a general education course from having to take an additional core course in that subject area if the course is later removed from the institution's identified list.

Institute for Risk Management & Insurance Education

Present Situation

Risk management and insurance is a major industry in Florida with a concentration in Volusia County. Like many others, the insurance industry is being revolutionized by integration of technology, predictive analytics, and data science, and becoming more complex given its exposure to transformative trends in the economy and the environment.

In Florida, the insurance industry is facing a capacity crisis given the state's population growth, attractiveness to business relocation, and multifaceted economic development. As risk valuations and comprehensive insurance solutions become more complex, the industry's workforce must be well versed in transformative technological, economic, and environmental trends, and develop a holistic set of skills in sales, service, negotiations, finance, economics, data analytics, and systems-level problem solving.

Effect of Proposed Changes

The bill creates the Institute for Risk Management & Insurance Education within the College of Business at the University of Central Florida (UCF). The bill requires that institute be located in Volusia County to best serve the partner industries, which are concentrated in that area. The purpose of the institute is to respond to the ever-evolving insurance and risk management industry and present and emerging needs of the state of Florida and its residents. The bill establishes following goals of the institute:

- Pursue technological innovations that advance risk valuation models and operational efficiencies in the insurance industry.
- Drive the development of workforce competencies in data analytics, system-level thinking, technology integration, entrepreneurship, and actuarial science.
- Leverage UCF's world class assets in data science, artificial intelligence, computer science, engineering, finance, economics, and sales.
- Take advantage of UCF's robust portfolio of academic program offerings and draw on faculty and industry experts in diverse fields, including actuarial science, computer science, economics, engineering, environmental science, finance, forensics, law, management, marketing, and psychology.
- Develop and offer risk management and insurance education, including education that recognizes risks in areas such as the environment, pandemic disease, and digital security.
- Offer programs, workshops, case studies, and applied research studies that integrate technology and artificial intelligence with soft skills while preparing students and professionals for the technology-enabled insurance industry of the future.

Hamilton Center for Classical and Civic Education

Present Situation

The Hamilton Center for Classical and Civic Education at the University of Florida (UF) was created in 2022⁴⁵ to support teaching and research concerning the ideas, traditions, and texts that form the foundations of Western and American civilization.⁴⁶

The goals of the center are to:⁴⁷

- Educate university students in core texts and great debates of Western civilization.
- Educate university students in the principles, ideals, and institutions of the American political order.
- Educate university students in the foundations of responsible leadership and informed citizenship.
- Provide programming and training related to civic education and the values of open inquiry and civil discourse to support the K-20 system.
- Coordinate with the Florida Institute of Politics,⁴⁸ the Adam Smith Center for the Study of Economic Freedom,⁴⁹ and assist in the curation and implementation of Portraits in Patriotism.⁵⁰

Effect of Proposed Changes

The bill modifies s. 1004.6496, F.S., to authorize the UF board of trustees to use charitable donations to establish and fund the center. The bill specifies that funds appropriated to the center may not be used for any other purpose, but UF may provide additional funding to the college.

The bill anticipates the center becoming a college, and requires that beginning January 1, 2025, and by each January 1 thereafter, UF must report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the progress toward establishing the center as a permanent college at the university. The report must include a timeline for establishing the college, enrollment and educational outcomes and future goals for enrollment and educational outcomes, current financial progress and future financial needs, and any recommendation for changes in general law.

The bill requires the center to develop educational programming and an implementation plan to ensure that all university students demonstrate competency in civil discourse. The president of the university must annually update the board of trustees on the center's progress toward developing educational programming to ensure that all students at the university demonstrate competency in civil discourse. The president's report must identify a timeline and support necessary for the university to achieve this goal. Accordingly, the bill modifies the goals of the center to include developing curriculum and courses to satisfy the requirement for the competency in civil discourse, which may be used to satisfy requirements for civic literacy.

⁴⁵ Ch. 2022-154, s. 35, Laws of Fla.

⁴⁶ Section 1004.6496(1), F.S.

⁴⁷ Id. at (2).

⁴⁸ Section 1004.6499, F.S.

⁴⁹ Section 1004.64991, F.S.

⁵⁰ Section 1003.44, F.S.

The bill also modifies the goals of the center to include educating university students on the Great Books of Western civilization.

Finally, the bill requires the president of the university to guide the university's leadership and the center to ensure that the center is able to enroll students, hire faculty, ensure a pathway to tenure for faculty, develop curricula and courses, establish certificate and degree programs, establish major and minor programs, and fulfill other actions approved by the president.

Florida Institute of Politics

Present Situation

The Florida Institute of Politics (institute) was created in 2020⁵¹ at Florida State University (FSU) to provide the southeastern region of the United States with a world class, bipartisan, nationally renowned institute of politics.

The goals of the institute are to:

- Motivate students throughout FSU to become aware of the significance of government and civic engagement at all levels and politics in general.
- Provide students with an opportunity to be politically active and civically engaged.
- Nurture a greater awareness of and passion for public service and politics.
- Plan and host forums to allow students and guests to hear from and interact with experts from government, politics, policy, and journalism on a frequent basis.
- Become a national and state resource on polling information and survey methodology.
- Provide fellowships and internship opportunities to students in government, nonprofit organizations, and community organizations.
- Provide training sessions for newly elected state and local public officials.
- Organize and sponsor conferences, symposia, and workshops throughout this state to educate and inform citizens, elected officials, and appointed policymakers regarding effective policymaking techniques and processes.
- Create and promote research and awareness regarding politics, citizen involvement, and public service.
- Collaborate with related policy institutes and research activities at FSU and other institutions of higher education to motivate, increase, and sustain citizen involvement in public affairs.⁵²

Effect of Proposed Changes

The bill modifies s. 1004.6499, F.S., to change the name of the Florida Institute of Politics (institute) at FSU to the Florida Institute for Governance and Civics. The bill removes the requirement that the institute be housed in the FSU College of Social Sciences and Public Policy, and removes the stated purpose in favor of specified goals.

The bill substantially changes the goals of the institute to:

- Provide students with access to an interdisciplinary hub that will develop academically rigorous scholarship and coursework on the origins of the American system of government,

⁵¹ Ch. 2020-114, ss. 9, 110, Law of Fla.

⁵² Section 1004.6499(1), F.S.

its foundational documents, its subsequent political traditions and evolutions, and its impact on comparative political systems.

- Encourage civic literacy in this state through the development of educational tools and resources for K-12 and postsecondary students which foster an understanding of how individual rights, constitutionalism, separation of powers, and federalism function within the American system.
- Model civic discourse that recognizes the importance of viewpoint diversity, intellectual rigor, and an evidence-based approach to history.
- Plan and host forums to allow students and guests to hear from exceptional individuals who have excelled in a wide range of sectors of American life, to highlight the possibilities created by individual achievement and entrepreneurial vision.
- Become a national and state resource on using polling instruments and other assessments to measure civic literacy and make recommendations for improving civic education.
- Provide fellowships and internship opportunities to students in government.
- Create through scholarship, original research, publications, symposia, testimonials, and other means a body of resources that can be accessed by students, scholars, and government officials to understand the innovations in public policy in this state over a rolling 30-year time period.

The Adam Smith Center for the Study of Economic Freedom

Present Situation

The Adam Smith Center for the Study of Economic Freedom was created in 2020⁵³ at Florida International University to:

- Study the effect of government and free market economies on individual freedom and human prosperity.
- Conduct and promote research on the effect of political and economic systems on human prosperity.
- Plan and host research workshops and conferences to allow students, scholars, and guests to exchange in civil discussion of democracy and capitalism.
- Provide fellowship and mentoring opportunities to students engaged in scholarly studies of the effect of political and economic systems on human prosperity.⁵⁴

Effect of Proposed Changes

The bill modifies s. 1004.64991, F.S., to authorize the Adam Smith Center for the Study of Economic Freedom to:

- Hire necessary faculty and staff, pursuant to university board of trustees hiring authority specified in the bill;
- Enroll students;
- Develop curriculum and offer new courses, including honors courses, certificates, and major and minor programs;
- Hold events, including fundraisers;
- Fulfill other actions approved by the president of the university; and

⁵³ Ch. 2020-117, s. 8, Laws of Fla.

⁵⁴ Section 1004.64991, F.S.

- Generate resources based on student credit hour enrollment, in the same manner as any other college within the institution.

Accreditation

Present Situation

In order for students to receive federal student aid from the U.S. Department of Education (USDOE) for postsecondary study, the institution must be accredited by a nationally recognized accrediting agency, be authorized by the State in which the institution is located, and receive approval from the USDOE through a program participation agreement.⁵⁵

To gain or renew accreditation, an institution must be evaluated through a set of procedures established by an accrediting agency. Many of the procedures are guided by federal requirements.

The Commission on Colleges of the Southern Association of Colleges and Schools (SACSCOC) is the body for the accreditation of degree-granting higher education institutions in the Southern states. It serves as the common denominator of shared values and practices primarily among the diverse institutions in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and Latin America and certain other international sites approved by the SACSCOC Board of Trustees that award associate, baccalaureate, master's, or doctoral degrees.⁵⁶

SACSCOC accredits 74 Florida public and private colleges and universities,⁵⁷ including 12 universities that make up the State University System of Florida, 28 institutions in the Florida College System, and 34 private colleges and universities.

The Board of Governors (BOG) and the State Board of Education (SBE) must identify accrediting agencies or associations best suited to serve as an institutional accreditor for state universities and Florida College System institutions, respectively. Such accrediting agencies or associations must be recognized by the database created and maintained by the United States Department of Education. A public postsecondary institution may not be accredited by the same accrediting agency or association for consecutive accreditation cycles. In the year following reaffirmation or fifth-year review by its accrediting agency or association, each public postsecondary institution is required to seek and obtain institutional accreditation from an accrediting agency or association identified by the BOG or SBE, respectively, before its next reaffirmation or fifth-year review date.

⁵⁵ United States Department of Education, *Overview of Accreditation in the United States*, <https://www2.ed.gov/admins/finaid/accred/accreditation.html> (last visited March 24, 2022).

⁵⁶ The Southern Association of Colleges and Schools Commission on Colleges website at <https://sacscoc.org/about-sacscoc/> (last visited March 24, 2022).

⁵⁷ Southern Association of Colleges and Schools Commission on Colleges, *SACSCOC Accredited and Candidate List* (July 2021), available at <https://sacscoc.org/app/uploads/2019/11/Institutionswebmemlist.pdf>.

Effect of Proposed Changes

The bill modifies s. 1008.47, F.S., to clarify that a public postsecondary institution is not required to change accrediting agencies each accreditation cycle, but that the change in accreditation required in law is restricted to a one-time change, prior to the expiration of this requirement on December 31, 2032.

The bill also prohibits an accrediting agency or association from compelling any public postsecondary institution to violate state law, and specifies that any adverse action on the institution based upon the institution's compliance with state law constitutes a violation that may be enforced through the cause of action in law, which may result from agency retaliatory or adverse actions taken against the institution. The bill provides an exception to the consequences for specified accrediting agency actions to the extent that state law is preempted by a federal law that recognizes the necessity of the accreditation standard or requirement.

Buy One, Get One Free Tuition Waiver

State universities must provide a "buy one, get one free" (BOGO) tuition and fee waiver on upper-level courses in one of ten science, technology, engineering, or math (STEM) programs of strategic emphasis (PSE), as adopted by the Board of Governors (BOG). Specifically, for every course in a qualifying PSE in which a student is enrolled, a state university must waive 100 percent of the tuition and fees for an equivalent course in such program. To be eligible, a student must:

- Be an resident for tuition purposes;⁵⁸
- Earn at least 60 semester credit hours towards a baccalaureate degree within two academic years after initial enrollment at a Florida public postsecondary institution; and
- Be enrolled in one of 10 STEM PSE.⁵⁹

On June 22, 2021, the BOG adopted eight programs for the BOGO fee waiver: Civil Engineering, Computer + Information Science, Computer Engineering, Electrical + Electronics Engineering, Information Technology, Management Information Systems, Mathematics, and Physics.⁶⁰

Beginning in the 2022-2023 academic year, students are eligible to receive the tuition and fee waiver in two additional PSE, finance and accounting,⁶¹ as adopted by the BOG.⁶²

⁵⁸ A student who is classified as a "resident for tuition purposes" is a student who qualifies for the in-state tuition rate. Section 1009.21(1)(g), F.S.

⁵⁹ Section 1009.26(18)(a), F.S.

⁶⁰ State University System, *Strategic Planning Committee Meeting Agenda for June 22, 2021*, available at [https://www.flbog.edu/session/strategic-planning-committee-klwekqle/Strategic-Planning-Committee-State-University-System-of-Florida-\(flbog.edu\)](https://www.flbog.edu/session/strategic-planning-committee-klwekqle/Strategic-Planning-Committee-State-University-System-of-Florida-(flbog.edu)).

⁶¹ State University System, *Strategic Planning Committee Meeting Agenda for June 29, 2022*, available at <https://www.flbog.edu/wp-content/uploads/2022/06/Full-Board-SPC-PSE-Tuition-Waiver-ai-CE-1.pdf>

⁶² The Florida Channel, *Florida BOG Meeting Part 2 June 29, 2022*, available at <https://thefloridachannel.org/videos/6-29-22-florida-board-of-governors-meeting-part-2/> at 6:20.

The tuition and fee waiver is applicable only for upper-level courses and for up to 110 percent of the number of required credit hours of the degree program for which the student is enrolled.⁶³ For example, for a 120-credit hour state university baccalaureate degree program, the waiver is applicable unless the student has earned an excess of 132 credit hours.

Effect of Proposed Changes

The bill modifies s. 1009.26, F.S., to add to the eligible programs under the tuition and fee waiver a state-approved teacher preparation program identified by the BOG. The bill specifies that beginning in the 2023-2024 academic year, a student may receive the waiver for enrollment in one of two state-approved teacher preparation programs identified by the BOG.

The bill clarifies that the criteria provided for the BOG to select a program for eligibility for the tuition waiver must apply only at the time the BOG approves the list.

Finally, the bill protects students from losing the waiver based on a change to an approved program. The bill authorizes a student to continue receiving the waiver until he or she graduates, exceeds the number of allowable credits, or exits the program, regardless of whether the program is removed from the approved list subsequent to the student's enrollment.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

⁶³ Section 1009.26(18)(b), F.S.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 1001.706, 1001.7065, 1004.06, 1004.6496, 1004.6499, 1004.64991, 1007.25, 1008.47, and 1009.26.

This bill creates the following sections of the Florida Statutes: 1001.725 and 1007.55.

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

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

CS/CS/CS by Fiscal Policy Committee on April 20, 2023:

The committee substitute:

- Replaces a requirement for the Board of Governors (BOG) to provide a directive for universities to examine certain programs, with a requirement that the BOG provide a directive regarding certain programs.
- Modifies prohibited expenditures to specify a prohibition on funds that advocate for diversity, equity, and inclusion, or for social and political activism, as defined in State Board of Education (SBE) rule or BOG regulation. The amendment also specifies that student organizations, which are generally funded solely from student fees, are exempted from this requirement for both activities and use of facilities.
- Modifies the Hamilton Center for Classical and Civic Education at the University of Florida to require an annual report, beginning January 1, 2025, regarding plans to transition the center to a college. The CS also sets a goal for a university competency in civil discourse, and assigns to the center associated duties.

- Requires the Articulation Coordinating Committee to submit to the SBE or BOG lists of institution-approved general education courses for approval or rejection.

CS/CS by Appropriations Committee on Education on April 12, 2023:

The committee substitute:

- Regarding powers and duties of the Board of Governors (BOG), the CS:
 - Adds to the bill a requirement that the Board of Governors (BOG) provide direction to universities to examine programs for those that are based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.
 - Requires, rather than authorizes, the BOG to adopt a regulation regarding a post-tenure review, but removes from the bill the requirement that the BOG regulation on post-tenure reviews include a provision that authorizes a post-tenure review at any time, for cause.
- Changes the research metric in the bill regarding the preeminent state research universities program to specify that STEM-related expenditures includes federal expenditures, but removes the requirement that such research benefit Florida industry and employ Florida residents.
- Relating to university personnel:
 - Modifies hiring authority in the bill to reserve authority to the president, and specifies that the president is responsible for assessing employment practices for provosts and deans.
 - Authorizes the president to delegate hiring authority to the executive team and individual deans.
 - Authorizes only specified pledges or other oaths in admissions or personnel processes.
 - Specifies that faculty grievances terminate with the president of the university.
 - Specifies that the university board of trustees must have procedures to review executive team contracts and salaries.
- Prohibits public postsecondary institution and direct support organization expenditures for programs that that are based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities; and adds additional exempt activities or functions.
- Creates the Institute for Risk Management and Insurance Education; and retains the Hamilton Center at the University of Florida as a center, rather than a college.
- Relating to the general education program:
 - Prohibits general education core courses from content that is based on theories that systemic racism, sexism, oppression, and privilege are inherent in the institutions of the United States and were created to maintain social, political, and economic inequities.
 - Requires specified course information that must be approved by the university board of trustees.
 - Requires each university to submit general education lists for approval to the SBE or BOG, as applicable.

- Prohibits an accrediting agency from compelling any public institution to violate state law.
- Includes teacher preparation programs in the buy-one-get-one tuition waiver program, and specifies that programs selected must meet specified criteria only at the time of selection.

CS by Education Postsecondary on March 15, 2023:

The committee substitute:

- Relating to the powers and duties of the Board of Governors (BOG), requires the BOG to:
 - Align university missions with the existing and emerging economic development needs of the state, and removes education for citizenship in the constitutional republic and workforce needs.
 - Include in its strategic plan provisions for nondegree credential attainment, and removes a requirement to include education for citizenship in the constitutional republic and industry certifications.
 - Include in its regulation regarding tenure review a provision for each university to initiate a post-tenure review at any time, with cause.
- In provisions relating to discriminatory concepts:
 - Requires as a part of the BOG review of university missions, direction to each university to examine programs for discriminatory concepts in s. 1000.05(4)(a), F.S., and removes specific reference to majors, minors, critical race theory, gender studies, and intersectionality.
 - Removes the requirement for each university to submit documentation relating to education for citizenship in the constitutional republic and intellectual autonomy of undergraduates, as well as documentation in its accountability plan of the removal from any major or minor specified discriminatory concepts.
- Related to powers and duties of the university board of trustees (BOT):
 - Specifies hiring authority for full-time faculty.
 - Prohibits a president from delegating hiring authority to anyone outside of the executive team, and removes the provision requiring the BOT to approve or deny any selection.
 - Prohibits activities in university admissions, hiring, promotion, tenure, or evaluations that violate the discrimination provisions of s. 1000.05(4)(a), F.S.
- Provides additional restrictions on prohibited expenditures by public postsecondary institutions, with exceptions, and expands the list of individuals protected from discrimination to include color and disability, and replaces gender with sex; and provides rule and regulation authority.
- Modifies the general education provisions by:
 - Tying a prohibition on distorting historical events to a violation of the discrimination provisions of s. 1000.05(4)(a), F.S., and removes reference to critical race theory.
 - Replacing the requirement for communication courses to focus on Western literacy traditions with a requirement for humanities courses to include selections from the Western canon.

- Extending a reporting date for the Articulation Coordinating Committee from July 1, 2023 to July 1, 2024.
- Specifying that a student may not be required to take additional general education courses if the course completed was subsequently removed from an identified list.
- Specifies that students may continue receiving the “buy one, get one free” tuition waiver even if their programs are removed as eligible program after their enrollment.

B. Amendments:

None.

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



615168

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Grall) recommended the following:

Senate Amendment

Delete lines 117 - 118
and insert:
in its review a directive to each constituent university
regarding its programs for any curriculum that violates s.
1000.05



493372

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Berman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 264 - 273.

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

And the title is amended as follows:

Delete lines 26 - 28

and insert:

in its admissions or personnel processes; requiring



933760

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 298 - 317

and insert:

(2) A Florida College System institution, state university, Florida College System institution direct-support organization, or state university direct-support organization may not expend any state or federal funds to promote, support, or maintain any programs or campus activities that:

(a) Violate s. 1000.05; or



11 (b) Advocate for diversity, equity, and inclusion, or
12 promote or engage in political or social activism, as defined by
13 rules of the State Board of Education and regulations of the
14 Board of Governors.

15
16 Student fees to support student-led organizations are permitted
17 notwithstanding any speech or expressive activity by such
18 organizations that would otherwise violate this subsection,
19 provided that the public funds must be allocated to student-led
20 organizations pursuant to written policies or regulations of
21 each Florida College System institution or state university, as
22 applicable. Use of institution facilities by student-led
23 organizations is permitted notwithstanding any speech or
24 expressive activity by such organizations that would otherwise
25 violate this subsection, provided that such use must be granted
26 to student-led organizations pursuant to written policies or
27 regulations of each Florida College System institution or state
28 university, as applicable.

29 (3) Subsection (2) does not prohibit programs, campus
30 activities, or functions required for compliance with general or
31 federal laws or regulations; for obtaining or retaining
32 institutional or discipline-specific accreditation; or for
33 access programs for military veterans, Pell Grant recipients,
34 first generation college students, nontraditional students,
35 "2+2" transfer students from the Florida College System,
36 students from low-income families, or students with unique
37 abilities.

38
39 ===== T I T L E A M E N D M E N T =====



933760

40 And the title is amended as follows:
41 Delete line 36
42 and insert:
43 funds for certain purposes; providing



398812

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 365 - 415

and insert:

(1) The Board of Trustees of the University of Florida may use funds as provided in the General Appropriations Act and charitable donations to establish and fund the Hamilton Center for Classical and Civic Education as an academic unit within the University of Florida. The purpose of the center is to support teaching and research concerning the ideas, traditions, and



398812

11 texts that form the foundations of Western and American
12 civilization.

13 (2) Beginning January 1, 2025, and by each January 1
14 thereafter, the University of Florida must report to the
15 Governor, the President of the Senate, and the Speaker of the
16 House of Representatives on the progress toward establishing the
17 center as a permanent college at the university. The report must
18 include a timeline for establishing the college, enrollment and
19 educational outcomes and future goals for enrollment and
20 educational outcomes, current financial progress and future
21 financial needs, and any recommendation for changes in general
22 law.

23 (3) The goals of the center are to:

24 (a) Educate university students in core texts and great
25 debates of Western civilization and the Great Books.

26 1. The center is responsible for developing curriculum and
27 courses to satisfy the requirement for the competency in civil
28 discourse.

29 2. Courses developed under this paragraph may be used to
30 satisfy the requirements of s. 1007.25(5).

31 (b) Educate university students in the principles, ideals,
32 and institutions of the American political order.

33 (c) Educate university students in the foundations of
34 responsible leadership and informed citizenship.

35 (d) Provide programming and training related to civic
36 education and the values of open inquiry and civil discourse to
37 support the K-20 system.

38 (e) Coordinate with the Florida Institute for Governance
39 and Civics ~~of Politics~~ created pursuant to s. 1004.6499 and the



40 Adam Smith Center for the Study of Economic Freedom created
41 pursuant to s. 1004.64991 and assist in the curation and
42 implementation of Portraits in Patriotism created pursuant to s.
43 1003.44.

44 (f) Develop educational programming and a plan for the
45 implementation of such programming to ensure that all university
46 students demonstrate competency in civil discourse.

47 (4) In order to carry out the goals set forth in subsection
48 (3), the president of the University of Florida must:

49 (a) Annually update the board of trustees on the center's
50 progress toward developing educational programming to ensure
51 that all students at the university demonstrate competency in
52 civil discourse. The president's report must identify a timeline
53 and support necessary for the university to achieve this goal.

54 (b) Guide the university's leadership and the center to
55 ensure that the center is able to enroll students, hire faculty,
56 ensure a pathway to tenure for faculty, develop curricula and
57 courses, establish certificate and degree programs, establish
58 major and minor programs, and fulfill other actions approved by
59 the president of the university.

60 (5) Funds appropriated specifically to the center may not
61 be used for any other purpose; however, the university may
62 provide additional funding as available to the center.

63
64 ===== T I T L E A M E N D M E N T =====

65 And the title is amended as follows:

66 Delete lines 48 - 49

67 and insert:

68 Center for Classical and Civic Education; requiring



398812

69 the University of Florida to annually report to the
70 Governor and Legislature on the transition of the
71 center to a college; revising the goals of the center;
72 requiring the University of Florida president to take
73 specified actions; providing requirements for the use
74 of appropriated funds; authorizing the university to
75 provide additional funding to the center;



404106

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Grall) recommended the following:

Senate Amendment (with title amendment)

Delete lines 616 - 624

and insert:

(3) Public postsecondary educational institutions must report courses meeting institutional general education subject requirements to the department by their statewide course number.

(4) In performing it duties under ss. 1007.24 and 1007.25, by December 1, 2024, and each December 1 thereafter, the Articulation Coordinating Committee shall submit to the State



404106

11 Board of Education and the Board of Governors courses that have
12 been approved by public postsecondary educational institutions
13 as meeting general education requirements. The listing of
14 general education courses must include the information in
15 paragraphs (2)(a), (b), and (c). The State Board of Education
16 and the Board of Governors must approve or reject the list of
17 general education courses for each Florida College System
18 institution and state university, respectively.

19
20 ===== T I T L E A M E N D M E N T =====

21 And the title is amended as follows:

22 Delete line 79

23 and insert:

24 report certain courses to the department; requiring
25 the Articulation Coordinating Committee to submit
26 general education courses the State Board of Education
27 and the Board of Governors for action; providing a

By the Appropriations Committee on Education; the Committee on Education Postsecondary; and Senator Grall

602-03778-23

2023266c2

1 A bill to be entitled
 2 An act relating to higher education; amending s.
 3 1001.706, F.S.; revising the duties of the Board of
 4 Governors relating to the mission of each state
 5 university; revising requirements for the Board of
 6 Governors' strategic plan relating to the goals and
 7 objectives of the State University System; requiring
 8 the Board of Governors to annually require each state
 9 university to include certain information in its
 10 economic security report; requiring, rather than
 11 authorizing, a Board of Governors regulation to
 12 include a post-tenure review of state university
 13 faculty on a specified basis; amending s. 1001.7065,
 14 F.S.; requiring the Board of Governors Accountability
 15 Plan to annually report certain research expenditures
 16 of a specified amount; revising the number of
 17 standards an institution must meet to receive a
 18 specified designation; creating s. 1001.741, F.S.;
 19 providing that each state university president is
 20 responsible for hiring the provost, the deans, and
 21 full-time faculty; providing that the president has a
 22 duty to assess the performance of the provost and
 23 deans; authorizing the president to delegate hiring
 24 authority to specified individuals and entities;
 25 prohibiting a university from using specified methods
 26 in its admissions or personnel processes; providing
 27 that certain actions regarding personnel may not be
 28 appealed beyond the university president; requiring
 29 each state university board of trustees to have review

Page 1 of 26

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

602-03778-23

2023266c2

30 procedures for the president's selection and
 31 reappointment of certain faculty; requiring each state
 32 university president to annually present specified
 33 performance evaluations and salaries to the board of
 34 trustees; amending s. 1004.06, F.S.; prohibiting
 35 specified educational institutions from expending
 36 funds to promote specified concepts; providing
 37 exceptions; requiring the State Board of Education and
 38 the Board of Governors to adopt rules and regulations,
 39 respectively; creating s. 1004.3841, F.S.; creating
 40 the Institute for Risk Management and Insurance
 41 Education within the College of Business at the
 42 University of Central Florida; requiring that the
 43 institute be located in a specified county; providing
 44 the purpose and goals of the institute; amending s.
 45 1004.6496, F.S.; authorizing the Board of Trustees of
 46 the University of Florida to use charitable donations
 47 in addition to appropriated funds to fund the Hamilton
 48 Center for Classical and Civic Education; revising the
 49 goals of the center; providing powers of the center;
 50 amending s. 1004.6499, F.S.; renaming the Florida
 51 Institute of Politics at the Florida State University
 52 as the Florida Institute for Governance and Civics;
 53 providing the goals of the institute; amending s.
 54 1004.64991, F.S.; authorizing the Adam Smith Center
 55 for the Study of Economic Freedom to perform certain
 56 tasks in order to carry out its established purpose;
 57 amending s. 1007.25, F.S.; revising how general
 58 education core courses are established; requiring the

Page 2 of 26

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602-03778-23

2023266c2

59 State Board of Education and the Board of Governors to
 60 consider approval of certain courses; requiring
 61 faculty committees to review and submit
 62 recommendations to the Articulation Coordinating
 63 Committee and the commissioner relating to certain
 64 courses by a specified date and periodically
 65 thereafter; prohibiting general education core courses
 66 from teaching certain topics or presenting information
 67 in specified ways; providing requirements for general
 68 education core courses; requiring specified
 69 educational institutions to offer certain courses;
 70 prohibiting public postsecondary educational
 71 institutions from requiring students to take certain
 72 additional general education core courses; creating s.
 73 1007.55, F.S.; providing legislative findings;
 74 providing requirements for general education courses;
 75 requiring public postsecondary educational institution
 76 boards of trustees and presidents to annually review
 77 and approve general education requirements; requiring
 78 public postsecondary educational institutions to
 79 report certain courses to the department; providing a
 80 penalty for failing to meet such review and approval
 81 requirements; prohibiting public postsecondary
 82 educational institutions from requiring students to
 83 take certain additional general education courses;
 84 requiring the State Board of Education and the Board
 85 of Governors to adopt rules and regulations,
 86 respectively; amending s. 1008.47, F.S.; specifying a
 87 one-time limit on the requirement to change

Page 3 of 26

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602-03778-23

2023266c2

88 accrediting agencies; providing for expiration;
 89 prohibiting an accrediting entity from requiring a
 90 public postsecondary institution to violate state law;
 91 amending s. 1009.26, F.S.; requiring the Board of
 92 Governors to identify state-approved teacher
 93 preparation programs eligible for a tuition waiver;
 94 providing that certain postsecondary fee waivers
 95 continue until specified criteria are met; providing
 96 an effective date.

97
 98 Be It Enacted by the Legislature of the State of Florida:
 99

100 Section 1. Paragraphs (a) through (d) of subsection (5) and
 101 paragraph (b) of subsection (6) of section 1001.706, Florida
 102 Statutes, are amended to read:

103 1001.706 Powers and duties of the Board of Governors.—

104 (5) POWERS AND DUTIES RELATING TO ACCOUNTABILITY.—

105 (a) The Legislature intends that the Board of Governors
 106 shall align the missions of each constituent university with the
 107 academic success of its students; the existing and emerging
 108 economic development needs of the state; the national reputation
 109 of its faculty and its academic and research programs; the
 110 quantity of externally generated research, patents, and
 111 licenses; and the strategic and accountability plans required in
 112 paragraphs (b) and (c). The Board of Governors shall
 113 periodically review the mission of each constituent university
 114 and make updates or revisions as needed. Upon completion of a
 115 review of the mission, the board shall review existing academic
 116 programs for alignment with the mission. The board shall include

Page 4 of 26

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602-03778-23

2023266c2

117 in its review a directive to each constituent university to
 118 examine its programs for any curriculum that violates s. 1000.05
 119 or that is based on theories that systemic racism, sexism,
 120 oppression, and privilege are inherent in the institutions of
 121 the United States and were created to maintain social,
 122 political, and economic inequities. The mission alignment and
 123 strategic plan ~~must shall~~ consider peer institutions at the
 124 constituent universities. The mission alignment and strategic
 125 plan ~~must shall~~ acknowledge that universities that have a
 126 national and international impact have the greatest capacity to
 127 promote the state's economic development through: new
 128 discoveries, patents, licenses, and technologies that generate
 129 state businesses of global importance; research achievements
 130 through external grants and contracts that are comparable to
 131 nationally recognized and ranked universities; the creation of a
 132 resource rich academic environment that attracts high-technology
 133 business and venture capital to the state; and this generation's
 134 finest minds focusing on solving the state's economic, social,
 135 environmental, and legal problems in the areas of life sciences,
 136 water, sustainability, energy, and health care. A nationally
 137 recognized and ranked university that has a global perspective
 138 and impact ~~must shall~~ be afforded the opportunity to enable and
 139 protect the university's competitiveness on the global stage in
 140 fair competition with other institutions of other states in the
 141 highest Carnegie Classification.

142 (b) The Board of Governors shall develop a strategic plan
 143 specifying goals and objectives for the State University System
 144 and each constituent university, including each university's
 145 contribution to overall system goals and objectives. The

Page 5 of 26

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602-03778-23

2023266c2

146 strategic plan must:

147 1. Include performance metrics and standards common for all
 148 institutions and metrics and standards unique to institutions
 149 depending on institutional core missions, including, but not
 150 limited to, student admission requirements, retention,
 151 graduation, percentage of graduates who have attained
 152 employment, percentage of graduates enrolled in continued
 153 education, licensure passage, nondegree credential attainment,
 154 average wages of employed graduates, average cost per graduate,
 155 excess hours, student loan burden and default rates, faculty
 156 awards, total annual research expenditures, patents, licenses
 157 and royalties, intellectual property, startup companies, annual
 158 giving, endowments, and well-known, highly respected national
 159 rankings for institutional and program achievements.

160 2. Consider reports and recommendations of the Florida
 161 Talent Development Council under s. 1004.015 and the
 162 Articulation Coordinating Committee under s. 1007.01.

163 3. Include student enrollment and performance data
 164 delineated by method of instruction, including, but not limited
 165 to, traditional, online, and distance learning instruction.

166 4. Include criteria for designating baccalaureate degree
 167 and master's degree programs at specified universities as high-
 168 demand programs of emphasis. The programs of emphasis list
 169 adopted by the Board of Governors before July 1, 2021, shall be
 170 used for the 2021-2022 academic year. Beginning in the 2022-2023
 171 academic year, the Board of Governors shall adopt the criteria
 172 to determine value for and prioritization of degree credentials
 173 and degree programs established by the Credentials Review
 174 Committee under s. 445.004 for designating high-demand programs

Page 6 of 26

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602-03778-23

2023266c2

175 of emphasis. The Board of Governors must review designated
 176 programs of emphasis, at a minimum, every 3 years to ensure
 177 alignment with the prioritization of degree credentials and
 178 degree programs identified by the Credentials Review Committee.

179 5. Include criteria for nondegree credentials.

180 (c) The Board of Governors shall develop an accountability
 181 plan for the State University System and each constituent
 182 university. The accountability plan must address institutional
 183 and system achievement of goals and objectives specified in the
 184 strategic plan adopted pursuant to paragraph (b) and must be
 185 submitted as part of its legislative budget request. Each
 186 university shall submit, as a component of the university's
 187 annual accountability plan:

188 1. Information on the effectiveness of its plan for
 189 improving 4-year graduation rates; and

190 2. The level of financial assistance provided to students
 191 pursuant to paragraph (h).

192 ~~Beginning in the 2014-2015 academic year and annually~~
 193 ~~thereafter,~~ The Board of Governors shall annually require a
 194 state university prior to registration to provide each enrolled
 195 student electronic access to the economic security report of
 196 employment and earning outcomes prepared by the Department of
 197 Economic Opportunity pursuant to s. 445.07. In addition, the
 198 Board of Governors shall require a state university to provide
 199 each student electronic access to the following information each
 200 year prior to registration using the data described in s.
 201 1008.39:

202 1. The top 25 percent of degrees reported by the university
 203 in terms of highest full-time job placement and highest average

602-03778-23

2023266c2

204 annualized earnings in the year after earning the degree.

205 2. The bottom 10 percent of degrees reported by the
 206 university in terms of lowest full-time job placement and lowest
 207 average annualized earnings in the year after earning the
 208 degree.

209 (6) POWERS AND DUTIES RELATING TO PERSONNEL.—

210 (b) The Board of Governors shall ~~may~~ adopt a regulation
 211 requiring each tenured state university faculty member to
 212 undergo a comprehensive post-tenure review every 5 years. The
 213 board may include other considerations in the regulation, but
 214 the regulation must address:

215 1. Accomplishments and productivity;

216 2. Assigned duties in research, teaching, and service;

217 3. Performance metrics, evaluations, and ratings; and

218 4. Recognition and compensation considerations, as well as
 219 improvement plans and consequences for underperformance.

220 Section 2. Paragraph (m) is added to subsection (2) of
 221 section 1001.7065, Florida Statutes, and subsection (3) of that
 222 section is amended, to read:

223 1001.7065 Preeminent state research universities program.—

224 (2) ACADEMIC AND RESEARCH EXCELLENCE STANDARDS.—The
 225 following academic and research excellence standards are
 226 established for the preeminent state research universities
 227 program and shall be reported annually in the Board of Governors
 228 Accountability Plan:

229 (m) Total annual STEM-related research expenditures,
 230 including federal research expenditures, of \$50 million or more.

231 (3) PREEMINENT STATE RESEARCH UNIVERSITY DESIGNATION.—

232 (a) The Board of Governors shall designate each state

602-03778-23

2023266c2

233 university that annually meets at least ~~12~~ ~~11~~ of the ~~13~~ ~~12~~
 234 academic and research excellence standards identified in
 235 subsection (2) as a "preeminent state research university."

236 (b) The Board of Governors shall designate each state
 237 university that annually meets at least ~~7~~ ~~6~~ of the ~~13~~ ~~12~~
 238 academic and research excellence standards identified in
 239 subsection (2) as an "emerging preeminent state research
 240 university."

241 Section 3. Section 1001.741, Florida Statutes, is created
 242 to read:

243 1001.741 State university personnel.-

244 (1) Except as delegated pursuant to paragraph (a), each
 245 state university president has the final authority for hiring
 246 the provost, the deans, and all full-time faculty for the
 247 university, and has an ongoing duty to assess the performance,
 248 productivity, and employment practices of the university's
 249 provost and deans. The president of the university is encouraged
 250 to engage in faculty recruiting as appropriate, and shall
 251 provide a regular report and recommendations on employment
 252 practices to the board at least twice annually.

253 (a) The president may delegate hiring authority to
 254 individuals on the university's executive management team within
 255 the president's office, to the provost, or to individual deans;
 256 however, the president or the person delegated such hiring
 257 authority is not bound by the recommendations or opinions of
 258 faculty or other individuals.

259 (b) A state university may not require any statement,
 260 pledge, or oath other than to uphold general and federal law,
 261 the United States Constitution, and the State Constitution as a

602-03778-23

2023266c2

262 part of any admissions, hiring, employment, promotion, tenure,
 263 disciplinary, or evaluation process.

264 (2) Notwithstanding s. 447.401 or any other law, personnel
 265 actions or decisions regarding faculty, including in the areas
 266 of evaluations, promotions, tenure, discipline, or termination,
 267 may not be appealed beyond the level of a university president
 268 or designee. Such actions or decisions must have as their
 269 terminal step a final agency disposition, which must be issued
 270 in writing to the faculty member, and are not subject to
 271 arbitration. The filing of a grievance does not toll the action
 272 or decision of the university, including the termination of pay
 273 and benefits of a suspended or terminated faculty member.

274 (3) Each state university board of trustees must have
 275 procedures for the review of the president's selection and
 276 reappointment of each member of the university's executive
 277 management team, and his or her respective contract and annual
 278 salary, before such contracts and salaries become effective, in
 279 accordance with the personnel program established by the Board
 280 of Governors.

281 (4) Each state university president shall annually present
 282 to the state university board of trustees the results of
 283 performance evaluations and associated annual salaries for all
 284 evaluated academic and administrative personnel earning an
 285 annual salary of \$200,000 or more, regardless of the funding
 286 source for such salaries. The results may be presented in a
 287 summary or written format.

288 Section 4. Section 1004.06, Florida Statutes, is amended to
 289 read:

290 1004.06 Prohibited expenditures.-

602-03778-23

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291 (1) ~~A~~ No Florida College System institution, state
 292 university, Florida College System institution direct-support
 293 organization, or state university direct-support organization
 294 may not ~~shall~~ expend any funds, regardless of source, to
 295 purchase membership in, or goods and services from, any
 296 organization that discriminates on the basis of race, color,
 297 national origin, sex, disability ~~gender~~, or religion.

298 (2) A Florida College System institution, state university,
 299 Florida College System institution direct-support organization,
 300 or state university direct-support organization may not expend
 301 any funds, regardless of source, to promote, support, or
 302 maintain any programs or campus activities that:

303 (a) Violate s. 1000.05; or

304 (b) Are based on theories that systemic racism, sexism,
 305 oppression, and privilege are inherent in the institutions of
 306 the United States and were created to maintain social,
 307 political, and economic inequities.

308 (3) Subsection (2) does not prohibit programs or campus
 309 activities and functions required for compliance with federal
 310 laws or regulations; for obtaining or retaining institutional or
 311 discipline-specific accreditation; for securing or retaining
 312 research contracts, grants, and cooperative agreements; or for
 313 access programs for military veterans, Pell Grant recipients,
 314 first generation college students, nontraditional students,
 315 "2+2" transfer students from the Florida College System,
 316 students from low-income families, or students with unique
 317 abilities.

318 (4) The State Board of Education and the Board of Governors
 319 shall adopt rules and regulations, respectively, to implement

602-03778-23

2023266c2

320 this section.

321 Section 5. Section 1004.3841, Florida Statutes, is created
 322 to read:

323 1004.3841 The Institute for Risk Management and Insurance
 324 Education.—The Institute for Risk Management and Insurance
 325 Education is established within the College of Business at the
 326 University of Central Florida. Since insurance and risk
 327 management is a major industry in the state, with a
 328 concentration of such industry in Volusia County, the institute
 329 shall be located in Volusia County. Like many other industries
 330 in the state, the insurance and risk management industry is
 331 being revolutionized by, among other things, the integration of
 332 technology, predictive analytics, and data science, and is
 333 becoming more complex, given its exposure to transformative
 334 trends in the economy and environment. The purpose of the
 335 institute is to respond to the ever-evolving insurance and risk
 336 management industry and the present and emerging needs of this
 337 state and its residents. The goals of the institute are to:

338 (1) Pursue technological innovations that advance risk
 339 valuation models and operational efficiencies in the insurance
 340 industry.

341 (2) Drive the development of workforce competencies in data
 342 analytics, system-level thinking, technology integration,
 343 entrepreneurship, and actuarial science.

344 (3) Leverage the University of Central Florida's world-
 345 class assets in data science, artificial intelligence, computer
 346 science, engineering, finance, economics, and sales.

347 (4) Take advantage of the University of Central Florida's
 348 robust portfolio of academic program offerings and draw on

602-03778-23

2023266c2

349 faculty and industry experts in diverse fields, including
 350 actuarial science, computer science, economics, engineering,
 351 environmental science, finance, forensics, law, management,
 352 marketing, and psychology.

353 (5) Develop and offer risk management and insurance
 354 education, including education that recognizes risks in areas
 355 such as the environment, pandemic disease, and digital security.

356 (6) Offer programs, workshops, case studies, and applied
 357 research studies that integrate technology and artificial
 358 intelligence with soft skills while preparing students and
 359 professionals for the technology-enabled insurance industry of
 360 the future.

361 Section 6. Section 1004.6496, Florida Statutes, is amended
 362 to read:

363 1004.6496 Hamilton Center for Classical and Civic
 364 Education.—

365 (1) By July 1, 2024, the Board of Trustees of the
 366 University of Florida may use funds as provided in the General
 367 Appropriations Act and charitable donations to establish and
 368 fund the Hamilton Center for Classical and Civic Education as an
 369 academic unit within the University of Florida. The purpose of
 370 the center is to support teaching and research concerning the
 371 ideas, traditions, and texts that form the foundations of
 372 Western and American civilization.

373 (2) The goals of the center are to:

374 (a) Educate university students in core texts and great
 375 debates of Western civilization and the Great Books.

376 (b) Educate university students in the principles, ideals,
 377 and institutions of the American political order.

602-03778-23

2023266c2

378 (c) Educate university students in the foundations of
 379 responsible leadership and informed citizenship.

380 (d) Provide programming and training related to civic
 381 education and the values of open inquiry and civil discourse to
 382 support the K-20 system.

383 (e) Coordinate with the Florida Institute for Governance
 384 and Civics of Politics created pursuant to s. 1004.6499 and the
 385 Adam Smith Center for the Study of Economic Freedom created
 386 pursuant to s. 1004.64991 and assist in the curation and
 387 implementation of Portraits in Patriotism created pursuant to s.
 388 1003.44.

389 (3) In order to carry out the purposes set forth in
 390 subsection (2), the center is authorized to:

391 (a) Hire necessary faculty and staff pursuant to s.
 392 1001.741;

393 (b) Enroll students;

394 (c) Develop curriculum and offer new courses, including
 395 honors courses, certificates, and major and minor programs;

396 (d) Hold events, including fundraisers;

397 (e) Fulfill other actions approved by the president of the
 398 university; and

399 (f) Generate resources based on student credit hour
 400 enrollment, in the same manner as any other center within the
 401 institution.

402 (4) The president of the university may hire a director for
 403 the center.

404 (a) The president of the university may remove the director
 405 in accordance with the policies and procedures established at
 406 the university.

602-03778-23

2023266c2

407 (b) The director of the center must report directly to the
 408 president or provost of the university.

409 (5) Faculty of the center may be awarded tenure, subject to
 410 the tenure regulations adopted by the university board of
 411 trustees.

412 (6) Funds appropriated specifically to the center may not
 413 be used for any other purpose at the university; however, the
 414 university can provide additional funding as available to the
 415 center.

416 Section 7. Section 1004.6499, Florida Statutes, is amended
 417 to read:

418 1004.6499 Florida Institute for Governance and Civics of
 419 Politics.-

420 (1) The Florida Institute for Governance and Civics of
 421 Politics is established at the Florida State University within
 422 the College of Social Sciences and Public Policy. The purpose of
 423 the institute is to provide the southeastern region of the
 424 United States with a world class, bipartisan, nationally
 425 renowned institute of politics.

426 (2) The goals of the institute are to:

427 (a) Provide students with access to an interdisciplinary
 428 hub that will develop academically rigorous scholarship and
 429 coursework on the origins of the American system of government,
 430 its foundational documents, its subsequent political traditions
 431 and evolutions, and its impact on comparative political systems
 432 Motivate students throughout the Florida State University to
 433 become aware of the significance of government and civic
 434 engagement at all levels and politics in general.

435 (b) Encourage civic literacy in this state through the

602-03778-23

2023266c2

436 development of educational tools and resources for K-12 and
 437 postsecondary students which foster an understanding of how
 438 individual rights, constitutionalism, separation of powers, and
 439 federalism function within the American system ~~Provide students~~
 440 ~~with an opportunity to be politically active and civically~~
 441 ~~engaged.~~

442 (c) Model civic discourse that recognizes the importance of
 443 viewpoint diversity, intellectual rigor, and an evidence-based
 444 approach to history ~~Nurture a greater awareness of and passion~~
 445 ~~for public service and politics.~~

446 (d) Plan and host forums to allow students and guests to
 447 hear from exceptional individuals who have excelled in a wide
 448 range of sectors of American life, to highlight the
 449 possibilities created by individual achievement and
 450 entrepreneurial vision and interact with experts from
 451 government, politics, policy, and journalism on a frequent
 452 basis.

453 (e) Become a national and state resource on using polling
 454 instruments and other assessments to measure civic literacy and
 455 make recommendations for improving civic education ~~information~~
 456 ~~and survey methodology.~~

457 (f) Provide fellowships and internship opportunities to
 458 students in government, ~~nonprofit organizations, and community~~
 459 ~~organizations.~~

460 (g) Create through scholarship, original research,
 461 publications, symposia, testimonials, and other means a body of
 462 resources that can be accessed by students, scholars, and
 463 government officials to understand the innovations in public
 464 policy in this state over a rolling 30-year time period ~~Provide~~

602-03778-23

2023266c2

465 ~~training sessions for newly elected state and local public~~
466 ~~officials.~~

467 ~~(h) Organize and sponsor conferences, symposia, and~~
468 ~~workshops throughout this state to educate and inform citizens,~~
469 ~~elected officials, and appointed policymakers regarding~~
470 ~~effective policymaking techniques and processes.~~

471 ~~(i) Create and promote research and awareness regarding~~
472 ~~politics, citizen involvement, and public service.~~

473 ~~(j) Collaborate with related policy institutes and research~~
474 ~~activities at the Florida State University and other~~
475 ~~institutions of higher education to motivate, increase, and~~
476 ~~sustain citizen involvement in public affairs.~~

477 Section 8. Subsection (3) is added to section 1004.64991,
478 Florida Statutes, to read:

479 1004.64991 The Adam Smith Center for the Study of Economic
480 Freedom.—

481 (3) In order to carry out the purpose set forth in this
482 section, the institute is authorized to:

483 (a) Hire necessary faculty and staff pursuant to s.
484 1001.741;

485 (b) Enroll students;

486 (c) Develop curriculum and offer new courses, including
487 honors courses, certificates, and major and minor programs;

488 (d) Hold events, including fundraisers;

489 (e) Fulfill other actions approved by the president of the
490 university; and

491 (f) Generate resources based on student credit hour
492 enrollment, in the same manner as any college within the
493 institution.

602-03778-23

2023266c2

494 Section 9. Subsection (3) of section 1007.25, Florida
495 Statutes, is amended to read:

496 1007.25 General education courses; common prerequisites;
497 other degree requirements.—

498 (3) The chair of the State Board of Education and the chair
499 of the Board of Governors, or their designees, shall jointly
500 appoint faculty committees to review and recommend to the
501 Articulation Coordinating Committee for approval by the State
502 Board of Education and the Board of Governors identify statewide
503 general education core course options for inclusion in the
504 statewide course numbering system established under s. 1007.24.
505 Faculty committees shall, by July 1, 2024, and by July 1 every 4
506 years thereafter, review and submit recommendations to the
507 Articulation Coordinating Committee and the commissioner for the
508 removal, alignment, realignment, or addition of general
509 education core courses that satisfy the requirements of this
510 subsection.

511 (a) General education core course options shall consist of
512 a maximum of five courses within each of the subject areas of
513 communication, mathematics, social sciences, humanities, and
514 natural sciences. The core courses may be revised, or the five-
515 course maximum within each subject area may be exceeded, if
516 approved by the State Board of Education and the Board of
517 Governors, as recommended by the subject area faculty committee
518 and approved by the Articulation Coordinating Committee as
519 necessary for a subject area.

520 (b) Each general education core course option must contain
521 high-level academic and critical thinking skills and common
522 competencies that students must demonstrate to successfully

602-03778-23

2023266c2

523 complete the course.

524 (c) General education core courses may not distort
 525 significant historical events or include a curriculum that
 526 teaches identity politics, violates s. 1000.05, or is based on
 527 theories that systemic racism, sexism, oppression, and privilege
 528 are inherent in the institutions of the United States and were
 529 created to maintain social, political, and economic inequities.

530 (d) General education core courses must meet the following
 531 standards:

532 1. Communication courses must afford students the ability
 533 to communicate effectively, including the ability to write
 534 clearly and engage in public speaking.

535 2. Humanities courses must afford students the ability to
 536 think critically through the mastering of subjects concerned
 537 with human culture, especially literature, history, art, music,
 538 and philosophy, and must include selections from the Western
 539 canon.

540 3. Social science courses must afford students an
 541 understanding of the basic social and behavioral science
 542 concepts and principles used in the analysis of behavior and
 543 past and present social, political, and economic issues.

544 4. Natural science courses must afford students the ability
 545 to critically examine and evaluate the principles of the
 546 scientific method, model construction, and use the scientific
 547 method to explain natural experiences and phenomena.

548 5. Mathematics courses must afford students a mastery of
 549 foundational mathematical and computation models and methods by
 550 applying such models and methods in problem solving.

551 (e) Beginning with students initially entering a Florida

602-03778-23

2023266c2

552 College System institution or state university in 2015-2016 and
 553 thereafter, each student must complete at least one identified
 554 core course in each subject area as part of the general
 555 education course requirements. Beginning in the 2022-2023
 556 academic year and thereafter, students entering a technical
 557 degree education program as defined in s. 1004.02(13) must
 558 complete at least one identified core course in each subject
 559 area as part of the general education course requirements before
 560 a degree is awarded.

561 (f) All public postsecondary educational institutions shall
 562 offer at least one general education core course in each of the
 563 identified subject areas and accept these courses as meeting
 564 general education core course requirements upon transfer,
 565 regardless of whether the receiving institution offers the
 566 identical general education core courses. The remaining general
 567 education course requirements shall be identified by each
 568 institution as approved in accordance with this section and
 569 listed in the statewide course numbering system and reported to
 570 the department by their statewide course number.

571 (g) A public postsecondary educational institution may not
 572 require a student to complete an additional course to meet a
 573 subject area distribution requirement that was completed by the
 574 student with a course that has since been removed as a general
 575 education core course.

576 (h) The general education core course options shall be
 577 adopted in rule by the State Board of Education and in
 578 regulation by the Board of Governors.

579 Section 10. Section 1007.55, Florida Statutes, is created
 580 to read:

602-03778-23

2023266c2

581 1007.55 General education course principles, standards, and
 582 content.—

583 (1) The Legislature finds it necessary to ensure that every
 584 undergraduate student of a Florida public postsecondary
 585 educational institution graduates as an informed citizen through
 586 participation in rigorous general education courses that promote
 587 and preserve the constitutional republic through traditional,
 588 historically accurate, and high-quality coursework. General
 589 education courses should provide broad foundational knowledge to
 590 help students develop intellectual skills and habits that enable
 591 them to become more effective and lifelong learners. Courses
 592 with a curriculum based on unproven, speculative, or exploratory
 593 content are best suited as elective or specific program
 594 prerequisite credit, not general education credit. General
 595 education courses must:

596 (a) Meet the course standards as provided in s. 1007.25;
 597 and

598 (b) Whenever applicable, provide instruction on the
 599 historical background and philosophical foundation of Western
 600 civilization and this nation's historical documents, such as the
 601 Declaration of Independence, the United States Constitution, the
 602 Bill of Rights and subsequent amendments, and the Federalist
 603 Papers.

604 (2) Public postsecondary educational institution boards of
 605 trustees and presidents are responsible for annually reviewing
 606 and approving, at a public meeting, general education course
 607 requirements, as authorized and approved in accordance with ss.
 608 1007.24 and 1007.25 and this section, at their respective
 609 institutions. The following must be included for each listed

602-03778-23

2023266c2

610 general education course:

611 (a) The general education distribution area;

612 (b) The number of state universities that offer the course
 613 and the number of Florida College System institutions that offer
 614 the course; and

615 (c) The course level.

616 (3) Each public postsecondary educational institution must
 617 annually submit to the Board of Governors or the State Board of
 618 Education, as applicable, the institution's listing of approved
 619 general education courses, which must include the information in
 620 paragraphs (2)(a), (b), and (c). The applicable board must
 621 approve the institution general education course lists.

622 (4) Public postsecondary educational institutions must
 623 report courses meeting institutional general education subject
 624 requirements to the department by their statewide course number.

625 (5) Public postsecondary educational institutions that fail
 626 to comply with the requirements of this section are not eligible
 627 to receive performance-based funding pursuant to ss. 1001.66 or
 628 1001.92.

629 (6) A public postsecondary educational institution may not
 630 require a student to take an additional course to meet a subject
 631 area distribution requirement that was completed by the student
 632 with a course that has since been removed as a general education
 633 course.

634 (7) The State Board of Education and the Board of Governors
 635 shall adopt rules and regulations, respectively, to implement
 636 this section.

637 Section 11. Present subsections (3) and (4) of section
 638 1008.47, Florida Statutes, are redesignated as subsections (4)

602-03778-23 2023266c2

639 and (5), respectively, a new subsection (3) is added to that
640 section, and subsection (2) and present subsection (3) of that
641 section are amended, to read:

642 1008.47 Postsecondary education institution accreditation.—

643 (2) ACCREDITATION.—

644 (a) By September 1, 2022, the Board of Governors or the
645 State Board of Education, as applicable, shall identify and
646 determine the accrediting agencies or associations best suited
647 to serve as an accreditor for public postsecondary institutions.
648 Such accrediting agencies or associations must be recognized by
649 the database created and maintained by the United States
650 Department of Education. ~~A public postsecondary institution may~~
651 ~~not be accredited by the same accrediting agency or association~~
652 ~~for consecutive accreditation cycles.~~ In the year following
653 reaffirmation or fifth-year review by its accrediting agencies
654 or associations, each public postsecondary institution must seek
655 and obtain accreditation from an accrediting agency or
656 association identified by the Board of Governors or State Board
657 of Education, respectively, before its next reaffirmation or
658 fifth-year review date. The requirements in this section are
659 limited to a one-time change in accreditation. The requirements
660 of this subsection are not applicable to those professional,
661 graduate, departmental, or certificate programs at public
662 postsecondary institutions that have specific accreditation
663 requirements or best practices, including, but not limited to,
664 law, pharmacy, engineering, or other similarly situated
665 educational programs.

666 (b) Once a public postsecondary institution is required to
667 seek and obtain accreditation from an agency or association

Page 23 of 26

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602-03778-23 2023266c2

668 identified pursuant to paragraph (a), the institution shall seek
669 accreditation from a regional accrediting agency or association
670 and provide quarterly reports of its progress to the Board of
671 Governors or State Board of Education, as applicable. If each
672 regional accreditation agency or association identified pursuant
673 to paragraph (a) has refused to grant candidacy status to an
674 institution, the institution must ~~shall~~ seek and obtain
675 accreditation from any accrediting agency or association that is
676 different from its current accrediting agency or association and
677 is recognized by the database created and maintained by the
678 United States Department of Education. If a public postsecondary
679 institution is not granted candidacy status before its next
680 reaffirmation or fifth-year review date, the institution may
681 remain with its current accrediting agency or association.

682 (c) This subsection expires December 31, 2032.

683 (3) PROHIBITION.—An accrediting agency or association may
684 not compel any public postsecondary institution to violate state
685 law, and any adverse action upon the institution based upon the
686 institution's compliance with state law constitutes a violation
687 of this section that may be enforced through subsection (4),
688 except to the extent that state law is preempted by a federal
689 law that recognizes the necessity of the accreditation standard
690 or requirement.

691 (4)(3) CAUSE OF ACTION.—A postsecondary education
692 institution negatively impacted by retaliatory or adverse action
693 taken against the postsecondary education institution by an
694 accrediting agency or association may bring an action against
695 the accrediting agency or association in a court of competent
696 jurisdiction and may obtain liquidated damages ~~in up to~~ the

Page 24 of 26

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602-03778-23

2023266c2

697 amount of federal financial aid received by the postsecondary
698 education institution, court costs, and reasonable attorney
699 fees.

700 Section 12. Paragraphs (a), (b), and (c) of subsection (18)
701 of section 1009.26, Florida Statutes, are amended to read:

702 1009.26 Fee Waivers.—

703 (18) (a) For every course in a Program of Strategic
704 Emphasis, or in a state-approved teacher preparation program
705 identified by the Board of Governors, as identified in
706 subparagraph 3., in which a student is enrolled, a state
707 university shall waive 100 percent of the tuition and fees for
708 an equivalent course in such program for a student who:

709 1. Is a resident for tuition purposes under s. 1009.21.

710 2. Has earned at least 60 semester credit hours towards a
711 baccalaureate degree within 2 academic years after initial
712 enrollment at a Florida public postsecondary institution.

713 3. Enrolls in one of 10 Programs of Strategic Emphasis as
714 adopted by the Board of Governors or in one of two state-
715 approved teacher preparation programs identified by the Board of
716 Governors. The Board of Governors shall adopt eight Programs of
717 Strategic Emphasis in science, technology, engineering, or math;
718 ~~and~~, beginning with the 2022-2023 academic year, two Programs of
719 Strategic Emphasis in the critical workforce gap analysis
720 category; and beginning with the 2023-2024 academic year, two
721 state-approved teacher preparation programs for which a student
722 may be eligible to receive the tuition and fee waiver authorized
723 by this subsection. The programs identified by the board must
724 reflect the priorities of the state and be offered at a majority
725 of state universities at the time the Board of Governors

Page 25 of 26

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602-03778-23

2023266c2

726 approves the list.

727 (b) A waiver granted under this subsection is applicable
728 only for upper-level courses and up to 110 percent of the number
729 of required credit hours of the baccalaureate degree program for
730 which the student is enrolled. A student granted a waiver under
731 this subsection shall continue receiving the waiver until the
732 student graduates, exceeds the number of allowable credit hours,
733 or withdraws from an eligible program, regardless of whether the
734 program is removed from the approved list of eligible programs
735 subsequent to the student's enrollment.

736 (c) Upon enrollment in a Program of Strategic Emphasis or
737 in one of two teacher preparation programs identified by the
738 Board of Governors, the tuition and fees waived under this
739 subsection must be reported for state funding purposes under ss.
740 1009.534 and 1009.535 and must be disbursed to the student. The
741 amount disbursed to the student must ~~shall~~ be equal to the award
742 amount the student has received under s. 1009.534(2) or s.
743 1009.535(2).

744 Section 13. This act shall take effect July 1, 2023.

Page 26 of 26

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4/20/2023

Meeting Date

The Florida Senate

APPEARANCE RECORD

266

Bill Number or Topic

493372

Amendment Barcode (if applicable)

Fiscal Policy

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Name Candace Churchill

Phone 352-281-07454

Address 556 NE 11th St

Email

Street

Gainesville FL 32601

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

United Faculty of FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4/20/23 Meeting Date

266 Bill Number or Topic

493372 Amendment Barcode (if applicable)

Committee

Name MATTHEW LATA

Phone 8503221361

Address 3556 GARDENVIEW

Email matt@pwlata@gmail.com

Street

Jallahay-re FL 32309

City

State

Zip

Speaking: [checked] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate

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20 April 2023

Meeting Date

School Policy

Committee

266 49337

Bill Number or Topic

49337a

Amendment Barcode (if applicable)

Name Robin Goodman

Phone 850-345-0146

Address 850 S Gadsden St Apt 418

Email robintruhg@aol.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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4/20/2023

Meeting Date

Fiscal Policy

Committee

266

Bill Number or Topic

493372

Amendment Barcode (if applicable)

Name Dr. Irene Mulvey

Phone 860-575-7174

Address 1155 Arbutus St.

Street

Email irene.mulvey@gmail.com

Middletown, CT 06457

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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4/20/23

Meeting Date

Fiscal Policy

Committee

266

Bill Number or Topic

★ 493372

Amendment Barcode (if applicable)

Name Alexis Montalvo

Phone _____

Address 213 S Adam St

Street

Email Alexis.Montalvo@FloridaEA.org

TLH

City

FL

State

32317

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Education Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20 Meeting Date

JB 266

Bill Number or Topic

Fiscal Committee

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 850 227-6926

Address 135 S. Monroe Street

Email

Tallahassee FL 32301 City State Zip

Speaking: [] For [x] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

Florida AFL-CIO

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

SB 266

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Dr. Ana Ciereszko

Phone 305 321 0016

Address 11420 N. Kendall Dr. #107

Email aciereszko@yahoo.com

Street

Miami

City

FL

State

33176

~~33173~~

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

United Faculty of Miami Dade College

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-20-23

Meeting Date

266

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Abdelilah SKhir (Ab-dee-luh Skeer) Phone 786-363-1660

Address 4343 W Flagler St #400 Email askhir@acluf1.org

Street

Miami

City

FL

State

33134

Zip

Speaking: [] For [X] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

ACLU of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20/23 Meeting Date

SB 266 Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Daniel Fay

Phone 352-215-3464

Address 1332 N Duval St

Email dan.v.fay@gmail.com

Street

Tallahassee

FL

32303

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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U-20

Meeting Date

Fiscal Policy

Committee

SB 269

Bill Number or Topic

Amendment Barcode (if applicable)

Name Pastor Marcus R McCoy, Jr.

Phone

Address

Email

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

4/20/23

Meeting Date

266

Bill Number or Topic

Fiscal

Committee

Deliver both copies of this form to Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Matthew Lata Rata

Phone

850 3221361

Address

3556 Gardenview

Email

mattwrlata@gmail.com

Street

Tallahassee FL 32309

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

SB 266

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Marie Rattigan

Phone 786 930 5070

Address 850 Capital Walk Dr

Street

Email marie.flspn@floridarisng.org

Tallahassee

FL

32303

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

K 412

The Florida Senate

Higher Ed
SB 266

April 20, 2023

APPEARANCE RECORD

Meeting Date

Bill Number or Topic

Deliver both copies of this form to
Senate professional staff conducting the meeting

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Nancy W. Smith

Phone _____

Address 700 SW 104th St

Email _____

Street

Belle Glade, FL

33430

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

4/20/23

Meeting Date

The Florida Senate APPEARANCE RECORD

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SB266

Bill Number or Topic

Committee

Tara Vanner

Name

Amendment Barcode (if applicable)

Phone

561-602-8858

Address

Email

Tmvanner@gmail.com

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

4/20/2023
Meeting Date

The Florida Senate
APPEARANCE RECORD

2B266

Bill Number or Topic

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Committee

Amendment Barcode (if applicable)

Name Dianne Williams-Cox

Phone 850.556.0627

Address 2312 MAVIS CUN
Street

Email dwmcox@gmail.com

TALL
City

FL
State

32301
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

4/20/2023
Meeting Date

The Florida Senate APPEARANCE RECORD

SB 266
Bill Number or Topic

Deliver both copies of this form to
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Committee

Amendment Barcode (if applicable)

Name Ele Knight

Phone (561) 460-9075

Address 4313 Althea Way

Email eleknight@gmail.com

Street

PB 6, FL 33410

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20

Meeting Date

266

Bill Number or Topic

FISCAL POLICY

Committee

Amendment Barcode (if applicable)

Name TRISH NEELY

Phone 860 322 3317

Address 2024 SHANGRI LA LANE

Email

Street

TALLY

City

FL

State

32303

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

LEAGUE WOMEN VOTERS

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 20, 2023 Meeting Date

SB 266 Bill Number or Topic

Fiscal Policy Committee

Amendment Barcode (if applicable)

Name Caitlin Walters Phone

Address Street Email

City State Zip 32927

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [x] I am appearing without compensation or sponsorship. [] I am a registered lobbyist, representing: [] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021) K 412

The Florida Senate

20 April 2023

APPEARANCE RECORD

SB266

Meeting Date

Bill Number or Topic

Sched Policy

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Committee

Amendment Barcode (if applicable)

Name Robin Goodman

Phone ~~850-345-0140~~ 850-345-0140

Address 550 S Gadsden St Apt 418

Email robintruhg@aol.com

Tallahassee

FL

32301

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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April 20, 2023

Meeting Date

SB 266

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Michael Dobson

Phone (850) 241-5896

Address 310 W. College Ave, Suite 206

Street

Email Michael Dobson

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

The Dream Foundation

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 266

Bill Number or Topic

4/20/23

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Marie Rattigan

Phone 786 930 5070

Address 850 Capital Walk Dr

Email marie.flspnc@floridarising.org

Tallahassee FL 32303

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

April 20, 2023

The Florida Senate
APPEARANCE RECORD

SB 266

Meeting Date
Fiscal Policy

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Bill Number or Topic

Committee
Anne Barrett

Amendment Barcode (if applicable)
850 339 8354

Name
1529 E. Indianhead Dr.

Phone
mchocchip@me.com

Address
Street
Tallahassee **FL** **32301**
City *State* *Zip*

Reset Form

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20/2023

Meeting Date

Fiscal Policy

Committee

SB 266

Bill Number or Topic

Amendment Barcode (if applicable)

Name Dr. Irene Mulvey

Phone 860-575-7174

Address 1155 Arbutus St. Street

Email irene.mulvey@gmail.com

Middletown City

CT State

06457 Zip

Speaking: [] For [X] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[X] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

None

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

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4/20/23

Meeting Date

266

Bill Number or Topic

Fiscal Policy

Committee

Fiscal Policy

Amendment Barcode (if applicable)

Name Candi Churchill

Phone 850.224.8220

Address 115 N. Calhoun St

Email UFF@floridaea.org

Street

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

United Faculty of FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

April 20, 2023

The Florida Senate
APPEARANCE RECORD

266

Meeting Date

Fiscal Policy

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Pamela Burch Fort

Amendment Barcode (if applicable)

850-425-1344

Name

Phone

Address

104 S. Monroe Street

Email

TcgLobby@aol.com

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

NAACP Florida State Conference

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 0266

Bill Number or Topic

4/20/23

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Constance Higginbotham

Phone 803-614-2943

Address 3258 Hammock Cove Ct

Email chiggie1951@gmail.com

Street

Middleburg FL

32068

City

Stc

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

K 412

The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

266

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Alexis Montalvo

Phone

Address 213 S Adams St

Email Alexis.Montalvo@FloridaEA.org

Street

JLH

City

FL

State

32317

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Education Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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4-20-23

Meeting Date

Fiscal Policy

Committee

SB 2660

Bill Number or Topic

Amendment Barcode (if applicable)

Name Carole Gauronskas

Phone _____

Address _____

Email _____

Street

St. Augustine FL

32095

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4-20-23

Meeting Date

266

Bill Number or Topic

FISCAL POLICY

Committee

Amendment Barcode (if applicable)

Name LATARSHA HENDERSON

Phone 407-299-4000

Address 508 IRENE ST.

Street

Email Loveddby1@gmail.com

Orlando

City

FL

State

32805

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04.20.2023

Meeting Date

266

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Keyin Obas

Phone 863-348-2789

Address 580 Irene St

Street

Email Keyinobas28@gmail.com

Orlando

City

FL

State

32805

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

CS/CS/MB 266

Bill Number or Topic

4/20/23

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Fiscal Policy

Committee

Amendment Barcode (if applicable)

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Speaking: For Against Information OR Waive Speaking: In Support Against

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 528

INTRODUCER: Criminal Justice Committee and Senator Davis and others

SUBJECT: Custody and Supervision of Specified Offenders

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Parker</u>	<u>Stokes</u>	<u>CJ</u>	Fav/CS
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u>Parker</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 528 amends s. 794.011, F.S., eliminating the possibility of basic gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit a sexual battery on or after July 1, 2023.

The bill amends s. 944.275, F.S., eliminating the possibility of incentive gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit specified offenses on or after July 1, 2023.

The bill amends s. 948.05, F.S., prohibiting a reduction in the term of supervision for probationers or offenders in community control who are placed under supervision for committing or attempting, soliciting or conspiring to commit a violation of any offense listed in the sexual offender or sexual predator registration statutes, or who qualify as a violent felony offender of special concern.

The bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation or community control in addition to all other conditions imposed for offenders whose crime was committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain sexual offenses.

Additionally, the bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation and community control for offenders who are placed on sex

offender probation, if such offender's crime was committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain sexual offenses.

The bill also requires the court to impose electronic monitoring for an offender whose crime was committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain sexual offenses, and who is placed on probation or community control.

The bill also requires the court to impose a condition prohibiting an offender whose crime was committed on or after July 1, 2023, and who is placed on probation or community control for attempting, soliciting, or conspiring to commit certain sexual offenses, from viewing, accessing, owning, or possessing any obscene pornographic or sexually stimulating material.

The bill is effective July 1, 2023.

II. Present Situation:

Gain-Time

Section 944.275, F.S., allows the Department of Corrections (DOC) to grant deductions from sentences in the form of gain-time in order to encourage satisfactory prisoner behavior, to provide incentive for prisoners to participate in productive activities, and to reward prisoners who perform outstanding deeds or services. There are currently three types of gain-time prisoners may earn: basic, incentive, and meritorious.¹

Currently, inmates serving sentences for specified convictions committed on or after October 1, 2014, are ineligible to earn incentive gain-time, including inmates serving sentences for attempt to commit, solicitation to commit, or conspiracy to commit one of these underlying offenses. There are currently 791 inmates in DOC custody who are serving a sentence that includes an attempt, conspiracy or solicitation to commit one of the underlying offenses outlined in s. 944.275(4)(e), F.S., (777 inmates for attempt, 5 inmates for conspiracy and 9 inmates for solicitation).²

As discussed below, the types of gain-time that a prisoner may earn, as well as the amount of gain-time a prisoner may earn, varies according to the offense date. Gain-time earned by a prisoner may also be forfeited for violations of state law or department rules.³

Incentive Gain-Time

The DOC may grant incentive gain-time for each month during which a prisoner works diligently, participates in training, uses time constructively, or otherwise engages in positive activities. The rate of incentive gain-time in effect on the date the prisoner committed the offense that resulted in his or her incarceration is the prisoner's rate of eligibility to earn incentive gain-time throughout the period of incarceration and cannot be altered by a subsequent change in

¹ Section 944.275, F.S.

² Department of Corrections, *2023 Agency Legislative Bill Analysis for HB 537*, at 2 (March 13, 2023) (on file with the Senate Committee on Criminal Justice).

³ Section 944.275, F.S.

the severity level of the offense for which the prisoner was sentenced. Section 944.275(4)(b), F.S., specifies that:

- For sentences imposed for offenses committed prior to January 1, 1994, up to 20 days per month of incentive gain-time may be granted;
- For sentences imposed for offenses committed on or after January 1, 1994, and before October 1, 1995:
 - Up to 25 days per month of incentive gain-time may be granted for offenses ranked in offense severity levels 1 through 7 of the former sentencing guidelines;
 - Up to 20 days per month of incentive gain-time may be granted for offenses ranked in offense severity levels 8, 9, and 10 of the former sentencing guidelines; and
- For sentences imposed for offenses committed after October 1, 1995, up to 10 days per month of incentive gain-time may be granted.

The DOC may grant, upon a recommendation of the education program manager, a one-time award of 60 additional days of incentive gain-time to a prisoner who is otherwise eligible and who successfully completes requirements for and is awarded a high school equivalency diploma or vocational certificate. A prisoner may not receive more than 60 days for educational attainment.⁴ The DOC may grant an additional six days of incentive gain-time if a prisoner attends and actively participates in 150 hours of adult basic education to attain basic and functional literacy.⁵

The DOC may not grant incentive gain-time for sentences imposed for the following offenses committed on or after October 1, 2014:

- Homicide occurring in the perpetration of or attempted perpetration of a sexual battery;
- Kidnapping of a child under the age of 13, and in the course of committing the offense, commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition;
- False imprisonment of a child under the age of 13, and in the course of committing the offense commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition;
- Sexual battery;
- Lewd or lascivious offenses upon or in the presence of persons less than 16 years of age;
- Lewd or lascivious offenses upon or in the presence of an elderly person or disabled person; or
- Transmission of certain images over a computer to a person who is less than 16 years of age.⁶

Basic Gain-Time

The DOC grants basic gain-time at the rate of 10 days for each month of each sentence imposed on a prisoner to encourage satisfactory behavior, subject to the following:

- Portions of any sentences to be served concurrently are treated as a single sentence when determining basic gain-time;

⁴ Section 944.275(4)(d), F.S.

⁵ Section 944.801(3)(i)5., F.S. “Active participation” means at a minimum, that the inmate is attentive, responsive, cooperative, and completes assigned work.

⁶ Section 944.275(4)(e), F.S.

- Basic gain-time for a partial month is prorated on the basis of a 30-day month; and
- When a prisoner receives a new maximum sentence expiration date because of additional sentences imposed, basic gain-time is granted for the amount of time the maximum sentence expiration date was extended.⁷

Basic gain-time is awarded as a lump sum upon receipt into the custody of the DOC. Basic gain-time only applies to sentences imposed or offenses committed on or after July 1, 1978, and before January 1, 1994.⁸

The DOC may not grant basic gain-time to prisoners who are convicted of committing a sexual battery on or after October 1, 1992.⁹

Meritorious Gain-Time

The DOC may grant meritorious gain-time to a prisoner who performs some outstanding deed, such as saving a life or assisting in recapturing an escaped prisoner, or who in some manner performs an outstanding service that would merit the granting of additional deductions from the term of his or her sentence. The grant of meritorious gain-time may be from 1 to 60 days.¹⁰

Limitations on Earning Gain-Time

For sentences imposed for offenses committed on or after October 1, 1995, a prisoner may not earn any type of gain-time in an amount that would cause a sentence to expire, end, or terminate, or that would result in a prisoner's release, prior to serving a minimum of 85 percent of the sentence imposed. Credits awarded by the court for time physically incarcerated are credited toward satisfaction of 85 percent of the sentence imposed. Except as provided by s. 944.275, F.S., a prisoner may not accumulate further gain-time awards at any point when the tentative release date is the same as that date at which the prisoner will have served 85 percent of the sentence imposed.¹¹ If a prisoner is found to have violated state law or department rules, gain-time may be forfeited according to law.¹²

State prisoners sentenced to life imprisonment must be incarcerated for the rest of their natural lives, unless granted pardon or clemency.¹³ Certain offenders are statutorily prohibited from earning gain-time:

- Prison releasee reoffenders must serve 100 percent of the court-imposed sentence and may not earn gain-time to shorten the length of incarceration.¹⁴

⁷ Section 944.275(4)(a), F.S.

⁸ Section 944.275(6), F.S.

⁹ Section 794.011(7), F.S.

¹⁰ Section 944.275(4)(c), F.S.

¹¹ Section 944.275(4)(f), F.S.

¹² Sections 944.275(5) and 944.28, F.S.

¹³ Section 944.275(4)(f), F.S.

¹⁴ Under s. 775.082(9), F.S., a defendant may be designated a "prison releasee offender" if within three years of being released from incarceration commits or attempts to commit: treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, arson, kidnaping, aggravated assault with a deadly weapon, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, any felony that involves the use or threat of physical force or violence against an individual, armed burglary, burglary of a dwelling, or burglary of an occupied structure, or any felony violation of ss. 790.07, 800.04, 827.03, 827.071, or 847.0135(5), F.S. A "prison releasee

- Certain prisoners convicted of offenses involving the fleeing or attempting to elude a law enforcement officer are ineligible for statutory gain-time.¹⁵
- Prisoners convicted of committing or attempting to commit certain felonies while possessing or using a firearm or destructive device.¹⁶
- Prisoners convicted of committing or attempting to commit certain felonies while possessing or using a semiautomatic firearm and its high-capacity box magazine or a machine gun.¹⁷
- Prisoners convicted of battery on a law enforcement officer, firefighter, emergency medical providers, public transit employees or agents, or other specified officers while possessing a firearm or semiautomatic firearm and its high-capacity box magazine.¹⁸
- Prisoners convicted under the dangerous sexual felony offender statute.¹⁹

Forfeiture of Gain-Time

Florida law allows gain-time to be forfeited or withheld if a prisoner is found guilty of an infraction of state law or department rules.²⁰ A prisoner shall, without prior notice or hearing, forfeit all earned gain-time upon:

- Conviction for an escape committed before October 1, 2013;
- Revocation of parole,²¹ conditional release,²² control release,²³ or clemency;²⁴
- Revocation of conditional medical release,²⁵ if the revocation was for any reason other than improvement in medical condition; or

offender” also means any defendant who commits or attempts to commit one of the aforementioned offenses while serving a prison sentence or on escape status from a correctional facility.

¹⁵ Section 316.1935(6), F.S.

¹⁶ Section 775.087(2)(b), F.S.

¹⁷ Section 775.087(3)(b), F.S.

¹⁸ Section 784.07(3), F.S.

¹⁹ Section 794.0115(7), F.S.

²⁰ Section 944.275(5), F.S.

²¹ Parole is the release of a prisoner, prior to the expiration of the prisoner’s court-imposed sentence with a period of supervision to be successfully completed by compliance with the conditions and terms of the release agreement ordered by the Florida Commission on Offender Review. Parole is only available to prisoners whose crimes were committed prior to October 1, 1983, with exceptions. *See* Florida Commission on Offender Review, *Release Types: Parole*, available at <https://www.fcor.state.fl.us/release-types.shtml> (last visited March 14, 2023).

²² Section 947.1405, F.S., requires certain violent prisoners who have also served a prior felony commitment at a federal or state correctional institution or who are habitual offenders, violent habitual offenders, violent career criminals, or court-designated sexual offenders to be released under supervision subject to specified terms and conditions upon reaching the tentative release date or provisional release date, as established by the DOC. *See also* Florida Commission on Offender Review, *Release Types: Post Release*, available at <https://www.fcor.state.fl.us/postrelease.shtml#conditionalRelease> (last visited March 14, 2023).

²³ Control release is an administrative function to manage the state’s prison population within total capacity. The program, administered by the Florida Commission on Offender Review, through the Control Release Authority, maintains the prison population between 99 and 100 percent of its total capacity. Section 947.146, F.S.

²⁴ Article IV, Section 8 of the Florida Constitution authorizes a process to provide the means through which convicted individuals may be considered for relief from punishment and seek restoration of their civil rights. The clemency function is an act of mercy that absolves an individual from all, or any part, of the punishment that the law imposes. The power to grant clemency is vested in the Governor with the agreement of two cabinet members. The Governor also has the sole power to deny clemency. Florida Commission on Offender Review, *Clemency*, available at <https://www.fcor.state.fl.us/clemencyOverview.shtml> (last visited March 14, 2023).

²⁵ Section 947.149, F.S., authorizes the Florida Commission on Offender Review to grant a conditional medical release of a prisoner if, because of an existing medical or physical condition, the prisoner is determined by the department to be permanently incapacitated or terminally ill and the prisoner does not constitute a danger to herself or himself or others.

- Revocation of provisional release supervision,²⁶ or the revocation of probation²⁷ or community control²⁸ if such supervision was imposed for a crime committed on or after October 1, 1989.²⁹

To declare a forfeiture, a written charge must be prepared, which specifies each instance of misconduct and the approximate date of each instance.³⁰ The prisoner must be given a copy of the charge, along with a notice of hearing before a disciplinary committee. The prisoner must be present at the hearing.³¹ During the hearing, the prisoner:

- Will be read the charge, asked if he or she understands the charge, and explained the range of penalties that could be imposed if there is a finding of guilt;
- Will be asked if staff assistance is required or desired for the hearing;
- For minor violations, will be advised that he or she may request the charge be referred to the disciplinary team; and
- Will be read the statement of facts and be asked to plea.³²

If the prisoner pleads guilty, no further action is needed. If the prisoner pleads not guilty, evidence, including witness statements, is to be presented. The prisoner may make only an oral closing statement concerning the infraction under consideration at the hearing. If a prisoner refuses to enter a plea, it is treated as a “not guilty” plea.³³

A prisoner may forfeit all or part of gain-time earned if after the hearing, the prisoner is found to have:

- Violated a penal law of this state, or any rule of the DOC or institution;
- Threatened or knowingly endangered the life or physical well-being of another;
- Refused in any way to carry out or obey lawful instructions;
- Neglected to perform the work, duties, and tasks assigned in a faithful, diligent, industrious, orderly, and peaceful manner; or
- Escaped on or after October 1, 2013.³⁴

The DOC has the discretion to restore all or part of any gain-time that was forfeited due to disciplinary action if the prisoner has performed positively over a period of time, and it appears

²⁶ Under the former s. 944.277, F.S., which was repealed by ch. 93-406, s. 32, L.O.F., the Secretary of Corrections was authorized to grant certain inmates with provisional credits when the population of the correctional system reached 98 percent of lawful capacity, which advanced the release date for such inmates.

²⁷ Section 948.001(8), F.S., defines “probation” as a form of community supervision requiring specified contacts with parole and probation officers and other terms and conditions as provided in s. 948.03, F.S.

²⁸ Section 948.001(3), F.S., defines “community control” as a form of intensive, supervised custody in the community, including surveillance on weekends and holidays, administered by officers with restricted caseloads. Community control is an individualized program in which the freedom of an offender is restricted within the community, home, or non-institutional residential placement and specific sanctions are imposed and enforced.

²⁹ Rule 33-601.104, F.A.C.

³⁰ Section 944.28(2)(c), F.S.

³¹ Rule 33-601.307(1)(b), F.A.C., provides instances in which the prisoner does not have to attend the hearing and procedures if the prisoner refuses to attend the hearing or is disruptive.

³² Rule 33-601.307(1)(c)-(f), F.A.C.

³³ Rule 33-601.307(g), F.A.C.

³⁴ *Supra* note 29.

that the prisoner will continue to perform positively without further violation of the DOC's rules or state laws.³⁵

Sentence Expiration and Release Dates

The DOC must establish a maximum sentence expiration date for each prisoner who is committed to the DOC to serve a term of years. The maximum sentence expiration date is the date on which the sentence(s) imposed on the prisoner will expire. The DOC must reduce the total time to be served by any time lawfully credited.³⁶

The DOC must also establish a tentative release date for each prisoner sentenced to a term of years. The tentative release date is the date on which the prisoner is projected to be released from custody based on the amount of gain-time earned or forfeited. The initial tentative release date is established by deducting basic gain-time from the maximum sentence expiration date.³⁷ Other gain-time is applied when earned or restored, to make the tentative release date earlier and forfeited gain-time is applied to make the tentative release date later.³⁸

A prisoner who has served his or her time, as reduced by gain-time deductions, must be released and placed under further supervision and control of the DOC.³⁹

Fla. Dept. of Corrections v. Gould

An inmate convicted of attempted sexual battery on a child under the age of 12 filed a writ of mandamus seeking to compel the DOC, to exercise its discretion and consider him as eligible for incentive gain-time, retrospectively and for the remainder of his sentence. Gould alleged that a conviction for criminal attempt was not excluded from the award of gain-time by statute because a conviction for a criminal attempt is a separate and distinct crime than the underlying offense.⁴⁰

The First District Court of Appeal (DCA), receded from previous decisions which held that a conviction for an attempted crime was a conviction for the underlying offense modified by the attempt statute in s. 777.04, F.S., and ruled that a conviction for an attempt was a separate and distinct offense.⁴¹ Thus, a person convicted of attempting to commit a crime that would otherwise be ineligible for the award of incentive gain-time is eligible for the award of gain-time.⁴² The DOC appealed the decision of the DCA, and that matter is pending before the Florida Supreme Court in Supreme Court Case No. SC22-1207.

³⁵ Rule 33-601.105, F.A.C.

³⁶ Section 944.275(2), F.S.

³⁷ Basic gain-time only applies to prisoners serving sentences imposed or for offenses committed on or after July 1, 1978, and before January 1, 1994.

³⁸ Section 944.275(3), F.S.

³⁹ Section 944.291(1), F.S. Prisoners serving sentences imposed for offenses committed on or after October 1, 1995, must serve at minimum 85 percent of the imposed sentence. Section 944.275(4)(f), F.S.

⁴⁰ *Fla. Dept. of Corrections v. Gould*, 344 So.3d 496 (Fla. 1st DCA 2022).

⁴¹ *Id.*

⁴² *Id.*

Probation and Community Control

Probation is a form of community supervision requiring specified contacts with probation officers and compliance with certain terms and conditions.⁴³ Following a conviction for a criminal offense, the court determines the terms and conditions of probation. Standard conditions of probation include, but are not limited to:

- Reporting to the probation officer as directed.
- Permitting the probation officer to visit the probationer at his or her home.
- Working faithfully at suitable employment, when possible.
- Residing at a specified place.
- Living without violating the law.
- Paying restitution to any aggrieved party for the damage or loss caused by a probationer's offense.
- Being prohibited from possessing, carrying, or owning a firearm or weapon, without the probation officer's consent.
- Being prohibited from using intoxicants to excess or possessing any drugs or narcotics.⁴⁴

Community control is a form of intensive supervised custody of an offender who remains in the community, but whose freedom is restricted within the home, community, or noninstitutional residential placement and includes specific sanctions and monitoring by probation officers with restricted caseloads.⁴⁵ In addition to the standard conditions which apply to normal probationers, an offender on community control must:

- Maintain specified contact with his or her parole or probation officer;
- Be confined to an agreed-upon residence during any hours he or she is away from work or public service activities;
- Complete mandatory public service; and
- Be supervised by the DOC by means of an electronic monitoring device or system.⁴⁶

Section 948.05(2), F.S., authorizes the DOC to implement a system of graduated incentives to promote compliance with the terms of supervision. The DOC may, without leave of court, award a compliant probationer or offender in community control specified incentives, including, but not limited to:

- A 60-day reduction of his or her term of supervision for each educational advancement activity completed; or
- A 30-day reduction of his or her term of supervision for each period of workforce achievement completed.

The DOC may also recommend early termination of supervision for a compliant probationer or offender in community control, but the court must approve such early termination.⁴⁷

⁴³ Section 948.001(8), F.S.

⁴⁴ Section 948.03(1), F.S.

⁴⁵ Section 948.001(3), F.S.

⁴⁶ Section 948.101(1), F.S.

⁴⁷ Section 948.05(2)(b)5., F.S.

A “violent felony offender of special concern” (VFOSC) is a person who is on felony supervision:

- Related to a qualifying offense⁴⁸ committed on or after March 12, 2007.
- For any offense committed on or after March 12, 2007, and who has previously been convicted of a qualifying offense.
- For any offense committed on or after March 12, 2007, and who is found to have violated supervision by committing a qualifying offense.
- And has previously been found by a court to be a habitual violent felony offender, three-time violent offender, or sexual predator, and who has committed a qualifying offense on or after March 12, 2007.⁴⁹

Section 948.30, F.S., requires a court to impose additional conditions of supervision on a person who is sentenced to probation or community control after being convicted of one of the following offenses:

- Sexual battery in ch. 794, F.S.;
- Lewd or lascivious battery, molestation, conduct, or exhibition in s. 800.04, F.S.;
- Sexual performance by a child in s. 827.071, F.S.;
- Lewd or lascivious exhibition over the Internet in s. 847.0135(5), F.S.; and
- Selling or buying minors to engage in sexually explicit conduct in s. 847.0145, F.S.

Examples of such conditions include:

- A mandatory 8-hour curfew;
- A prohibition on contact or living within 1,000 feet of a school and other places where children regularly congregate;
- A prohibition on any contact with the victim;
- Active participation in and successful completion of a sexual offender treatment program with certain specifications;
- Submit a specimen of blood or other approved biological specimen to be registered with the DNA data bank;
- Submission to a warrantless search by the community control or probation officer of the probationer’s or community controllee’s person, residence, or vehicle;

⁴⁸ Section 948.06(8)(c), F.S., defines qualifying offense to include any of the following: kidnapping or attempted kidnapping, s. 787.01, F.S.; false imprisonment of a child under the age of 13, s. 787.02(3), F.S.; luring or enticing a child, s. 787.025(2)(b) or (b), F.S.; murder or attempted murder, s. 782.04, F.S.; attempted felony murder, s. 782.051, F.S.; manslaughter, s. 782.07, F.S.; aggravated battery or attempt, s. 784.045, F.S.; sexual battery or attempt, s. 794.011(2), (3), (4), or (8)(b) or (c), F.S.; lewd and lascivious battery or attempt, s. 800.04(4), F.S.; lewd and lascivious molestation, s. 800.04(5)(b) or (c), F.S.; lewd and lascivious conduct, s. 800.04(6)(b), F.S.; lewd and lascivious exhibition, s. 800.04(7)(b), F.S.; lewd and lascivious exhibition on computer, s. 847.0135(5)(b), F.S.; robbery or attempt, s. 812.13, F.S.; carjacking or attempt, s. 812.133, F.S.; home invasion robbery or attempt, s. 812.135, F.S.; lewd and lascivious offense upon or in the presence of an elderly person or attempt, s. 825.1025, F.S.; sexual performance by a child or attempt, s. 827.071, F.S.; computer pornography, s. 847.0135(2) or (3), F.S.; transmission of child pornography, s. 847.0137, F.S.; selling or buying of minors, s. 847.0145, F.S.; poisoning food or water, s. 859.01, F.S.; abuse of a dead human body, s. 872.06, F.S.; any burglary offense that is a first or second degree felony, s. 810.02(2) or (3), F.S.; arson or attempt, s. 806.01(1), F.S.; aggravated assault, s. 784.021, F.S.; aggravated stalking, s. 784.048(3), (4), (5), or (7), F.S.; aircraft piracy, s. 860.16, F.S.; throwing a deadly missile, s. 790.161(2), (3), or (4), F.S.; and treason, s. 876.32, F.S.

⁴⁹ Section 948.06(8)(b), F.S.

- Participation at least annually in polygraph examinations for specified purposes and with specified conditions;
- Maintenance of a driving log and prohibition against driving a motor vehicle alone without prior approval;
- Prohibition against obtaining or using a post office box without prior approval;
- Submission to an HIV test with specified conditions; and
- Electronic monitoring when deemed necessary and ordered by the court.⁵⁰

III. Effect of Proposed Changes:

The bill amends s. 794.011, F.S., eliminating the possibility of basic gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit a sexual battery on or after July 1, 2023.

The bill amends s. 944.275, F.S., eliminating the possibility of incentive gain-time for persons convicted of committing or attempting, soliciting, or conspiring to commit specified offenses. For sentences imposed for offenses committed on or after July 1, 2023, the department may not grant incentive gain-time if the offense is a violation or an attempted violation of:

- Section 782.04(1)(a)2.c., F.S., Unlawful killing of a human being when committed by a person engaged in the perpetration of, or in the attempt to perpetrate sexual battery.
- Section 787.01(3)(a)2. or 3., F.S., Kidnapping of a child under the age of 13, and in the course of committing the offense, commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.
- Section 787.02(3)(a)2. or 3., F.S., False imprisonment of a child under the age of 13, and in the course of committing the offense commits sexual battery against the child or lewd or lascivious battery, lewd or lascivious molestation, lewd or lascivious conduct, or lewd or lascivious exhibition.
- Section 794.011, F.S., Sexual battery.
- Section 800.04, F.S., Lewd or lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 825.1025, F.S., Lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.
- Section 847.0135(5), F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.

The bill amends s. 948.05, F.S., prohibiting the court from granting a reduction in the term of supervision for probationers or offenders in community control who are placed under supervision for committing or attempting, soliciting or conspiring to commit a violation of any offense listed in the sexual offender or sexual predator registration statutes, or who qualify as a violent felony offender of special concern.

The bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation or community control in addition to all other conditions imposed for

⁵⁰ Section 948.30(1) and (2), F.S.

offenders whose crime was committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain specified sexual offenses.

Additionally, the bill amends s. 948.30, F.S., requiring a court to impose additional specified terms and conditions of probation and community control for offenders who are placed on sex offender probation for attempting, soliciting, or conspiring to commit certain sexual offenses.

The bill also requires the court to impose electronic monitoring for offenders who are convicted for attempting, soliciting, or conspiring to commit certain sexual offenses, and who are placed on probation or community control.

The bill also requires the court to impose a condition prohibiting an offender who is placed on probation or community control for attempting, soliciting, or conspiring to commit certain sexual offenses, from viewing, accessing, owning, or possessing any obscene pornographic or sexually stimulating material.

Sexual offenses requiring these additional terms and conditions under s. 948.30, F.S., include offenses committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit violations of any of the following:

- Section 787.06(3)(b), (d), (f), or (g), F.S., Human Trafficking.
- Chapter 794, F.S., Sexual Battery.
- Section 800.04, F.S., Lewd or Lascivious offenses committed upon or in the presence of persons less than 16 years of age.
- Section 827.071, F.S., Sexual Performance by a child; Child Pornography.
- Section 847.0135, F.S., Transmission of certain images over a computer to a person who is less than 16 years of age.
- Section 847.0145, F.S., Selling or Buying of Minors.

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Criminal Justice Impact Conference, which provides the final, official estimate of prison bed impact, if any, of legislation, has determined that the bill will not have a prison bed impact. However, the DOC's Office of Information Technology anticipates a minimal technology impact, with the amount being indeterminate.⁵¹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 794.011, 944.275, 948.05, and 948.30.

⁵¹ Department of Corrections, *2023 Agency Legislative Bill Analysis for HB 537*, at 2 (March 13, 2023) (on file with the Senate Committee on Criminal Justice).

IX. Additional Information:

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

CS by Criminal Justice on March 27, 2023:

The committee substitute:

- Eliminates the possibility of basic gain-time for persons convicted of committing, attempting, soliciting, or conspiring to commit certain sexual offenses.
- Eliminates the possibility of incentive gain-time for persons convicted of committing, attempting, soliciting, or conspiring to commit certain sexual offenses.
- Prohibits the court from reducing the supervision term of a person who is on probation or community control for committing, or attempting to commit certain specified sexual offenses.
- Requires a court to impose additional specified terms and conditions of probation or community control in addition to all other conditions imposed for offenders whose crime was committed on or after July 1, 2023, for attempting, soliciting, or conspiring to commit certain specified sexual offenses.

- B. **Amendments:**

None.

By the Committee on Criminal Justice; and Senators Davis and Book

591-03150-23

2023528c1

1 A bill to be entitled
 2 An act relating to custody and supervision of
 3 specified offenders; amending s. 794.011, F.S.;
 4 excluding certain offenders from eligibility to
 5 receive basic gain-time; amending s. 944.275, F.S.;
 6 excluding certain offenders from eligibility to
 7 receive incentive gain-time; amending s. 948.05, F.S.;
 8 excluding certain offenders from eligibility for
 9 specified reductions to a term of supervision;
 10 amending s. 948.30, F.S.; requiring a court to impose
 11 additional conditions of supervision on specified
 12 offenders; providing an effective date.
 13
 14 Be It Enacted by the Legislature of the State of Florida:
 15
 16 Section 1. Subsection (7) of section 794.011, Florida
 17 Statutes, is amended to read:
 18 794.011 Sexual battery.—
 19 (7) (a) A person who is convicted of committing a sexual
 20 battery on or after October 1, 1992, is not eligible for basic
 21 gain-time under s. 944.275.
 22 (b) Notwithstanding paragraph (a), for sentences imposed
 23 for offenses committed on or after July 1, 2023, a person who is
 24 convicted of committing or attempting, soliciting, or conspiring
 25 to commit a sexual battery in violation of this section is not
 26 eligible for basic gain-time under s. 944.275.
 27 (c) This subsection may be cited as the "Junny Rios-
 28 Martinez, Jr. Act of 1992."
 29 Section 2. Paragraph (e) of subsection (4) of section

Page 1 of 13

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591-03150-23

2023528c1

30 944.275, Florida Statutes, is amended, and paragraph (b) of that
 31 subsection is republished, to read:
 32 944.275 Gain-time.—
 33 (4)
 34 (b) For each month in which an inmate works diligently,
 35 participates in training, uses time constructively, or otherwise
 36 engages in positive activities, the department may grant
 37 incentive gain-time in accordance with this paragraph. The rate
 38 of incentive gain-time in effect on the date the inmate
 39 committed the offense which resulted in his or her incarceration
 40 shall be the inmate's rate of eligibility to earn incentive
 41 gain-time throughout the period of incarceration and shall not
 42 be altered by a subsequent change in the severity level of the
 43 offense for which the inmate was sentenced.
 44 1. For sentences imposed for offenses committed prior to
 45 January 1, 1994, up to 20 days of incentive gain-time may be
 46 granted. If granted, such gain-time shall be credited and
 47 applied monthly.
 48 2. For sentences imposed for offenses committed on or after
 49 January 1, 1994, and before October 1, 1995:
 50 a. For offenses ranked in offense severity levels 1 through
 51 7, under former s. 921.0012 or former s. 921.0013, up to 25 days
 52 of incentive gain-time may be granted. If granted, such gain-
 53 time shall be credited and applied monthly.
 54 b. For offenses ranked in offense severity levels 8, 9, and
 55 10, under former s. 921.0012 or former s. 921.0013, up to 20
 56 days of incentive gain-time may be granted. If granted, such
 57 gain-time shall be credited and applied monthly.
 58 3. For sentences imposed for offenses committed on or after

Page 2 of 13

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591-03150-23 2023528c1

59 October 1, 1995, the department may grant up to 10 days per
60 month of incentive gain-time.

61 (e)1. Notwithstanding subparagraph (b)3., for sentences
62 imposed for offenses committed on or after October 1, 2014, and
63 before July 1, 2023, the department may not grant incentive
64 gain-time if the offense is a violation of s. 782.04(1)(a)2.c.;
65 s. 787.01(3)(a)2. or 3.; s. 787.02(3)(a)2. or 3.; s. 794.011,
66 excluding s. 794.011(10); s. 800.04; s. 825.1025; or s.
67 847.0135(5).

68 2. Notwithstanding subparagraph (b)3., for sentences
69 imposed for offenses committed on or after July 1, 2023, the
70 department may not grant incentive gain-time if the offense is
71 for committing or attempting, soliciting, or conspiring to
72 commit a violation of s. 782.04(1)(a)2.c.; s. 787.01(3)(a)2. or
73 3.; s. 787.02(3)(a)2. or 3.; s. 794.011, excluding s.
74 794.011(10); s. 800.04; s. 825.1025; or s. 847.0135(5).

75 Section 3. Paragraph (e) of subsection (2) of section
76 948.05, Florida Statutes, is amended, and paragraph (f) is added
77 to that subsection, to read:

78 948.05 Court to admonish or commend probationer or offender
79 in community control; graduated incentives.—

80 (2) The department shall implement a system of graduated
81 incentives to promote compliance with the terms of supervision,
82 encourage educational achievement and stable employment, and
83 prioritize the highest levels of supervision for probationers or
84 offenders presenting the greatest risk of recidivism.

85 (e) A probationer or offender in community control who
86 commits a subsequent violation of probation may forfeit any
87 previously earned probation incentive, as determined appropriate

591-03150-23 2023528c1

88 by his or her probation officer.

89 (f) A probationer or offender in community control who is
90 placed under supervision for committing or attempting,
91 soliciting, or conspiring to commit a violation of any felony
92 offense described in s. 775.21(4)(a)1.a. or b. or s.
93 943.0435(1)(h)1.a., or who qualifies as a violent felony
94 offender of special concern under s. 948.06(8)(b) is not
95 eligible for any reduction of his or her term of supervision
96 under this section.

97 Section 4. Section 948.30, Florida Statutes, is amended to
98 read:

99 948.30 Additional terms and conditions of probation or
100 community control for certain sex offenses.—Conditions imposed
101 pursuant to this section do not require oral pronouncement at
102 the time of sentencing and shall be considered standard
103 conditions of probation or community control for offenders
104 specified in this section.

105 (1) Effective for probationers or community controllees
106 whose crime was committed on or after October 1, 1995, and who
107 are placed under supervision for a violation of chapter 794, s.
108 800.04, s. 827.071, s. 847.0135(5), or s. 847.0145, or whose
109 crime was committed on or after July 1, 2021, and who are placed
110 under supervision for a violation of s. 787.06(3)(b), (d), (f),
111 or (g), or whose crime was committed on or after July 1, 2023,
112 and who are placed under supervision for attempting, soliciting,
113 or conspiring to commit a violation of s. 787.06(3)(b), (d),
114 (f), or (g); chapter 794; s. 800.04; s. 827.071; s. 847.0135(5);
115 or s. 847.0145, the court must impose the following conditions
116 in addition to all other standard and special conditions

591-03150-23

2023528c1

117 imposed:

118 (a) A mandatory curfew from 10 p.m. to 6 a.m. The court may
 119 designate another 8-hour period if the offender's employment
 120 precludes the above specified time, and the alternative is
 121 recommended by the Department of Corrections. If the court
 122 determines that imposing a curfew would endanger the victim, the
 123 court may consider alternative sanctions.

124 (b) If the victim was under the age of 18, a prohibition on
 125 living within 1,000 feet of a school, child care facility, park,
 126 playground, or other place where children regularly congregate,
 127 as prescribed by the court. The 1,000-foot distance shall be
 128 measured in a straight line from the offender's place of
 129 residence to the nearest boundary line of the school, child care
 130 facility, park, playground, or other place where children
 131 congregate. The distance may not be measured by a pedestrian
 132 route or automobile route. A probationer or community controllee
 133 who is subject to this paragraph may not be forced to relocate
 134 and does not violate his or her probation or community control
 135 if he or she is living in a residence that meets the
 136 requirements of this paragraph and a school, child care
 137 facility, park, playground, or other place where children
 138 regularly congregate is subsequently established within 1,000
 139 feet of his or her residence.

140 (c) Active participation in and successful completion of a
 141 sex offender treatment program with qualified practitioners
 142 specifically trained to treat sex offenders, at the
 143 probationer's or community controllee's own expense. If a
 144 qualified practitioner is not available within a 50-mile radius
 145 of the probationer's or community controllee's residence, the

591-03150-23

2023528c1

146 offender shall participate in other appropriate therapy.

147 (d) A prohibition on any contact with the victim, directly
 148 or indirectly, including through a third person, unless approved
 149 by the victim, a qualified practitioner in the sexual offender
 150 treatment program, and the sentencing court.

151 (e) If the victim was under the age of 18, a prohibition on
 152 contact with a child under the age of 18 except as provided in
 153 this paragraph. The court may approve supervised contact with a
 154 child under the age of 18 if the approval is based upon a
 155 recommendation for contact issued by a qualified practitioner
 156 who is basing the recommendation on a risk assessment. Further,
 157 the sex offender must be currently enrolled in or have
 158 successfully completed a sex offender therapy program. The court
 159 may not grant supervised contact with a child if the contact is
 160 not recommended by a qualified practitioner and may deny
 161 supervised contact with a child at any time. When considering
 162 whether to approve supervised contact with a child, the court
 163 must review and consider the following:

- 164 1. A risk assessment completed by a qualified practitioner.
 165 The qualified practitioner must prepare a written report that
 166 must include the findings of the assessment and address each of
 167 the following components:
- 168 a. The sex offender's current legal status;
 - 169 b. The sex offender's history of adult charges with
 170 apparent sexual motivation;
 - 171 c. The sex offender's history of adult charges without
 172 apparent sexual motivation;
 - 173 d. The sex offender's history of juvenile charges, whenever
 174 available;

591-03150-23 2023528c1

175 e. The sex offender's offender treatment history, including
 176 consultations with the sex offender's treating, or most recent
 177 treating, therapist;
 178 f. The sex offender's current mental status;
 179 g. The sex offender's mental health and substance abuse
 180 treatment history as provided by the Department of Corrections;
 181 h. The sex offender's personal, social, educational, and
 182 work history;
 183 i. The results of current psychological testing of the sex
 184 offender if determined necessary by the qualified practitioner;
 185 j. A description of the proposed contact, including the
 186 location, frequency, duration, and supervisory arrangement;
 187 k. The child's preference and relative comfort level with
 188 the proposed contact, when age appropriate;
 189 l. The parent's or legal guardian's preference regarding
 190 the proposed contact; and
 191 m. The qualified practitioner's opinion, along with the
 192 basis for that opinion, as to whether the proposed contact would
 193 likely pose significant risk of emotional or physical harm to
 194 the child.
 195
 196 The written report of the assessment must be given to the court;
 197 2. A recommendation made as a part of the risk assessment
 198 report as to whether supervised contact with the child should be
 199 approved;
 200 3. A written consent signed by the child's parent or legal
 201 guardian, if the parent or legal guardian is not the sex
 202 offender, agreeing to the sex offender having supervised contact
 203 with the child after receiving full disclosure of the sex

591-03150-23 2023528c1

204 offender's present legal status, past criminal history, and the
 205 results of the risk assessment. The court may not approve
 206 contact with the child if the parent or legal guardian refuses
 207 to give written consent for supervised contact;
 208 4. A safety plan prepared by the qualified practitioner,
 209 who provides treatment to the offender, in collaboration with
 210 the sex offender, the child's parent or legal guardian, if the
 211 parent or legal guardian is not the sex offender, and the child,
 212 when age appropriate, which details the acceptable conditions of
 213 contact between the sex offender and the child. The safety plan
 214 must be reviewed and approved by the court; and
 215 5. Evidence that the child's parent or legal guardian
 216 understands the need for and agrees to the safety plan and has
 217 agreed to provide, or to designate another adult to provide,
 218 constant supervision any time the child is in contact with the
 219 offender.
 220
 221 The court may not appoint a person to conduct a risk assessment
 222 and may not accept a risk assessment from a person who has not
 223 demonstrated to the court that he or she has met the
 224 requirements of a qualified practitioner as defined in this
 225 section.
 226 (f) If the victim was under age 18, a prohibition on
 227 working for pay or as a volunteer at any place where children
 228 regularly congregate, including, but not limited to, schools,
 229 child care facilities, parks, playgrounds, pet stores,
 230 libraries, zoos, theme parks, and malls.
 231 (g) Unless otherwise indicated in the treatment plan
 232 provided by a qualified practitioner in the sexual offender

591-03150-23

2023528c1

233 treatment program, a prohibition on viewing, accessing, owning,
 234 or possessing any obscene, pornographic, or sexually stimulating
 235 visual or auditory material, including telephone, electronic
 236 media, computer programs, or computer services that are relevant
 237 to the offender's deviant behavior pattern.

238 (h) Effective for probationers and community controllees
 239 whose crime is committed on or after July 1, 2005, a prohibition
 240 on accessing the Internet or other computer services until a
 241 qualified practitioner in the offender's sex offender treatment
 242 program, after a risk assessment is completed, approves and
 243 implements a safety plan for the offender's accessing or using
 244 the Internet or other computer services.

245 (i) A requirement that the probationer or community
 246 controllee must submit a specimen of blood or other approved
 247 biological specimen to the Department of Law Enforcement to be
 248 registered with the DNA data bank.

249 (j) A requirement that the probationer or community
 250 controllee make restitution to the victim, as ordered by the
 251 court under s. 775.089, for all necessary medical and related
 252 professional services relating to physical, psychiatric, and
 253 psychological care.

254 (k) Submission to a warrantless search by the community
 255 control or probation officer of the probationer's or community
 256 controllee's person, residence, or vehicle.

257 (2) Effective for a probationer or community controllee
 258 whose crime was committed on or after October 1, 1997, and who
 259 is placed on community control or sex offender probation for a
 260 violation of chapter 794, s. 800.04, s. 827.071, s. 847.0135(5),
 261 or s. 847.0145, or whose crime was committed on or after July 1,

591-03150-23

2023528c1

262 2021, and who is placed on community control or sex offender
 263 probation for a violation of s. 787.06(3)(b), (d), (f), or (g),
 264 or whose crime was committed on or after July 1, 2023, and who
 265 is placed on community control or sex offender probation for
 266 attempting, soliciting, or conspiring to commit a violation of
 267 s. 787.06(3)(b), (d), (f), or (g); chapter 794; s. 800.04; s.
 268 827.071; s. 847.0135(5); or s. 847.0145, in addition to any
 269 other provision of this section, the court must impose the
 270 following conditions of probation or community control:

271 (a) As part of a treatment program, participation at least
 272 annually in polygraph examinations to obtain information
 273 necessary for risk management and treatment and to reduce the
 274 sex offender's denial mechanisms. A polygraph examination must
 275 be conducted by a polygrapher who is a member of a national or
 276 state polygraph association and who is certified as a
 277 postconviction sex offender polygrapher, where available, and
 278 shall be paid for by the probationer or community controllee.
 279 The results of the polygraph examination shall be provided to
 280 the probationer's or community controllee's probation officer
 281 and qualified practitioner and shall not be used as evidence in
 282 court to prove that a violation of community supervision has
 283 occurred.

284 (b) Maintenance of a driving log and a prohibition against
 285 driving a motor vehicle alone without the prior approval of the
 286 supervising officer.

287 (c) A prohibition against obtaining or using a post office
 288 box without the prior approval of the supervising officer.

289 (d) If there was sexual contact, a submission to, at the
 290 probationer's or community controllee's expense, an HIV test

591-03150-23

2023528c1

291 with the results to be released to the victim or the victim's
292 parent or guardian.

293 (e) Electronic monitoring when deemed necessary by the
294 community control or probation officer and his or her
295 supervisor, and ordered by the court at the recommendation of
296 the Department of Corrections.

297 (3) Effective for a probationer or community controllee
298 whose crime was committed on or after September 1, 2005, and
299 who:

300 (a) Is placed on probation or community control for a
301 violation of chapter 794; ~~s. 800.04(4), (5), or (6);~~ s.
302 827.071; or s. 847.0145, or is placed on probation or community
303 control on or after July 1, 2023, for attempting, soliciting, or
304 conspiring to commit a violation of chapter 794; s. 800.04(4),
305 (5), or (6); s. 827.071; or s. 847.0145, and the unlawful sexual
306 activity involved a victim 15 years of age or younger and the
307 offender is 18 years of age or older;

308 (b) Is designated a sexual predator pursuant to s. 775.21;
309 or

310 (c) Has previously been convicted of a violation of chapter
311 794; ~~s. 800.04(4), (5), or (6);~~ s. 827.071; or s. 847.0145
312 and the unlawful sexual activity involved a victim 15 years of
313 age or younger and the offender is 18 years of age or older,
314
315 the court must order, in addition to any other provision of this
316 section, mandatory electronic monitoring as a condition of the
317 probation or community control supervision.

318 (4) In addition to all other conditions imposed, for a
319 probationer or community controllee who is subject to

Page 11 of 13

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591-03150-23

2023528c1

320 supervision for a crime that was committed on or after May 26,
321 2010, and who has been convicted at any time of committing, or
322 attempting, soliciting, or conspiring to commit, any of the
323 criminal offenses listed in s. 943.0435(1)(h)1.a.(I), or a
324 similar offense in another jurisdiction, against a victim who
325 was under the age of 18 at the time of the offense; if the
326 offender has not received a pardon for any felony or similar law
327 of another jurisdiction necessary for the operation of this
328 subsection, if a conviction of a felony or similar law of
329 another jurisdiction necessary for the operation of this
330 subsection has not been set aside in any postconviction
331 proceeding, or if the offender has not been removed from the
332 requirement to register as a sexual offender or sexual predator
333 pursuant to s. 943.04354, the court must impose the following
334 conditions:

335 (a) A prohibition on visiting schools, child care
336 facilities, parks, and playgrounds, without prior approval from
337 the offender's supervising officer. The court may also designate
338 additional locations to protect a victim. The prohibition
339 ordered under this paragraph does not prohibit the offender from
340 visiting a school, child care facility, park, or playground for
341 the sole purpose of attending a religious service as defined in
342 s. 775.0861 or picking up or dropping off the offender's
343 children or grandchildren at a child care facility or school.

344 (b) A prohibition on distributing candy or other items to
345 children on Halloween; wearing a Santa Claus costume, or other
346 costume to appeal to children, on or preceding Christmas;
347 wearing an Easter Bunny costume, or other costume to appeal to
348 children, on or preceding Easter; entertaining at children's

Page 12 of 13

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591-03150-23

2023528c1

349 parties; or wearing a clown costume; without prior approval from
350 the court.

351 (5) Effective for a probationer or community controllee
352 whose crime was committed on or after October 1, 2014, and who
353 is placed on probation or community control for a violation of
354 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
355 847.0145, or whose crime was committed on or after July 1, 2023,
356 and who is placed on probation or community control for
357 attempting, soliciting, or conspiring to commit a violation of
358 chapter 794, s. 800.04, s. 827.071, s. 847.0135(5), or s.
359 847.0145, in addition to all other conditions imposed, the court
360 must impose a condition prohibiting the probationer or community
361 controllee from viewing, accessing, owning, or possessing any
362 obscene, pornographic, or sexually stimulating visual or
363 auditory material unless otherwise indicated in the treatment
364 plan provided by a qualified practitioner in the sexual offender
365 treatment program. Visual or auditory material includes, but is
366 not limited to, telephone, electronic media, computer programs,
367 and computer services.

368 Section 5. This act shall take effect July 1, 2023.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 536

INTRODUCER: Children, Families, and Elder Affairs Committee and Senator Garcia

SUBJECT: Child Support

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Cox</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	<u>Delia</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 536 makes numerous changes to the Child Support Program, which is administered by the Department of Revenue (DOR), Florida's Title IV-D agency. As the state's Title IV-D agency, the DOR is responsible for collecting and enforcing child support. To receive services from the Child Support Program, families either complete an application for services, or are automatically referred because a parent is receiving cash or food assistance.

The bill makes the following changes to the Child Support Program:

- Amends the definition of 'depository' to clarify that the depository required by statute is established by the clerk of the circuit court;
- Expands the circumstances when a payment agreement with a deferred start date may be used to include when an obligor is making a good faith effort to participate in job training;
- Removes existing exceptions to the federal prohibition on treating involuntary incarceration as voluntary unemployment when establishing or modifying a support order;
- Authorizes the DOR to commence an administrative proceeding to determine paternity or paternity and child support based on an affidavit or written declaration completed by a nonparent caregiver of the child who has knowledge of the child's paternity;
- Requires the clerk of court to credit a depository payment account for collections received by another state while enforcing the Florida administrative support order associated with the account;
- Resolves inconsistency in statute concerning the amount of the allocation for operations and maintenance of the Clerk of Court Child Support Collection System (CLERC) system by

reorganizing statutes to reflect the current, more efficient practice for collecting, retaining, distributing, accounting for and reporting clerk fees in private child support cases; and

- Requires the clerk of court to credit a depository payment account for collections received by another state while enforcing the Florida administrative support order associated with the accounts. The clerk must apply credit in the amount indicated by a record from another state's Title IV-D agency or court that is provided to the clerk by the DOR and that documents collections made or received by the other state.

The bill may have an indeterminate operational impact to DOR, but can be managed within existing resources.

The bill is effective July 1, 2023, with the exception of section 5 of the bill, which is effective upon becoming a law.

II. Present Situation:

Refer to Section III. Effect of Proposed Changes for discussion of the relevant portions of current law.

III. Effect of Proposed Changes:

Depository Service Fees (Sections 3 and 4)

Present Situation

Title IV-D cases

Title IV-D (IV-D) refers to Title IV, Part D of the Social Security Act, which is the federally funded, state administered child support enforcement program.¹ The IV-D program is administered by the federal Office of Child Support Enforcement (OCSE), within the United States Department of Health and Human Services. The OCSE oversees the national child support program and partners with state and local child support agencies to encourage parental responsibility so that children receive financial, emotional, and medical support from both parents, even when they live in separate households.² The OCSE does not provide services directly to families, but helps state child support agencies develop, manage, and operate their child support programs effectively and according to federal law.³

As Florida's IV-D agency,⁴ the DOR is responsible for collecting and enforcing child support.⁵ The Child Support Program provides child support services to over one million children and collects over a billion dollars in child support each year. The Child Support Program works with parents, employers, financial institutions, the Internal Revenue Service, state and local agencies, and courts throughout the state to receive timely child support payments and also works with families and partners to:

¹ 42 U.S.C. s. 651, et. seq.

² *Id.*

³ U.S. Department of Health & Human Services, Office of Child Support Enforcement (OCSE), *About the Office of Child Support Enforcement*, (February 2, 2021) available at <https://www.acf.hhs.gov/css/about> (last visited February 27, 2023).

⁴ Section 409.2557(1), F.S.

⁵ *See* s. 61.13, F.S.

- Locate parents, employers, and assets;
- Establish paternity;
- Establish and modify child support orders;
- Collect and disburse child support payments; and
- Monitor and enforce child support orders.⁶

Child support services are available even if a parent lives in another state or country.⁷ The DOR offers child support services in all but two Florida counties, partnering with the State Attorney's Office for services in Miami-Dade County and the Manatee County Clerk of Court for services in Manatee County.⁸

Depository Role in IV-D Cases

Once a judge orders child support, the obligor may pay the obligee directly or payments can be made through an Income Withholding Order. If an Income Withholding Order is issued, the payments will be processed at the State Disbursement Unit (SDU)⁹ administered by the DOR. The clerks of courts act as record keepers for payments processed at the SDU. Obligor's must make all child support payments in IV-D cases to the SDU.¹⁰

Each clerk of the circuit court operates a child support depository.¹¹ The DOR extends participation in the federal child support cost reimbursement program to the central depository¹² in each county, to the maximum extent possible under existing federal law.¹³ The depository receives reimbursement for services provided under a cooperative agreement with the DOR, and each depository is required to participate in the SDU.¹⁴

Upon request of the parties in a child support case, the court may order that child support payments be made through the depository or directly to the obligee if it is in the child's best interest.¹⁵ If such an order is made, any party or the DOR in an IV-D case may file an affidavit with the depository that alleges the obligor has defaulted on his or her child support payment obligations and request that the payments be made through the depository.¹⁶ The party must

⁶ The Department of Revenue (DOR), *About the Child Support Program*, available at https://floridarevenue.com/childsupport/about_us/Pages/about_us.aspx (last visited February 27, 2023).

⁷ *Id.*

⁸ *Id.*

⁹ Section 61.046(20), F.S., provides that the "State Disbursement Unit" means the unit established and operated by the Title IV-D agency to provide one central address for collection and disbursement of child support payments made in cases enforced by the DOR pursuant to Title IV-D of the Social Security Act and in cases not being enforced by the DOR in which the support order was initially issued in this state on or after January 1, 1994, and in which the obligor's child support obligation is being paid through income deduction order.

¹⁰ Sections 61.1824(1)(a), 61.1824(6), and 409.2559, F.S., and 42 U.S.C. s. 654b(a)(1)(A).

¹¹ Section 61.181(1)(a), F.S.

¹² Section 61.046(4), F.S., provides "depository" means the central governmental depository established pursuant to s. 61.181, F.S., created by special act of the Legislature or other entity established before June 1, 1985, to perform depository functions and to receive, record, report, disburse, monitor, and otherwise handle alimony and child support payments not otherwise required to be processed by the State Disbursement Unit.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Section 61.13(1)(d), F.S.

¹⁶ Section 61.13(1)(d)3., F.S.

submit a copy of the affidavit to the court and to all parties.¹⁷ Fifteen days after receipt of the affidavit, the depository must notify all parties that future payments will be paid through the depository, except income deduction payments must be made through the SDU.¹⁸

The DOR must contract with the Florida Association of Court Clerks (FACC) and the clerk depositories for operation and maintenance of the Clerk of Court Child Support Collection System (CLERC) System.¹⁹ The CLERC System integrates all clerk of court and depositories and transmits payment data and State Case Registry Data to the DOR's automated child support enforcement system.²⁰ When a private case with a support order payable directly to the parent who is owed support becomes an IV-D case, the depository must create payment accounts on the CLERC System for payments to be disbursed to the parent owed support and for the payment data to be sent to the DOR.²¹

Depository Role in Non-IV-D Cases

Two types of depository fees are levied on non-IV-D child support payments. For payments not required to be processed through the SDU, depositories must impose and collect a fee on each payment made for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments.²²

For non-IV-D cases processed by the SDU, the SDU collects a fee for each payment received and transmits 40 percent of the service charge to the depository in which the case is located for the depository's administration, management, and maintenance of such case.²³ If a payment is made to the SDU which is not accompanied by the required fee, the SDU is not permitted to deduct any moneys from the support payment for payment of the fee.²⁴ The fee must be a flat fee based, to the extent practicable, upon estimated reasonable costs of operation.²⁵ The fee is then reduced in any case in which the fixed fee results in a charge to any party of an amount greater than three percent of the amount of any support payment made in satisfaction of the amount which the party is obligated to pay, except that no fee is permitted to be less than \$1 nor more than \$5 per payment made.²⁶ The fee must be considered by the court in determining the amount of support that the obligor is, or may be, required to pay.²⁷

The fee for both payment types is four percent of the support payment and may not exceed \$5.25, and part of the fee must be remitted monthly to the DOR for deposit into the Child Support Enforcement Collection System Trust Fund (Trust Fund).²⁸

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 61.1826(3), F.S.

²⁰ Section 61.046(2), F.S.

²¹ The DOR, *Senate Bill 536 Agency Analysis*, p. 3, (March 1, 2023) (on file with the Senate Committee on Children, Families, and Elder Affairs) (hereinafter cited as "The DOR SB 536 Analysis").

²² Section 61.181(2)(a), F.S.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Section 61.181(2)(b)1., F.S. The Child Support Enforcement Collection System Trust Fund is established pursuant to s. 61.1811, F.S., and is used to deposit the DOR's share of fees in non-IV-D cases.

Under s. 61.181(2)(b)1., F.S., the CLERC allocation is established to be 75 percent of the additional one percent increase in the fee from three percent to four percent.

Section 61.181(2)(b)2., F.S., provides a different method for determining the CLERC allocation:

- For each support payment of less than \$33, 18.75 cents;
- For each support payment between \$33 and \$140, an amount equal to 18.75 percent of the fee charged; and
- For each support payment in excess of \$140, 18.75 cents.²⁹

According to the DOR, the different methods used to determine the portion of the fee which is transmitted to the Trust Fund have resulted in the CLERC system utilizing a hybrid calculation.³⁰

Money deposited into the Trust Fund may only be used for the development, implementation and operation of the CLERC system.³¹ The DOR's requirement to fund the CLERC System and the automation of depositories is limited to the state share of funds available in the Trust Fund.³² The DOR and the FACC contract for data processing services as necessary for the operation of the child support program and for the purpose of paying the FACC the state share of the trust fund balances for operation and maintenance of CLERC System.³³

Pursuant to the DOR's current contract with the FACC (Contract CC700) for income withholding payments in non-IV-D cases, the SDU transmits all payments to the relevant depository for each case.³⁴ The depository collects the clerk's statutory fee and retains 40 percent for the administration, management and maintenance of the case.³⁵

According to the DOR, the current practice for collecting, retaining, distributing, accounting for and reporting clerk fees in non-IV-D cases on payments received directly by the depository and by the SDU has been in place for several years, coincides with programming of the CLERC System, and is reflected in the DOR's contracts with the FACC for services in support of the SDU and the depositories.³⁶

Effect of Bill

The bill amends s. 61.181, F.S., making the following changes:

- Applies the methodology currently utilized by the CLERC system to determine how the amount of the fee allocated to the operation and maintenance of the CLERC system is calculated;
- Removes existing references to unused methodologies specified in s. 61.181(2)(b), F.S.;

²⁹ The DOR SB 536 Analysis, p. 3.

³⁰ *Id.*

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ The DOR SB 532 Analysis, p. 3.

³⁵ *Id.*

³⁶ *Id.*

- Clarifies that the clerk of court maintains its share of the fee for receiving, recording, reporting, disbursing, monitoring, or handling alimony or child support payments which are not processed through the SDU;
- Provides that for payments processed through the SDU, the clerk of court retains 40 percent of the fee for the depository's administration, management, and maintenance of the case for payments processed through the SDU;
- Requires the clerk of court to transmit the balance of the fee to the DOR for handling as program income after retaining 40 percent of the fee and paying the amount due to the Trust Fund;
- Requires the DOR to transfer funds received from the depository at least monthly through the Clerk of the Court Revenue Remittance System operated under s. 28.245, F.S.;³⁷
- Provides that depository fees are payable on payments in all non-IV-D cases, not just those that are not required to be processed through the SDU;
- Prohibits depository fees from being imposed on payments on IV-D cases;
- Removes the existing requirement for the SDU to collect and remit fees to the depository on non-IV-D payments;
- Removes the existing requirement for the depository to provide the DOR with a monthly report of IV-D payment accounts;
- Removes a provision which specifies that the depository is not required to provide the IV-D agency with the date provided by a payor of income as required by s. 61.1301, F.S., if the fee increases, expires, or otherwise terminates. As a result, the depository must now provide the DOR with the date provided by a payor;
- Deletes obsolete language relating to prior dates;
- Changes the meaning of "depository" as defined in s. 61.046(4), F.S., to remove references to past dates and obsolete references;
- Clarifies that the depository is established by the clerk of the circuit court;
- Reorganizes current statutory provisions consistent with other changes made by the bill;
- Amends a cross-reference in s. 61.1811, F.S.; and
- Updates a cross-reference to s. 61.181(2)(b), F.S.

The bill also corrects inconsistency in s. 61.181(2)(b), F.S., regarding allocation amounts for operation and maintenance of the CLERC System without altering the existing allocation methodology of the CLERC System.

Driver License Suspension (Section 2)

Present Situation

If an obligor is 15 days delinquent in making a support payment, notice to the obligor of the delinquency must be provided by the DOR (in IV-D cases) or the clerk of the court (in non-IV-D

³⁷ Section 28.245, F.S., provides that notwithstanding any other provision of law, all moneys collected by the clerks of the court as part of the clerk's court-related functions for subsequent distribution to any state entity must be transmitted electronically, by the 10th day of the month immediately after the month in which the moneys are collected, to the DOR for appropriate distribution. A uniform remittance form provided by the DOR detailing the specific amounts due each fund must accompany such submittal. All moneys collected by the clerks of court for remittance to any entity must be distributed pursuant to the law in effect at the time of collection.

cases).³⁸ The notice must state that the DOR or the clerk of the court will request the Department of Highway Safety and Motor Vehicles (DHSMV) to suspend the obligor's driver license within 20 days after the date that the notice is mailed.³⁹ The notice lists several ways for an obligor to stop suspension of his or her license, including:

- Paying the delinquency in full;
- Entering into a written agreement for payment (with the obligee⁴⁰ or the DOR);
- Contesting the delinquency notice;
- Demonstrating that he or she is on reemployment assistance (unemployment compensation);
- Demonstrating that he or she is disabled and incapable of self-support;
- Demonstrating that he or she receives temporary cash assistance; or
- Demonstrating that he or she is making bankruptcy payments.⁴¹

The obligor may enter into a payment agreement, which may include a reasonable period of payment deferral to accommodate the obligor's good faith job-seeking efforts, in order to avoid license suspension.⁴² If an obligor in a non-IV-D case enters into a written agreement for payment before the expiration of the 20-day period, the obligor must provide a copy of the signed written agreement to the depository or the clerk of the court.⁴³

Effect of Bill

The bill amends s. 61.13016(1)(c)1.b., F.S., to permit payment agreements which include a deferred start date in instances where the obligor is shown to be participating in job training in good faith.

Child Support Guidelines; Incarceration as Voluntary Unemployment (Section 5)

Present Situation

As the state's IV-D agency, federal law authorizes the head of the DOR, or its designee, to obtain consumer reports to determine an individual's income, establish that individual's capacity to make support payments, or determine the appropriate amount of child support the individual pays. Additionally, s. 61.1354(3), F.S., specifies that, to obtain the information, the head of the IV-D agency, or its designee, must certify that:

- The consumer report is needed for the purpose of determining an individual's income and establishing an individual's capacity to make support payments or determining the appropriate amount of child support payment to be made by the individual;
- Paternity of the child of the individual whose report is sought, if that individual is the father of the child, has been established or acknowledged pursuant to Florida law;
- The individual whose report is sought was provided with at least 15 days prior notice by certified or registered mail to the individual's last known address that the report was requested; and

³⁸ Section 61.13016(1), F.S.

³⁹ Section 61.13016(1)(c), F.S.

⁴⁰ Section 61.046, F.S. defines "obligee" as the person to whom payments are made pursuant to an order establishing, enforcing, or modifying an obligation for alimony, for child support, or for alimony and child support.

⁴¹ Section 61.13016(1)(c)1., F.S.

⁴² Section 61.13016(1)(c)1.b., F.S.

⁴³ Section 61.13016(1)(c), F.S.

- The consumer report will be used solely for the purpose specified.⁴⁴

In *DOR v. Jackson*,⁴⁵ the Florida Supreme Court held that a parent may not automatically have his or her child support payment obligations modified based solely on a reduction in income resulting from incarceration. The trial court has some discretion, but the child's interest in receiving support must generally supersede the obligor parent's substantial change in circumstances resulting from incarceration.

The District Courts of Appeal are not in agreement on whether income can be imputed when determining *an initial* child support order when the parent is in prison or going to prison.

In *McCall v. Martin*,⁴⁶ the Fourth District Court of Appeal reversed the trial court's order refusing to impute income to the father during his incarceration for committing battery on his wife, citing his absence of income. Relying on *Jackson* and *Mascola v. Lusskin*,⁴⁷ which was approved by the Supreme Court in *Jackson*, the Fourth District held that the father's child support order may not be modified based on his incarceration due to a conviction for attempting to kill the mother to avoid child support.

However, in *DOR v. Llamas*,⁴⁸ the First District Court of Appeal affirmed an order declining to impose a child support obligation upon the father who was going to prison. The First DCA certified conflict with the Fourth DCA's opinion in *McCall*, finding that the administrative law judge reasonably applied the law and did not abuse his discretion in declining to impute income to the father. Subsequently, in *Wilkerson v. Wilkerson*,⁴⁹ the Fifth DCA aligned itself with *McCall* and certified conflict with *Llamas*, holding that a court does not abuse its discretion in setting an initial child support obligation by imputing income to an incarcerated parent. The court in *Wilkerson* believed that an individual's actions that lead to incarceration are voluntary for purposes of s. 61.30(2)(b), F.S., and that s. 61.30, F.S., was not intended to operate as a shield to avoid having an initial support obligation established while the parent is incarcerated.

In 2016, Federal law was amended to prohibit state laws from treating incarceration as voluntary unemployment for purposes of establishing or modifying child support orders.⁵⁰ On September 17, 2020, the OCSE proposed two optional exceptions to allow incarceration to be treated as voluntary unemployment under child support guidelines, including incarceration which results from:

- Intentional nonpayment of child support resulting from a criminal case or civil contempt action; or
- Any offense of which the individual's dependent child or the child support recipient was the victim.⁵¹

⁴⁴ Section 61.1354(3), F.S.

⁴⁵ 846 So. 2d 486 (Fla. 2003).

⁴⁶ 34 So. 3d 121 (Fla. 4th DCA 2010).

⁴⁷ 727 So. 2d 328 (Fla. 4th DCA 1999).

⁴⁸ 196 So.3d 1267 (Fla. 1st DCA 2016).

⁴⁹ 220 So. 3d 480 (Fla. 5th DCA 2017).

⁵⁰ See 45 CFR 302.56(c)(3).

⁵¹ 85 FR 58029 (September 17, 2020).

Since 2021, Florida law has prohibited treating incarceration as voluntary unemployment when a support order is established or modified, unless incarceration is for intentional nonpayment of child support or an offense against a child or person who is owed child support, or the court or administrative tribunal deviates from the guideline amount as provided under current law.⁵² The DOR has stated that the OCSE objects to Florida's exceptions to the Federal rule that a state's child support guidelines may not treat incarceration as voluntary unemployment when establishing or modifying support orders.⁵³ The OCSE has recently informed the DOR that it will not approve Florida's Title IV-D State Plan for compliance with federal child support guidelines requirements unless the exceptions are removed from Florida law.⁵⁴

Florida is ineligible to receive federal IV-D matching funds and performance-based federal incentive payments if the state lacks an approved Title IV-D State Plan.⁵⁵ According to the DOR, the Child Support Program's State Fiscal Year 2022-2023 appropriations for these funds are \$174.6 million and \$42.2 million, respectively.⁵⁶ The state will also incur a penalty to the Title IV-A TANF (Temporary Assistance for Needy Families) Grant without an approved Title IV-D State Plan.⁵⁷ For the first year of noncompliance, the penalty is one to two percent of TANF funds; for the second year, the penalty is two to three percent of TANF funds; and for the third and subsequent years, the penalty is three to five percent of the amounts otherwise payable to the state.⁵⁸ Florida's TANF Grant is currently \$560.5 million.⁵⁹

As a condition of the state's IV-D State Plan and in order to continue receiving federal IV-D matching funds, Florida is obligated to comply with Federal IV-D regulations.⁶⁰ The "Federal Compliance Date" for Florida to comply with 45 CFR 302.56(c)(3) is approximately June 30, 2023.⁶¹

Effect of Bill

The bill makes changes to conform to the requirements of Federal law by deleting existing provisions of state law which prohibit classifying incarceration as voluntary unemployment when establishing or modifying a support order. As a result, incarceration will no longer be treated as voluntary unemployment for the purposes of support orders. The bill removes exceptions in instances where incarceration occurs as a result of intentional nonpayment of child support or an offense against a child or person who is owed child support; however, maintains the court's discretion to deviate from the guideline amount as provided by s. 61.30(1)(a), F.S., if the court makes written findings in its order explaining why ordering payment of the guideline amount would be unjust or inappropriate.

⁵² Section 61.30(2)(c), F.S.; Ch. 2021-103, s. 4, L.O.F.

⁵³ The DOR SB 536 Analysis, p. 4-5.

⁵⁴ *Id.*

⁵⁵ The DOR SB 536 Analysis, p. 5.

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ See 42 USC 655(a)(1)(A) and 45 CFR 302.56(a).

⁶¹ The DOR SB 536 Analysis, p. 5.

To ensure Florida is in compliance with 45 CFR 302.56(c)(3) by the deadline, this section of the bill is effective upon becoming a law.

Determining Paternity or Paternity and Child Support (Section 6)

Present Situation

The DOR is authorized pursuant to s. 409.256(2)(a)5., F.S., to commence administrative proceedings to determine paternity or paternity and child support only in cases where a child's mother or putative father has executed an affidavit or written declaration under penalty of perjury stating that the putative father is, or may be, the child's biological father. The affidavit or written declaration must set forth the factual basis for the allegation of paternity.⁶²

In instances where a child lives with their mother or putative father, the DOR can often obtain an affidavit or written declaration of paternity that names the putative father or fathers.⁶³ The DOR has stated that obtaining proper documented authorization is problematic in cases where a child lives with a nonparent caregiver.⁶⁴ The mother and putative father may be unavailable to provide a written declaration or unwilling to cooperate in such instances.⁶⁵

According to the DOR, the most common caregiver relationship involves instances where the caregiver is the child's grandmother and she is receiving public assistance for the child.⁶⁶ An administrative proceeding cannot be commenced without an affidavit or written declaration of paternity from the mother or putative father, and the DOR must file the case in circuit court to determine paternity and child support.⁶⁷ As of January 13, 2023, the DOR was responsible for establishing paternity for 48,075 children living with a nonparent caregiver of which 45,059 lived with a parent and 3,016 lived with a nonparent caregiver.⁶⁸ In nonparent caregiver cases, (87 percent) received some form of public assistance (cash assistance, food assistance, and/or Medicaid).⁶⁹

The DOR uses a "Paternity Statement by Non-Parent" form to serve as the basis for a paternity action in circuit court when a paternity affidavit or written declaration is not available from the mother or putative father.⁷⁰ According to the DOR, nonparent caregivers often have knowledge of the child's paternity.⁷¹ The caregiver signs the statement under penalty of perjury and provides the factual basis for the allegation that the putative father named may be the father of the child at issue in the case.⁷²

⁶² Section 409.256(2)(a)5., F.S.

⁶³ The DOR SB 536 Analysis, p. 5.

⁶⁴ *Id.*

⁶⁵ *Id.*

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Rule 12E-1.039, F.A.C.; the "Paternity Statement by Non-Parent" form is referenced in the Florida Administrative Code as CS-PO34 and available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-08655>.

⁷¹ The DOR SB 536 Analysis, p. 6.

⁷² *Id.*

Effect of Bill

The bill amends s. 409.256(2)(a)5., F.S., to permit the DOR to initiate an administrative proceeding to determine paternity, or paternity and child support, where an affidavit or written declaration is executed by a nonparent caregiver of the child who has knowledge of the child's paternity.

Credit for Payments Made to Another State (Section 7)***Present Situation***

Since enactment of Title IV-D of the Social Security Act in January 1975, states have been required to cooperate with one another in locating absent parents, establishing paternity, and obtaining and enforcing support owed by absent parents to their children.⁷³ Pursuant to the Full Faith and Credit for Child Support Order Act and the Uniform Interstate Family Support Act (UIFSA), courts of all U.S. territories, states, and tribes must give full faith and credit to a child support order issued by another state or tribe that had jurisdiction over the parties and the subject matter.⁷⁴

In Florida, the DOR may request each depository to establish an account for the receipt and disbursement of support payments for IV-D interstate cases.⁷⁵ The DOR is required to provide a copy of the other state's order with the request, and the depository must advise the DOR of the account number in writing within four business days after receipt of the request.⁷⁶

In child support cases where an obligor lives and works in a state other than Florida, a clerk of court may not credit the obligor's account for payments made to another state without prior approval from a Florida court.⁷⁷ Florida administrative support orders are not court orders and therefore a circuit court case is typically not available in which a motion for credit can be filed with the court.⁷⁸

In some interstate IV-D cases, the DOR also receives support payments from federal offsets and other one-time collections.⁷⁹ The DOR reports such payments to the appropriate depository and the clerk credits the payments to the obligor's account.⁸⁰ The absence of a complete accounting of payments at the depository makes it appear that payments were not made, which may result in inappropriate enforcement or collection actions, including judgments by operation of law initiated by the depository under s. 61.14(6), F.S.⁸¹

⁷³ The OCSE, *Final Rule: Provision of Services in Interstate IV-D Cases*, available at <https://www.acf.hhs.gov/css/policy-guidance/final-rule-provision-services-interstate-iv-d-cases> (last visited February 27, 2023).

⁷⁴ The OCSE, *Child Support Handbook Chapter 7: Working Across Borders* at p. 1, available at https://www.acf.hhs.gov/sites/default/files/documents/ocse/chapter7_0.pdf (last visited February 27, 2023).

⁷⁵ Section 61.181(1)(b), F.S.

⁷⁶ *Id.*

⁷⁷ The DOR SB 536 Analysis, p. 6.

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

Effect of Bill

The bill amends s. 409.2563(8), F.S., to provide that when the DOR receives a record of a payment from a IV-D agency or a court in another state and the record shows the obligor made a payment in that state pursuant to a DOR-issued support order, the DOR is required to file a record of the payment with the appropriate depository. The DOR must request that the clerk review the record and update relevant payment accounts.

The bill requires the DOR to apply credit for payments made in another state if the clerk has not previously done so. If the other state's payment record reflects payments which are not shown in the clerk's payment accounts, the clerk must credit the obligor's account in an amount equal to that of the payment made to the other state. The bill allows parties to the administrative proceeding to dispute the application of credit in subsequent proceedings regarding payment under the support order.

Updated Definitions and Cross-References (Sections 1 and 4)

Section 1 of the bill amends the definition of "depository" in s. 61.046(4), F.S., consistent with section 3 of the bill. The bill clarifies that each depository is established by the appropriate clerk of the circuit court. Section 4 of the bill updates a cross-reference consistent with section 3 of the bill.

Effective Date

The effective date of the bill is October 1, 2023, with the exception of section 5 of the bill, which is effective upon becoming a law.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

The Department of Revenue states that the proposed changes in section 3 of the bill relating to depository service fees, will likely not increase net fee collection or individual fee amounts, and therefore are not subject to the requirements of Article VII, Section 19 of the Florida Constitution.⁸²

⁸² The DOR, *Senate Bill 536 Analysis*, p. 8 (January 3, 2023).

E. Other Constitutional Issues:

None.

V. **Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate operational impact to the Department of Revenue, but can be managed within existing resources.⁸³

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 61.046, 61.13016, 61.181, 61.1811, 61.30, 409.256, and 409.2563.

IX. **Additional Information:**

A. Committee Substitute – Statement of Changes:

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

CS by Children, Families, and Elder Affairs on March 6, 2023:

The Committee Substitute:

- Changes the effective date of section 5 of the bill from July 1, 2023, to the date on which the bill becomes a law.

B. Amendments:

None.

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

⁸³ *Id.*

By the Committee on Children, Families, and Elder Affairs; and
Senator Garcia

586-02299A-23

2023536c1

1 A bill to be entitled
2 An act relating to child support; amending s. 61.046,
3 F.S.; conforming a cross-reference; revising the
4 definition of the term "depository"; amending s.
5 61.13016, F.S.; revising requirements for the
6 deferment of payment agreements for child support;
7 amending s. 61.181, F.S.; revising the procedures for
8 collection and distribution of court depository fees;
9 amending s. 61.1811, F.S.; conforming a cross-
10 reference; amending s. 61.30, F.S.; removing
11 exceptions to the prohibition on treating
12 incarceration as voluntary employment; amending s.
13 409.256, F.S.; revising requirements for the
14 Department of Revenue to commence proceedings
15 regarding paternity and child support; amending s.
16 409.2563, F.S.; requiring and specifying procedures
17 for the clerk of the court to credit depository
18 accounts for collections received by another state;
19 providing effective dates.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Subsections (2) and (4) of section 61.046,
24 Florida Statutes, are amended to read:
25 61.046 Definitions.—As used in this chapter, the term:
26 (2) "Clerk of Court Child Support Collection System" or
27 "CLERC System" means the automated system established pursuant
28 to s. 61.1811 ~~s. 61.181(2)(b)1~~, integrating all clerks of court
29 and depositories and through which payment data and State Case

Page 1 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 Registry data is transmitted to the department's automated child
31 support enforcement system.
32 (4) "Depository" means the ~~central governmental~~ depository
33 established by the clerk of the circuit court pursuant to s.
34 61.181, ~~created by special act of the Legislature or other~~
35 ~~entity established before June 1, 1985, to perform depository~~
36 ~~functions and~~ to receive, record, report, disburse, monitor, and
37 otherwise handle alimony and child support payments not
38 otherwise required to be processed by the State Disbursement
39 Unit.
40 Section 2. Subsection (1) of section 61.13016, Florida
41 Statutes, is amended to read:
42 61.13016 Suspension of driver licenses and motor vehicle
43 registrations.—
44 (1) The driver license and motor vehicle registration of a
45 support obligor who is delinquent in payment or who has failed
46 to comply with subpoenas or a similar order to appear or show
47 cause relating to paternity or support proceedings may be
48 suspended. When an obligor is 15 days delinquent making a
49 payment in support or failure to comply with a subpoena, order
50 to appear, order to show cause, or similar order in IV-D cases,
51 the ~~Title~~ IV-D agency may provide notice to the obligor of the
52 delinquency or failure to comply with a subpoena, order to
53 appear, order to show cause, or similar order and the intent to
54 suspend by regular United States mail that is posted to the
55 obligor's last address of record with the Department of Highway
56 Safety and Motor Vehicles. When an obligor is 15 days delinquent
57 in making a payment in support in non-IV-D cases, and upon the
58 request of the obligee, the depository or the clerk of the court

Page 2 of 12

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586-02299A-23

2023536c1

59 must provide notice to the obligor of the delinquency and the
60 intent to suspend by regular United States mail that is posted
61 to the obligor's last address of record with the Department of
62 Highway Safety and Motor Vehicles. In either case, the notice
63 must state all of the following:

64 (a) The terms of the order creating the support
65 obligation.

66 (b) The period of the delinquency and the total amount of
67 the delinquency as of the date of the notice or describe the
68 subpoena, order to appear, order to show cause, or other similar
69 order that has not been complied with.

70 (c) That notification will be given to the Department of
71 Highway Safety and Motor Vehicles to suspend the obligor's
72 driver license and motor vehicle registration unless, within 20
73 days after the date that the notice is mailed, the obligor:

74 1.a. Pays the delinquency in full and any other costs and
75 fees accrued between the date of the notice and the date the
76 delinquency is paid;

77 b. Enters into a written agreement for payment with the
78 obligee in non-IV-D cases or with the ~~Title~~ IV-D agency in IV-D
79 cases; or in IV-D cases, complies with a subpoena or order to
80 appear, order to show cause, or a similar order, which may
81 include a reasonable period of payment deferral to accommodate
82 an obligor's good faith job-seeking or job training efforts;

83 c. Files a petition with the circuit court to contest the
84 delinquency action;

85 d. Demonstrates that he or she receives reemployment
86 assistance or unemployment compensation pursuant to chapter 443;

87 e. Demonstrates that he or she is disabled and incapable of

586-02299A-23

2023536c1

88 self-support or that he or she receives benefits under the
89 federal Supplemental Security Income program or Social Security
90 Disability Insurance program;

91 f. Demonstrates that he or she receives temporary cash
92 assistance pursuant to chapter 414; or

93 g. Demonstrates that he or she is making payments in
94 accordance with a confirmed bankruptcy plan under chapter 11,
95 chapter 12, or chapter 13 of the United States Bankruptcy Code,
96 11 U.S.C. ss. 101 et seq.; and

97 2. Pays any applicable delinquency fees.

98
99 If an obligor in a non-IV-D case enters into a written agreement
100 for payment before the expiration of the 20-day period, the
101 obligor must provide a copy of the signed written agreement to
102 the depository or the clerk of the court. If an obligor seeks to
103 satisfy sub-subparagraph 1.d., sub-subparagraph 1.e., sub-
104 subparagraph 1.f., or sub-subparagraph 1.g. before expiration of
105 the 20-day period, the obligor must provide the applicable
106 documentation or proof to the depository or the clerk of the
107 court.

108 Section 3. Paragraph (a) of subsection (1), subsection (2),
109 paragraph (a) of subsection (3), and subsections (4), (8), and
110 (9) of section 61.181, Florida Statutes, are amended to read:

111 61.181 Depository for alimony transactions, support,
112 maintenance, and support payments; fees.—

113 (1)(a) The office of the clerk of the court shall operate a
114 depository ~~unless the depository is otherwise created by special~~
115 ~~act of the Legislature or unless, prior to June 1, 1985, a~~
116 ~~different entity was established to perform such functions.~~ The

586-02299A-23

2023536c1

117 department shall, ~~no later than July 1, 1998,~~ extend
 118 participation in the federal child support cost reimbursement
 119 program to the central depository in each county, to the maximum
 120 extent allowable possible under existing federal law. The
 121 depository shall receive reimbursement for services provided
 122 under a cooperative agreement with the department pursuant to s.
 123 61.1826. Each depository shall participate in the State
 124 Disbursement Unit and shall implement all statutory and
 125 contractual duties imposed on the State Disbursement Unit. Each
 126 depository shall receive from and transmit to the State
 127 Disbursement Unit required data through the Clerk of Court Child
 128 Support Enforcement Collection System. Payments on non-IV-D non-
 129 Title IV-D cases without income deduction orders may not shall
 130 not be sent to the State Disbursement Unit.

131 (2) (a) The depository shall impose and collect a fee on
 132 payments on non-IV-D cases. The fee is 4 percent of the payment,
 133 except no fee may be less than \$1 or more than \$5.25 For
 134 payments not required to be processed through the State
 135 Disbursement Unit, the depository shall impose and collect a fee
 136 on each payment made for receiving, recording, reporting,
 137 disbursing, monitoring, or handling alimony or child support
 138 payments as required under this section. For non-Title IV-D
 139 cases required to be processed by the State Disbursement Unit
 140 pursuant to this chapter, the State Disbursement Unit shall, on
 141 each payment received, collect a fee, and shall transmit to the
 142 depository in which the case is located 40 percent of such
 143 service charge for the depository's administration, management,
 144 and maintenance of such case. If a payment is made to the State
 145 Disbursement Unit which is not accompanied by the required fee,

586-02299A-23

2023536c1

146 the State Disbursement Unit shall not deduct any moneys from the
 147 support payment for payment of the fee. The fee shall be a flat
 148 fee based, to the extent practicable, upon estimated reasonable
 149 costs of operation. The fee shall be reduced in any case in
 150 which the fixed fee results in a charge to any party of an
 151 amount greater than 3 percent of the amount of any support
 152 payment made in satisfaction of the amount which the party is
 153 obligated to pay, except that no fee shall be less than \$1 nor
 154 more than \$5 per payment made. The court shall consider the fee
 155 shall be considered by the court in determining the amount of
 156 support that the obligor is, or may be, required to pay. A fee
 157 may not be imposed on payments on IV-D cases.

158 (b)1. The fee imposed in paragraph (a) shall be increased
 159 to 4 percent of the support payments which the party is
 160 obligated to pay, except that no fee shall be more than \$5.25.
 161 The fee shall be considered by the court in determining the
 162 amount of support that the obligor is, or may be, required to
 163 pay. Notwithstanding the provisions of s. 145.022, the fee for
 164 non-IV-D cases must be distributed 75 percent of the additional
 165 revenues generated by this paragraph shall be remitted monthly
 166 to the Clerk of the Court Child Support Enforcement Collection
 167 System Trust Fund administered by the department as provided in
 168 subparagraph 2., calculated as follows:

- 169 a. For each support payment of less than \$33, 18.75 cents.
 170 b. For each support payment between \$33 and \$140 inclusive,
 171 an amount equal to 75 percent of the difference between 4
 172 percent of the payment amount not to exceed \$5.25 and 3 percent
 173 of the payment amount not to exceed \$5.00.
 174 c. For each support payment in excess of \$140, 18.75 cents.

586-02299A-23

2023536c1

175
 176 These funds ~~must shall~~ be used exclusively for the development,
 177 implementation, and operation of the Clerk of the Court Child
 178 Support Enforcement Collection System to be operated by the
 179 depositories, including the automation of civil case information
 180 necessary for the State Case Registry. The department shall
 181 contract with the Florida Association of Court Clerks and the
 182 depositories to design, establish, operate, upgrade, and
 183 maintain the automation of the depositories to include, but not
 184 be limited to, the provision of online electronic transfer of
 185 information to the IV-D agency as otherwise required by this
 186 chapter. The department's obligation to fund the automation of
 187 the depositories is limited to the state share of funds
 188 available in the Clerk of the Court Child Support Enforcement
 189 Collection System Trust Fund. Each depository created under this
 190 section ~~must shall~~ fully participate in the Clerk of the Court
 191 Child Support Enforcement Collection System and transmit data in
 192 a readable format as required by the contract between the
 193 Florida Association of Court Clerks and the department.

194 2. For payments not processed through the State
 195 Disbursement Unit, the clerk of the court shall retain the
 196 balance of the fee for receiving, recording, reporting,
 197 disbursing, monitoring, or handling alimony or child support
 198 payments as required under this section.

199 3. For payments processed through the State Disbursement
 200 Unit, the clerk of the court shall retain 40 percent of the fee
 201 for the depository's administration, management, and maintenance
 202 of the case. After retaining 40 percent of the fee and paying
 203 the amount due to the Clerk of the Court Child Support

586-02299A-23

2023536c1

204 Enforcement Collection System Trust Fund, the clerk of the court
 205 shall transmit the balance of the fee to the department for
 206 handling as program income under s. 61.1814.

207 (c) Moneys to be remitted under subparagraphs (b)1. and 3.
 208 must be remitted no less often than monthly in accordance with
 209 s. 28.245 to the Clerk of the Court Revenue Remittance System.

210 ~~(d) Moneys to be remitted to the department by the~~
 211 ~~depository shall be done daily by electronic funds transfer and~~
 212 ~~calculated as follows:~~

213 ~~a. For each support payment of less than \$33, 18.75 cents.~~
 214 ~~b. For each support payment between \$33 and \$140, an amount~~
 215 ~~equal to 18.75 percent of the fee charged.~~

216 ~~c. For each support payment in excess of \$140, 18.75 cents.~~

217 ~~3-~~ The fees established by this section shall be set forth
 218 and included in every order of support entered by a court of
 219 this state which requires payment to be made into the
 220 depository.

221 (3) (a) For payments not required to be processed through
 222 the State Disbursement Unit, the depository shall collect and
 223 distribute all support payments paid into the depository to the
 224 appropriate party. ~~On or after July 1, 1998,~~ If a payment is
 225 made on a Title IV-D case which is not accompanied by the
 226 required transaction fee, the depository ~~may shall~~ not deduct
 227 any moneys from the support payment for payment of the fee.
 228 Nonpayment of the required fee shall be considered a
 229 delinquency, and when the total of fees and costs which are due
 230 but not paid exceeds \$50, the judgment by operation of law
 231 process set forth in s. 61.14(6) (a) shall become applicable and
 232 operational. As part of its collection and distribution

586-02299A-23

2023536c1

233 functions, the depository shall maintain records listing:
 234 1. The obligor's name, address, social security number,
 235 place of employment, and any other sources of income.
 236 2. The obligee's name, address, and social security number.
 237 3. The amount of support due as provided in the court
 238 order.
 239 4. The schedule of payment as provided in the court order.
 240 5. The actual amount of each support payment received, the
 241 date of receipt, the amount disbursed, and the recipient of the
 242 disbursement.
 243 6. The unpaid balance of any arrearage due as provided in
 244 the court order.
 245 7. Other records as necessary to comply with federal
 246 reporting requirements.
 247 ~~(4) The depository shall provide to the IV-D agency, at~~
 248 ~~least once a month, a listing of IV-D accounts which identifies~~
 249 ~~all delinquent accounts, the period of delinquency, and total~~
 250 ~~amount of delinquency. The list shall be in alphabetical order~~
 251 ~~by name of obligor, shall include the obligee's name and case~~
 252 ~~number, and shall be provided at no cost to the IV-D agency.~~
 253 ~~(7)(8) On or before July 1, 1994, The depository shall~~
 254 ~~provide information required by this chapter to be transmitted~~
 255 ~~to the Title IV-D agency by online electronic transmission~~
 256 ~~pursuant to rules promulgated by the Title IV-D agency.~~
 257 ~~(9) If the increase in fees as provided by paragraph (2)(b)~~
 258 ~~expires or is otherwise terminated, the depository shall not be~~
 259 ~~required to provide the Title IV-D agency the date provided by a~~
 260 ~~payor as required by s. 61.1301.~~
 261 Section 4. Section 61.1811, Florida Statutes, is amended to

Page 9 of 12

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586-02299A-23

2023536c1

262 read:
 263 61.1811 Clerk of the Court Child Support Enforcement
 264 Collection System Trust Fund.—There is hereby created the Clerk
 265 of the Court Child Support Enforcement Collection System Trust
 266 Fund to be used to deposit the department's share of the fees
 267 generated in s. 61.181(2)(b)1 ~~s. 61.181(2)(b)~~.
 268 Section 5. Effective upon becoming a law, paragraph (c) of
 269 subsection (2) of section 61.30, Florida Statutes, is amended to
 270 read:
 271 61.30 Child support guidelines; retroactive child support.—
 272 (2) Income shall be determined on a monthly basis for each
 273 parent as follows:
 274 (c) ~~Except for incarceration for willful nonpayment of~~
 275 ~~child support or for an offense against a child or person who is~~
 276 ~~owed child support, Incarceration may not be treated as~~
 277 ~~voluntary unemployment in establishing or modifying a support~~
 278 ~~order. However, the court may deviate from the child support~~
 279 ~~guideline amount as provided in paragraph (1)(a).~~
 280 Section 6. Paragraph (a) of subsection (2) of section
 281 409.256, Florida Statutes, is amended to read:
 282 409.256 Administrative proceeding to establish paternity or
 283 paternity and child support; order to appear for genetic
 284 testing.—
 285 (2) JURISDICTION; LOCATION OF HEARINGS; RIGHT OF ACCESS TO
 286 THE COURTS.—
 287 (a) The department may commence a paternity proceeding or a
 288 paternity and child support proceeding as provided in subsection
 289 (4) if:
 290 1. The child's paternity has not been established.

Page 10 of 12

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586-02299A-23

2023536c1

291 2. No one is named as the father on the child's birth
 292 certificate or the person named as the father is the putative
 293 father named in an affidavit or a written declaration as
 294 provided in subparagraph 5.

295 3. The child's mother was unmarried when the child was
 296 conceived and born.

297 4. The department is providing services under Title IV-D of
 298 the Social Security Act.

299 5. The child's mother, caregiver, or a putative father has
 300 stated in an affidavit, or in a written declaration as provided
 301 in s. 92.525(2), that the putative father is or may be the
 302 child's biological father. The affidavit or written declaration
 303 must set forth the factual basis for the allegation of paternity
 304 as provided in s. 742.12(2).

305 Section 7. Subsection (8) of section 409.2563, Florida
 306 Statutes, is amended to read:

307 409.2563 Administrative establishment of child support
 308 obligations.—

309 (8) FILING WITH THE CLERK OF THE CIRCUIT COURT; OFFICIAL
 310 PAYMENT RECORD; JUDGMENT BY OPERATION OF LAW.—The department
 311 shall file with the clerk of the circuit court a copy of an
 312 administrative support order rendered under this section. The
 313 depository operated pursuant to s. 61.181 for the county where
 314 the administrative support order has been filed shall:

315 (a) Act as the official recordkeeper for payments required
 316 under the administrative support order;

317 (b) Establish and maintain the necessary payment accounts;

318 (c) Upon a delinquency, initiate the judgment by operation
 319 of law procedure as provided by s. 61.14(6); and

586-02299A-23

2023536c1

320 (d) Perform all other duties required of a depository with
 321 respect to a support order entered by a court of this state.
 322

323 When a proceeding to establish an administrative support order
 324 is commenced under subsection (4), the department shall file a
 325 copy of the initial notice with the depository. The depository
 326 shall assign an account number and provide the account number to
 327 the department within 4 business days after the initial notice
 328 is filed. When the department receives a payment record from a
 329 IV-D agency or a court in another state, as the term "state" is
 330 defined by s. 88.1011, and the payment record shows the obligor
 331 made a payment in that state pursuant to an administrative
 332 support order rendered by the department, the department shall
 333 file the payment record with the clerk of the court depository,
 334 requesting the clerk to review the record and update the clerk's
 335 payment accounts, applying credit for payments made to the other
 336 state for which the clerk has not previously provided credit. If
 337 the payment record from the other state indicates the obligor
 338 has made payments that are not reflected in the clerk's payment
 339 accounts, the clerk must credit the account in the amount of the
 340 payment made to the other state. A party to the administrative
 341 proceeding may dispute the application of credit in a subsequent
 342 proceeding concerning payment under the administrative support
 343 order.

344 Section 8. Except as otherwise expressly provided in this
 345 act and except for this section, which shall take effect upon
 346 becoming a law, this act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

04-20-23

Meeting Date

SB 536

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Alec Yarger

Phone 850-717-6153

Address 2450 Shumard Oak Blvd

Email alec.yarger@Florida

Street

revenue - cash

TLH

City

FL

State

32311

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: FL Dept. of Revenue

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 612

INTRODUCER: Health Policy Committee and Senator Yarborough and others

SUBJECT: Blood Clot and Pulmonary Embolism Policy Workgroup

DATE: April 19, 2023 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stovall</u>	<u>Brown</u>	<u>HP</u>	Fav/CS
2.	<u>McKnight</u>	<u>Money</u>	<u>AHS</u>	Favorable
3.	<u>Stovall</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:
COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 612 creates the “Emily Adkins Prevention Act” to establish a blood clot and pulmonary embolism policy workgroup. The Secretary of Health Care Administration (Secretary), in conjunction with the State Surgeon General, are required to establish the policy workgroup composed of health care providers, patients who have experienced blood clots, family members of patients who have died from blood clots, advocates, and other interested parties and associations.

The workgroup is tasked with identifying specific background information pertaining to the prevalence, data collection, impacts, standards of care, and emerging treatments of blood clots and pulmonary embolisms. The workgroup is further tasked with developing a risk surveillance system for various health care providers and facilities and policy recommendations to improve patient awareness, including written materials and guidelines that affect the standard of care for patients at risk of forming blood clots.

The Secretary is directed to submit a final report detailing findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 4, 2025.

The bill has no fiscal impact on state revenues or state expenditures.

The bill takes effect on July 1, 2023.

II. Present Situation:

A pulmonary embolism (PE) is a sudden blockage in a pulmonary artery resulting from a blood clot that develops in a blood vessel (often in the leg) that travels through the circulatory system to a lung, creating the blockage in blood flow.¹

The heart, arteries, capillaries, and veins make up the body's circulatory system. Blood is pumped with great force from the heart into the arteries. From there blood flows into the capillaries (tiny blood vessels in the tissues). Blood returns to the heart through the veins. As it moves through the veins back to the heart, blood flow slows. Sometimes this slower blood flow may lead to clot formation.

Blood clotting is a normal process to prevent bleeding. The body makes blood clots and then breaks them down. Under certain circumstances, the body may be unable to break down a clot. When blood clots in a vein, it may be due to the slowed blood flow, an abnormality in clot forming, or from an injury to the blood vessel wall.

Blood clots can form in arteries and veins. Clots formed in veins are called venous clots. Veins of the legs can be superficial veins (close to the surface of the skin) or deep veins (located near the bone and surrounded by muscle).

Venous clots most often happen in the deep veins of the legs. This is called deep vein thrombosis (DVT). Once a clot has formed in the deep veins of the leg, there is a potential for part of the clot to break off and travel through the blood to another area of the body, often the lung. DVT is the most common cause of a pulmonary embolism.

Other less frequent sources of pulmonary embolism are a fat embolus (often linked to the breaking of a large bone), amniotic fluid embolus, air bubbles, and a deep vein thrombosis in the upper body. Clots may also form on the end of an indwelling intravenous (IV) catheter, break off, and travel to the lungs.

Risk factors²

Although anyone can develop blood clots that result in a pulmonary embolism, certain factors can increase the risk.

- History of blood clots.
- Some medical conditions and treatments create higher risk, such as:
 - Heart disease. Heart and blood vessel disease, specifically heart failure, makes clot formation more likely.
 - Cancer. Certain cancers, especially brain, ovary, pancreas, colon, stomach, lung and kidney cancers, and cancers that have spread, can increase the risk of blood clots. Chemotherapy further increases the risk.

¹ Johns Hopkins Medicine, *Pulmonary Embolism*, available at <https://www.hopkinsmedicine.org/health/conditions-and-diseases/pulmonary-embolism> (last visited Mar. 22, 2023).

² Mayo Clinic, *Pulmonary embolism*, available at <https://www.mayoclinic.org/diseases-conditions/pulmonary-embolism/symptoms-causes/syc-20354647> (last visited Mar. 22, 2023).

- Surgery. Surgery is one of the leading causes of problem blood clots. For this reason, medicine to prevent clots may be given before and after major surgery, such as joint replacement.
- Disorders that affect clotting. Some inherited disorders affect blood, making it more likely to clot. Other medical disorders such as kidney disease also can increase the risk of blood clots.
- COVID-19. People who have severe symptoms of COVID-19 have an increased risk of pulmonary embolism.
- Blood clots are more likely to form during longer than usual periods of inactivity, such as:
 - Bed rest. Being confined to bed for an extended period after surgery, a heart attack, leg fracture, trauma, or any serious illness creates higher risk of blood clots.
 - Long trips. Sitting in a cramped position during lengthy plane or car trips slows blood flow in the legs, which increases the risk of blood clots.

Other risk factors

- Smoking. For reasons that aren't well understood, tobacco use increases the risk of blood clots in some people, especially those who have other risk factors.
- Being overweight. Excess weight increases the risk of blood clots – particularly in people with other risk factors.
- Supplemental estrogen. The estrogen in birth control pills and in hormone replacement therapy can increase clotting factors in the blood, especially in those who smoke or are overweight.
- Pregnancy. The weight of a baby pressing on veins in the pelvis can slow blood return from the legs. Clots are more likely to form when blood slows or pools.

Symptoms

Pulmonary embolism symptoms can vary greatly, depending on how much of the lung is involved, the size of the clots, and the existence of underlying lung or heart disease.

Common symptoms include:

- Shortness of breath. This symptom usually appears suddenly. Trouble catching one's breath happens even when resting and gets worse with physical activity.
- Chest pain. Afflicted persons might feel like they are having a heart attack. The pain is often sharp and felt when taking deep breaths.
- Fainting. An afflicted person may pass out if his or her heart rate or blood pressure drops suddenly. This is called syncope.

Other symptoms that can occur with pulmonary embolism include:

- A cough that may include bloody or blood-streaked mucus.
- Rapid or irregular heartbeat.
- Lightheadedness or dizziness.
- Excessive sweating.
- Fever.
- Leg pain or swelling, or both, usually in the back of the lower leg.
- Clammy or discolored skin, called cyanosis.

Treatment for pulmonary embolism³

Treatment choices for pulmonary embolism (PE) include:

- Anticoagulants. Also described as blood thinners, these medicines decrease the ability of the blood to clot. This helps stop a clot from getting bigger and keep new clots from forming.
- Fibrinolytic therapy. Also called clot busters, these medicines are given intravenously (IV or into a vein) to break down the clot. These medicines are only used in life-threatening situations.
- Vena cava filter. A small metal device placed in the vena cava (the large blood vessel that returns blood from the body to the heart) may be used to keep clots from traveling to the lungs. These filters are generally used when a person cannot tolerate anticoagulation treatment (for medical reasons), develops more clots even with anticoagulation treatment, or has bleeding problems from anticoagulation medicines.
- Pulmonary embolectomy. Rarely used, this is surgery is performed to remove a PE. It is generally done only in severe cases when a PE is very large, the patient cannot get anticoagulation and/or thrombolytic therapy due to other medical problems or he or she has not responded well to those treatments, or the patient's condition is unstable.
- Percutaneous thrombectomy. A long, thin, hollow tube (catheter) can be threaded through the blood vessel to the site of the embolism guided by X-ray. Once the catheter is in place, it is used to break up the embolism, pull it out, or dissolve it using thrombolytic medicine.

An important aspect of treating a PE is treatment to prevent formation of additional embolisms.

Task Force

A “workgroup” is not defined in the Florida Statutes. However, s. 20.03, F.S., includes definitions related to the required organizational structure of task forces. In part, it defines a “task force” as an advisory body created without specific statutory enactment for a time not to exceed one year or created by specific statutory enactment for a time not to exceed three years and appointed to study a specific problem and recommend a solution or policy alternative with respect to that problem. Its existence terminates upon the completion of its assignment.⁴

III. Effect of Proposed Changes:

Section 1 creates a non-statutory section of law citing the bill as the “Emily Adkins Prevention Act.”

Section 2 creates s. 408.0621, F.S., to establish the blood clot and pulmonary embolism policy workgroup. The Secretary of Health Care Administration (Secretary), in conjunction with the State Surgeon General, are required to establish the workgroup tasked with the following:

- Identifying the aggregate number of people who experience blood clots and pulmonary embolisms each year in this state.

³Johns Hopkins Medicine, *Pulmonary Embolism*, available at <https://www.hopkinsmedicine.org/health/conditions-and-diseases/pulmonary-embolism> (last visited Mar. 22, 2023).

⁴ Section 20.30(8). F.S.

- Identifying how data is collected regarding blood clots, pulmonary embolisms, and adverse health outcomes associated with these conditions.
- Identifying how blood clots and pulmonary embolisms impact the lives of people in this state.
- Identifying the standards of care for blood clot surveillance, detection, and treatment.
- Identifying emerging treatments, therapies, and research relating to blood clots.
- Developing a risk surveillance system to help health care providers identify patients who may be at higher risk of forming blood clots and pulmonary embolisms.
- Developing policy recommendations to help improve patient awareness of blood clot risks.
- Developing policy recommendations to help improve surveillance and detection of patients who may be at a higher risk of forming blood clots in licensed health care facilities, including, hospitals, nursing homes, assisted living facilities, residential treatment facilities, and ambulatory surgical centers.
- Developing policy recommendations relating to guidelines used that affect the standard of care for patients at risk of forming blood clots.
- Developing policy recommendations relating to providing patients and their families with written notice of increased risks of forming blood clots.

The bill requires the workgroup to be composed of health care providers, patients who have experienced blood clots, family members of patients who have died from blood clots, advocates, and other interested parties and associations.

The bill requires the President of the Senate and the Speaker of the House of Representative to each appoint two members to the workgroup and the State Surgeon General to appoint the chair of the workgroup. The bill authorizes the chair to create subcommittees to help with research, scheduling speakers on important subjects, and drafting a workgroup report and policy recommendations.

The bill authorizes meetings of the workgroup to be held through teleconference or other electronic means and prohibits workgroup members from being compensated.

The Secretary is required to submit a final report detailing the findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives by January 4, 2025.

Section 3 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has no fiscal impact on state revenues or state expenditures.⁵

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 408.0621 of the Florida Statutes.

This bill creates one non-statutory section of the Laws of Florida.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Health Policy on March 27, 2023:

⁵ Agency for Health Care Administration, HB 483 Bill Analysis (January 27, 2023) (on file with Senate Appropriations Committee on Health and Human Services).

The CS changes the citation for the Act to the “Emily Adkins Prevention Act” and establishes the workgroup in a newly created statute. The number of appointed members on the workgroup is reduced from 17 to five. The amendment is silent on reimbursement for per diem or travel expenses. The CS streamlines the responsibilities of the workgroup and focuses the policy recommendations on the risks of forming blood clots and early detection and prevention. The CS requires an annual report that includes detailed findings and recommendations rather than an update on the workgroup’s activities, findings, and recommendations. Submission of the final report is moved up from January 31, 2025, to January 4, 2025. The CS eliminates the sunset date for the workgroup included in the underlying bill.

B. Amendments:

None.

By the Committee on Health Policy; and Senators Yarborough,
Gruters, Davis, Book, and Osgood

588-03160-23

2023612c1

1 A bill to be entitled
2 An act relating to the blood clot and pulmonary
3 embolism policy workgroup; providing a short title;
4 creating s. 408.0621, F.S.; requiring the Secretary of
5 Health Care Administration, in conjunction with the
6 State Surgeon General, to establish a blood clot and
7 pulmonary embolism policy workgroup; providing for the
8 duties, membership, and meetings of the workgroup;
9 requiring the secretary to submit annual reports to
10 the Governor and the Legislature; requiring the
11 secretary to submit a final report to the Governor and
12 the Legislature by a specified date; providing an
13 effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. This act may be cited as the "Emily Adkins
18 Prevention Act."

19 Section 2. Section 408.0621, Florida Statutes, is created
20 to read:

21 408.0621 Blood clot and pulmonary embolism policy
22 workgroup.-

23 (1) The Secretary of Health Care Administration, in
24 conjunction with the State Surgeon General, shall establish a
25 blood clot and pulmonary embolism policy workgroup.

26 (2) The workgroup shall:

27 (a) Identify the aggregate number of people who experience
28 blood clots and pulmonary embolisms each year in this state.

29 (b) Identify how data is collected regarding blood clots,

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

588-03160-23

2023612c1

30 pulmonary embolisms, and adverse health outcomes associated with
31 these conditions.

32 (c) Identify how blood clots and pulmonary embolisms impact
33 the lives of people in this state.

34 (d) Identify the standards of care for blood clot
35 surveillance, detection, and treatment.

36 (e) Identify emerging treatments, therapies, and research
37 relating to blood clots.

38 (f) Develop a risk surveillance system to help health care
39 providers identify patients who may be at a higher risk of
40 forming blood clots and pulmonary embolisms.

41 (g) Develop policy recommendations to help improve patient
42 awareness of blood clot risks.

43 (h) Develop policy recommendations to help improve
44 surveillance and detection of patients who may be at a higher
45 risk of forming blood clots in licensed health care facilities,
46 including, hospitals, nursing homes, assisted living facilities,
47 residential treatment facilities, and ambulatory surgical
48 centers.

49 (i) Develop policy recommendations relating to guidelines
50 used that affect the standard of care for patients at risk of
51 forming blood clots.

52 (j) Develop policy recommendations relating to providing
53 patients and their families with written notice of increased
54 risks of forming blood clots.

55 (3) (a) The workgroup shall be composed of health care
56 providers, patients who have experienced blood clots, family
57 members of patients who have died from blood clots, advocates,
58 and other interested parties and associations.

Page 2 of 3

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588-03160-23

2023612c1

59 (b) The President of the Senate and the Speaker of the
60 House of Representatives shall each appoint two members to the
61 workgroup.

62 (c) Members of the workgroup shall serve without
63 compensation.

64 (d) The State Surgeon General shall appoint the chair of
65 the workgroup.

66 (e) The chair is authorized to create subcommittees to help
67 with research, scheduling speakers on important subjects, and
68 drafting a workgroup report and policy recommendations.

69 (f) Meetings of the workgroup may be held through
70 teleconference or other electronic means.

71 (4) (a) The Secretary of Health Care Administration shall
72 submit an annual report detailing his or her findings and
73 recommendations to the Governor, the President of the Senate,
74 and the Speaker of the House of Representatives.

75 (b) The Secretary of Health Care Administration shall
76 submit a final report detailing his or her findings and
77 recommendations to the Governor, the President of the Senate,
78 and the Speaker of the House of Representatives by January 4,
79 2025.

80 Section 3. This act shall take effect July 1, 2023.

APPEARANCE RECORD

SB 612

Bill Number or Topic

4-20-23

Meeting Date

Fiscal Policy

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Leslie Lake

Phone

917-592-2228

Address

407 E. 91st St #2B

Email

LLake@stopthecdot.org

Street

NY NY 10128

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

4/20/23

Meeting Date

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

612

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Douglas Adams

Phone

Address

803 Laguna

Email

doug@dapsphms.com
Linda (H)

Street

Fernandina

State

FL 32034

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4-20-23

Meeting Date

612

Bill Number or Topic

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Janet Adkins

Phone 904-316-2008

Address 863 Laguna Dr.

Email janethadkins@bellsouth.net

Street

Fernandina Beach FL 32034

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

612

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name ADAM POTTS

Phone 850 591-5921

Address 113 E College Ave
Street

Email adam@libertypartnersfl.com

Tallahassee
City

FL
State

32311
Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Assisted Living Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 618

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Criminal Justice Committee;
and Senator Yarborough

SUBJECT: Rights of Law Enforcement Officers and Correctional Officers

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Stokes</u>	<u>CJ</u>	<u>Fav/CS</u>
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	<u>Fav/CS</u>
3.	<u>Erickson</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 618 addresses a Brady identification system, which the bill defines as a list or identification, in whatever form, of the name or names of law enforcement or correctional officers (“officers”) about whom a prosecuting agency is in possession of impeachment evidence as defined by decision, statute, or rule. This system is intended to address *Brady v Maryland*,¹ which involves disclosure to the defense of exculpatory evidence, and cases after *Brady*.

The bill prohibits the officer’s employing agency from discharging or taking any disciplinary action against the officer solely as a result of a prosecuting agency determining that the officer’s name and identification should be included in a Brady identification system. However, the employing agency may discharge or take any disciplinary action against the officer based on the underlying actions of the officer which resulted in the officer’s name being included in a Brady identification system. If a collective bargaining agreement applies, the actions taken by the officer’s employing agency must conform to the rules and procedures adopted by the collective bargaining agreement.

A prosecuting agency is not required to maintain a Brady identification system. A prosecuting agency may determine that its obligations under *Brady* are better fulfilled through any such procedures that agency chooses to utilize.

¹ 373 U.S. 83 (1963).

The officer's employing agency must forward all sustained and finalized internal affairs complaints relevant to impeachment to the prosecuting agency in the circuit where the employing agency is located to assist the prosecuting agency in complying with *Brady* obligations. The employing agency must also notify the officer of these complaints.

A prosecuting agency that maintains a Brady identification system must adopt written policies that, at a minimum, require the following rights:

- With some exceptions, receiving written notice before or contemporaneously with the officer's name and information being included in a Brady identification system.
- Requesting reconsideration of the officer's inclusion in such system and submitting supporting documents and evidence.

The bill contains procedural requirements when an officer is removed from a Brady identification system and authorizes the officer to petition the court for a writ of mandamus to compel the prosecuting agency to comply with requirements of the bill.

Finally, the bill specifies that these rights and requirements do not:

- Require a prosecuting agency to give notice to or provide an opportunity for review and input from the officer if the information in a Brady identification system is a criminal conviction or finalized internal affairs complaint that may be used for impeachment;
- Limit the duty of a prosecuting agency to produce *Brady* evidence in all cases as required by law;
- Limit or restrict a prosecuting agency's ability to remove the name and information of an officer from the system if inclusion is no longer proper; or
- Create a private cause of action against a prosecuting agency or its employees, other than the described writ of mandamus.

The bill may have an indeterminate workload impact on prosecuting agencies. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Brady Giglio List

In *Brady v. Maryland*, the U.S. Supreme Court held that “the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.”²

In a subsequent case, *Giglio v. United States*, the U.S. Supreme Court held that “[s]uppression of material evidence justifies a new trial irrespective of the good faith or bad faith of the

² *Brady v. Maryland*, 373 U.S. 83 (1963), LexisNexis, available at <https://www.lexisnexis.com/community/casebrief/p/casebrief-brady-v-maryland> (last visited on March 14, 2023). See also *Brady v. Maryland*, 373 U.S. 83, 87-92 (1963).

prosecution. When the reliability of a given witness may well be determinative of guilt or innocence, nondisclosure of evidence affecting credibility falls within this general rule.”³ A new trial is required “if the false testimony could in any reasonable likelihood have affected the judgment of the jury.”⁴

Brady Giglio lists⁵ “arose from U.S. Supreme Court cases that held prosecutors must disclose to the defense any exculpatory evidence – including evidence that could be used to impeach a prosecution witness. Impeachment evidence can include dishonesty, bias, or any other misconduct relevant to the facts of the case. To meet their *Brady* obligations, prosecuting agencies began keeping lists of officers for whom there was such evidence.”⁶

While recognizing prosecutors’ obligations under *Brady* and *Giglio*, some commentators have noted or been critical of prosecutors who place officers on Brady Giglio lists without any procedural protections for the officers, such as affording the officers the opportunity to seek reconsideration of the decision and removal from the list.⁷ One commentator noted that “[b]eing Brady-listed can be career ending.”⁸ Regardless of any due process issues,⁹ a state may elect to create procedural requirements to accomplish state policy goals.¹⁰

Staff was unable to find any document or other source material that reliably indicates the number of state attorney offices that use a Brady Giglio list.¹¹

³ *Giglio v. United States*, 405 U.S. 150 (1972), Lexis Nexis, available at <https://www.lexisnexis.com/community/casebrief/p/casebrief-giglio-v-united-states> (last visited on March 14, 2023). *See also Giglio v. United States*, 405 U.S. 150, 153-155 (1972).

⁴ *Id.*

⁵ Some of the other names used for the list include “Brady list,” “Giglio list,” and “Brady/Giglio list.”

⁶ Val Van Brocklin, *Officer scores a victory for Brady list due process – other states and prosecutors should follow suit* (Aug. 30, 2022), Police1, available at <https://www.police1.com/patrol-issues/articles/officer-scores-a-victory-for-brady-list-due-process-other-states-and-prosecutors-should-follow-suit-h6oPMXL26aZVsfjs/> (last visited on March 14, 2023).

⁷ *See e.g.*, Jonathan Abel, *Brady’s Blind Spot: Impeachment Evidence in Police Personnel Files and the Battle Splitting the Prosecution Team*, 67 *Stanford L. Rev.* 743, 746, and 779-782 (2015); Jeffrey Warren, *The Scarlet Letter: North Carolina, Giglio, and the Injury in Search of a Remedy*, 12 *Wake Forest L. Rev. Online* 24 (2022); Val Van Brocklin, *Do Brady and Giglio trump officers’ due process rights?* (Jan. 25, 2022), Police1, available at <https://www.police1.com/patrol-issues/articles/do-brady-and-giglio-trump-officers-due-process-rights-g585QOS4UeSOSF5u/#:~:text=But%20Brady%20and%20Giglio%20do,also%20entitled%20to%20its%20protections>. (Last visited on March 14, 2023); and Mary Sugden, *Brady-Giglio reform bill headed to governor’s desk for signature* (May 24, 2022), *weareiowa.com*, available at <https://www.weareiowa.com/video/news/politics/local-5-politics/brady-giglio-bill-governor-kim-reynolds-police-reform/524-7af344f8-74ba-4296-8542-2dee673e1695> (last visited on March 14, 2023).

⁸ *Supra*, at n. 5.

⁹ There does not appear to be any controlling case law in Florida that indicates that due process is violated by the absence of such procedures.

¹⁰ *See e.g.*, HF 2496, Iowa legislation which was signed into law in 2022 and which contains procedural requirements for placing an officer’s name on a Brady Giglio list. This legislation is available at <https://www.legis.iowa.gov/legislation/BillBook?ga=89&ba=HF2496> (last visited on March 14, 2023). This legislation is similar to SB 618.

¹¹ Staff contacted the Florida Prosecuting Attorneys Association. The association did not have any data or other information to the number of state attorney offices with Brady Giglio lists.

III. Effect of Proposed Changes:

The bill amends ss. 112.531 and 112.532, F.S., to address a Brady identification system, which the bill defines as a list or identification, in whatever form, of the name or names of law enforcement or correctional officers (“officers”) about whom a prosecuting agency¹² is in possession of impeachment evidence as defined by decision, statute, or rule.

The bill prohibits the officer’s employing agency from discharging or taking any disciplinary action against the officer solely as a result of a prosecuting agency determining that the officer’s name and identification should be included in a Brady identification system. However, the employing agency may discharge or take any disciplinary action against the officer based on the underlying actions of the officer which resulted in the officer’s inclusion in a Brady identification system. If a collective bargaining agreement applies, the actions taken by the officer’s employing agency must conform to the rules and procedures adopted by the collective bargaining agreement.

The bill creates s. 112.536, F.S., which provides that a prosecuting agency is not required to maintain a Brady identification system. A prosecuting agency may determine that its obligations under Brady are better fulfilled through any such procedures that agency otherwise chooses to utilize.

The officer’s employing agency must forward all sustained and finalized internal affairs complaints relevant to impeachment to the prosecuting agency in the circuit where the employing agency is located to assist the prosecuting agency in complying with *Brady* obligations. The employing agency must also notify the officer of these complaints.

A prosecuting agency that maintains a Brady identification system must adopt written policies that, at a minimum, require the following rights:

- Receiving written notice before or contemporaneously with the officer’s name and information being included in a Brady identification system, unless a pending case requires immediate disclosure or providing notice would jeopardize a pending investigation.
- Requesting reconsideration of the officer’s inclusion in such system and submitting supporting documents and evidence.

The new section contains the following procedural requirements when an officer is removed from a Brady identification system:

- Removal of the officer from such system.
- Mailed written notice to the officer of such removal.
- If the name of the officer was previously included in such system and was disclosed in a pending criminal case, notice to all parties to the pending criminal case of the officer’s removal from such system.

¹² The bill defines a prosecuting agency as the Attorney General or an assistant attorney general, the statewide prosecutor or an assistant statewide prosecutor, a state attorney or an assistant state attorney, a city or county attorney, a special prosecutor, or any other person or entity charged with the prosecution of a criminal case.

The officer may petition the court for a writ of mandamus to compel the prosecuting agency to comply with procedural requirements of the new section. However, the court's scope of review in such matter is limited to whether the prosecuting agency acted in accordance with such procedural requirements, not a judicial review of the evidence or merits that were the basis for the inclusion of the officer's name in a Brady identification system. The new section does not preclude the officer from pursuing whatever administrative or judicial remedies are otherwise available to the officer in relation to any other action or remedy outside of this section.

Finally, the bill specifies that this section does not:

- Require a prosecuting agency to give notice to or provide an opportunity for review and input from the officer if the information in a Brady identification system is a criminal conviction or finalized internal affairs complaint that may be used for impeachment;
- Limit the duty of a prosecuting agency to produce Brady evidence in all cases as required by law;
- Limit or restrict a prosecuting agency's ability to remove the name and information of an officer from such system if inclusion is no longer proper; or
- Create a private cause of action against a prosecuting agency or its employees, other than the described writ of mandamus.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate workload impact on prosecuting agencies. The Florida Prosecuting Attorneys Association commented that “initial thoughts are that [the bill] ... is indeterminate due to the added time and work needed to create/revise policies, tracking, and review cases....”¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 112.531 and 112.532.

This bill creates section 112.536 of the Florida Statutes.

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

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

CS/CS by Appropriations Committee on Criminal and Civil Justice on April 12, 2023:

The committee substitute:

- Requires the employing agency of a law enforcement officer or correctional officer (“officer”) to mail notification of a sustained and finalized internal affairs complaint against the officer through the United States mail to the last known address of the officer if the officer is no longer employed by the agency.
- Clarifies that a prosecuting agency that maintains a Brady identification system must adopt a written policy that includes the right of the officer to receive mailed, written notice of being listed in a Brady identification system, unless a pending “criminal” case requires immediate disclosure or providing such notice would jeopardize a pending investigation.
- Specifies procedural requirements if a prosecuting agency subsequently determines that an officer should not be included in a Brady identification system.

¹³ E-mail from Garrett Berman, Executive Director, Florida Prosecuting Attorneys Association, dated March 14, 2023 (on file with the Senate Committee on Criminal Justice).

- Clarifies that the new section created by the bill does not preclude the officer from pursuing whatever administrative or judicial remedies are otherwise available to the officer in relation to any other action or remedy outside of this section.

CS by Criminal Justice on March 20, 2023:

The committee substitute:

- Removes references to a “Brady Giglio list” and substitutes “Brady identification system” which the bill defines.
- Provides that a prosecuting agency is not required to maintain a Brady identification system.
- Revises procedural requirements regarding written notice and reconsideration of removal from the Brady identification system.
- Authorizes a petition for writ of mandamus if the prosecuting agency fails to comply with procedural requirements and specifies hearing requirements.
- Specifies that the bill does not preclude an officer from pursuing available administrative or judicial remedies.

B. Amendments:

None.

By the Appropriations Committee on Criminal and Civil Justice;
the Committee on Criminal Justice; and Senator Yarborough

604-03773-23

2023618c2

1 A bill to be entitled
2 An act relating to rights of law enforcement officers
3 and correctional officers; amending s. 112.531, F.S.;
4 providing definitions; amending s. 112.532, F.S.;
5 providing rights of law enforcement officers and
6 correctional officers relating to Brady identification
7 systems; prohibiting a law enforcement officer or
8 correctional officer from being discharged, suspended,
9 demoted, or otherwise disciplined or threatened with
10 discipline for certain reasons; providing
11 construction; requiring the employing agency of a law
12 enforcement officer or correctional officer to conform
13 to certain rules and procedures; creating s. 112.536,
14 F.S.; providing that a prosecuting agency is not
15 required to maintain a Brady identification system;
16 authorizing a prosecuting agency to choose different
17 procedures to fulfill its obligations under a
18 specified Supreme Court case; requiring the employing
19 agency of a law enforcement officer or correctional
20 officer to forward specified information to a
21 prosecuting agency; requiring an employing agency to
22 provide certain notice to a law enforcement officer or
23 correctional officer in specified circumstances;
24 requiring a prosecuting agency that maintains a Brady
25 information system to adopt written policies;
26 providing minimum requirements for such policies;
27 authorizing a law enforcement officer or correctional
28 officer to request reconsideration of the inclusion of
29 his or her name and information in a Brady

Page 1 of 7

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604-03773-23

2023618c2

30 identification system; requiring a prosecuting agency
31 to remove the name of a law enforcement officer or
32 correctional officer from a Brady identification
33 system under certain circumstances; requiring a
34 prosecuting agency to notify a law enforcement officer
35 or correctional officer and certain parties that the
36 officer's name is being removed from the Brady
37 identification system; authorizing a law enforcement
38 officer or correctional officer to petition for a writ
39 of mandamus under certain circumstances; providing the
40 scope of a court's judicial review; providing
41 construction; providing an effective date.

42
43 Be It Enacted by the Legislature of the State of Florida:

44
45 Section 1. Present subsections (1) and (2) of section
46 112.531, Florida Statutes, are redesignated as subsections (2)
47 and (3), respectively, and a new subsection (1) and subsection
48 (4) are added to that section, to read:

49 112.531 Definitions.—As used in this part, the term:

50 (1) "Brady identification system" means a list or
51 identification, in whatever form, of the name or names of law
52 enforcement officers or correctional officers about whom a
53 prosecuting agency is in possession of impeachment evidence as
54 defined by court decision, statute, or rule.

55 (4) "Prosecuting agency" means the Attorney General or an
56 assistant attorney general, the statewide prosecutor or an
57 assistant statewide prosecutor, a state attorney or an assistant
58 state attorney, a city or county attorney, a special prosecutor,

Page 2 of 7

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604-03773-23 2023618c2

59 or any other person or entity charged with the prosecution of a
60 criminal case.

61 Section 2. Subsection (7) is added to section 112.532,
62 Florida Statutes, to read:

63 112.532 Law enforcement officers' and correctional
64 officers' rights.—All law enforcement officers and correctional
65 officers employed by or appointed to a law enforcement agency or
66 a correctional agency shall have the following rights and
67 privileges:

68 (7) RIGHTS OF LAW ENFORCEMENT OFFICERS AND CORRECTIONAL
69 OFFICERS RELATING TO A BRADY IDENTIFICATION SYSTEM.—

70 (a) A law enforcement officer or correctional officer has
71 all of the rights specified in s. 112.536 relating to the
72 inclusion of the name and information of the officer in a Brady
73 identification system.

74 (b) A law enforcement officer or correctional officer may
75 not be discharged, suspended, demoted, or otherwise disciplined,
76 or threatened with discharge, suspension, demotion, or other
77 discipline, by his or her employing agency solely as a result of
78 a prosecuting agency determining that the officer's name and
79 information should be included in a Brady identification system.
80 This paragraph does not prohibit an officer's employing agency
81 from discharging, suspending, demoting, or taking other
82 disciplinary action against a law enforcement officer or
83 correctional officer based on the underlying actions of the
84 officer which resulted in his or her name being included in a
85 Brady identification system. If a collective bargaining
86 agreement applies, the actions taken by the officer's employing
87 agency must conform to the rules and procedures adopted by the

Page 3 of 7

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604-03773-23 2023618c2

88 collective bargaining agreement.

89 Section 3. Section 112.536, Florida Statutes, is created to
90 read:

91 112.536 Requirements for maintaining a Brady identification
92 system.—

93 (1) (a) A prosecuting agency is not required to maintain a
94 Brady identification system and may determine, in its
95 discretion, that its obligations under the decision in *Brady v.*
96 *Maryland*, 373 U.S. 83 (1963), are better fulfilled through any
97 such procedure the prosecuting agency otherwise chooses to
98 utilize.

99 (b) The employing agency of a law enforcement officer or
100 correctional officer shall forward all sustained and finalized
101 internal affairs complaints relevant to s. 90.608, s. 90.609, or
102 s. 90.610 to the prosecuting agency in the circuit in which the
103 employing agency is located to assist the prosecuting agency in
104 complying with its obligations under the *Brady* decision. The
105 employing agency of a law enforcement officer or correctional
106 officer must notify the law enforcement officer or correctional
107 officer of any sustained and finalized internal affairs
108 complaints that are sent to a prosecuting agency as required
109 under this section. If the law enforcement officer or
110 correctional officer is no longer employed by the employing
111 agency, the employing agency must mail through United States
112 mail such notification to the officer's last known address on
113 file with the employing agency.

114 (2) A prosecuting agency that maintains a Brady
115 identification system must adopt written policies that, at a
116 minimum, require all of the following:

Page 4 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

604-03773-23

2023618c2

- 117 (a) The right of a law enforcement officer or correctional
 118 officer to receive written notice by United States mail or e-
 119 mail, which must be sent to the officer's current or last known
 120 employing agency before or contemporaneously with the
 121 prosecuting agency including the name and information of the
 122 officer in the Brady identification system, unless a pending
 123 criminal case requires immediate disclosure or providing such
 124 notice to the officer would jeopardize a pending investigation.
- 125 (b) The right of a law enforcement officer or correctional
 126 officer to request reconsideration of the prosecuting agency's
 127 decision to include the name and information of the officer in a
 128 Brady identification system and his or her right to submit
 129 documents and evidence in support of the request for
 130 reconsideration.
- 131 (3) If, after a request for reconsideration is made under
 132 paragraph (2) (b), the prosecuting agency subsequently determines
 133 that the law enforcement officer or correctional officer should
 134 not be included in a Brady identification system, the
 135 prosecuting agency must do all of the following:
- 136 (a) Remove such officer from the Brady identification
 137 system.
- 138 (b) Send written notice by United States mail or e-mail to
 139 the law enforcement officer or correctional officer at the
 140 officer's current or last known employing agency confirming that
 141 the officer's name has been removed from the Brady
 142 identification system.
- 143 (c) If the name of a law enforcement officer or
 144 correctional officer was previously included in a Brady
 145 identification system and his or her name was disclosed in a

Page 5 of 7

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604-03773-23

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- 146 pending criminal case, notify all parties to the pending
 147 criminal case of the officer's removal from the Brady
 148 identification system.
- 149 (4) If a prosecuting agency fails to comply with this
 150 section, a law enforcement officer or correctional officer may
 151 petition a court for a writ of mandamus to compel the
 152 prosecuting agency to comply with the requirements of this
 153 section. The court's scope of review in such matter is limited
 154 to whether the prosecuting agency acted in accordance with the
 155 procedural requirements of this section and may not include a
 156 judicial review of the evidence or merits that were the basis
 157 for the inclusion of the officer's name in a Brady
 158 identification system. This section does not preclude a law
 159 enforcement officer or correctional officer from pursuing any
 160 other available administrative or judicial remedies.
- 161 (5) This section does not:
- 162 (a) Require a prosecuting agency to give notice to or
 163 provide an opportunity for review and input from a law
 164 enforcement officer or correctional officer if the information
 165 in a Brady identification system is:
- 166 1. A criminal conviction that may be used for impeachment
 167 under s. 90.610; or
- 168 2. A sustained and finalized internal affairs complaint
 169 that may be used for impeachment under s. 90.608, s. 90.609, or
 170 s. 90.610;
- 171 (b) Limit the duty of a prosecuting agency to produce Brady
 172 evidence in all cases as required by the United States
 173 Constitution, the State Constitution, and the Florida Rules of
 174 Criminal Procedure and relevant case law;

Page 6 of 7

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175 (c) Limit or restrict a prosecuting agency's ability to
176 remove the name and information of a law enforcement officer or
177 correctional officer from a Brady identification system if, at
178 any time, the prosecuting agency determines that the name and
179 information of the officer are no longer proper for
180 identification; or

181 (d) Create a private cause of action against a prosecuting
182 agency or any employee of a prosecuting agency, other than the
183 writ of mandamus authorized in subsection (4).

184 Section 4. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

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4/20

Meeting Date

1e18

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Lisa Henning

Phone 850-766-8808

Address 242 Office Plaza Dr

Email lphlegislative@aol.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking: [X] For [] Against [] Information OR Waive Speaking: [] In Support [] Against

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 658

INTRODUCER: Senator Burgess

SUBJECT: Registration Fees for Malt Beverage Brands and Labels

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	Favorable
2.	<u>Davis</u>	<u>Betta</u>	<u>AEG</u>	Favorable
3.	<u>Oxamendi</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 658 limits the application of the annual malt beverage brand and label registration fee of \$30 to brands and labels for malt beverages sold to a distributor. Current law requires manufacturers, brewers, bottlers, distributors, and importers of malt beverages, whether licensed under Florida’s laws or not, to register their name and the brands and labels of their malt beverages with the Division of Alcoholic Beverages and Tobacco (division), within the Department of Business and Professional Regulation before the malt beverages may be sold or offered for sale in Florida, or move or cause to be moved within or into Florida.

Under the bill, the malt beverage manufactures would not be required to register a brand or label for a malt beverage and pay the \$30 registration fee if the malt beverage is not sold to a distributor and is sold directly to the consumer at the manufacturer’s licensed premises.

The bill will have an indeterminate negative fiscal impact on state revenues related to the decrease in brand and label fees collected by the division.

The bill takes effect July 1, 2023.

II. Present Situation:

In Florida, alcoholic beverages are regulated by the Beverage Law,¹ which regulates the manufacture, distribution, and sale of wine, beer, and liquor by manufacturers, distributors, and vendors.² The Division of Alcoholic Beverages and Tobacco (division) in the Department of Business and Professional Regulation administers and enforces the Beverage Law.³

¹ Section 561.01(6), F.S., provides that “The Beverage Law” means chs. 561, 562, 563, 564, 565, 567, and 568, F.S.

² See s. 561.14, F.S.

³ Section 561.02, F.S.

“Alcoholic beverages” are defined in s. 561.01, F.S., as “distilled spirits and all beverages containing one-half of one percent or more alcohol by volume.” “Malt beverages” are brewed alcoholic beverages containing malt.⁴ The term “beer” means a brewed beverage that meets the federal definition of beer in 27 C.F.R. s. 25.11, and contains less than six percent alcohol by volume. The terms “beer” and “malt beverage” have the same meaning under the Beverage Law. The terms “beer” and “malt beverage” do not include alcoholic beverages that require a certificate of label approval by the federal government as wine or as distilled spirits.

Section 561.14, F.S., specifies the license and registration classifications used in the Beverage Law:

- “Manufacturers” are those “licensed to manufacture alcoholic beverages and distribute the same at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.”⁵
- “Distributors” are those “licensed to sell and distribute alcoholic beverages at wholesale to persons who are licensed to sell alcoholic beverages.”⁶
- “Importers” are those licensed to sell, or to cause to be sold, shipped, and invoiced, alcoholic beverages to licensed manufacturers or licensed distributors, and to no one else in this state, provided that ss. 564.045 and 565.095, F.S., relating to primary American source of supply licensure, are in no way violated by such imports.⁷
- “Vendors” are those “licensed to sell alcoholic beverages at retail only” and who may not “purchase or acquire in any manner for the purpose of resale any alcoholic beverages from any person not licensed as a vendor, manufacturer, bottler, or distributor under the Beverage Law.”⁸

Three-Tier System

In the United States, the regulation of alcohol, since the repeal of Prohibition, has traditionally been based upon a “three-tier system.” The system requires separation of the manufacture, distribution, and retail sale of alcoholic beverages by vendors. The manufacturer creates the beverages, and the distributor obtains the beverages from the manufacturer to deliver to the vendor. The vendor makes the ultimate sale to the consumer.⁹ A manufacturer, distributor, or exporter may not be licensed as a vendor to sell directly to consumers.¹⁰

Generally, in Florida, only licensed vendors are permitted to sell alcoholic beverages directly to consumers at retail.¹¹ Licensed manufacturers, distributors, and registered exporters are prohibited from also being licensed as vendors.¹² Manufacturers are also generally prohibited from having an interest in a vendor and from distributing directly to a vendor.¹³

⁴ Section 563.01, F.S.

⁵ Section 561.14(1), F.S.

⁶ Section 561.14(2), F.S.

⁷ Section 561.01(5), F.S.

⁸ Section 561.14(3), F.S.

⁹ Section 561.14, F.S.

¹⁰ Section 561.22(1), F.S.

¹¹ Section 561.14(3), F.S. However, see the exceptions provided in ss. 561.221 and 565.03, F.S.

¹² Section 561.22, F.S.

¹³ Sections 563.022(14) and 561.14(1), F.S.

Three-Tier System Exceptions

Exceptions to the three-tier regulatory system permit in-state wineries,¹⁴ breweries,¹⁵ and craft distilleries to sell directly to consumers.¹⁶ Restaurants licensed as vendors (brew pubs) may manufacture a limited quantity of malt beverages and sell directly to consumers for consumption on the licensed premises of the restaurant.¹⁷

A winery, even if licensed as a distributor,¹⁸ may be licensed as a vendor for a licensed premises situated on property contiguous to the manufacturing premises of the winery. A winery may not be issued more than three vendor licenses.¹⁹

Malt Beverage Brand and Label Registration

Section 563.045(1), F.S., requires manufacturers, brewers, bottlers, distributors, and importers of malt beverages (registrants), whether licensed under Florida's laws or not, to be qualified under Florida's Beverage Law and to register their name and brands or labels with the division before they sell or offer for sale in this state, or move or cause to be moved within this state or into this state, any malt beverage. Registrants must furnish the division with any samples and information as to content, quality, and formula of such malt beverages as the division may require.

Section 563.045(2), F.S., requires each registrant to pay an annual registration fee of \$30 for a brand or label. The division may suspend or revoke a registration in same manner as a beverage license for any violation of the Beverage Law.²⁰ The division provides an electronic form for registering brands and labels.²¹

Section 563.045(3), F.S., prohibits licensed wholesalers from purchasing any malt beverages from any manufacturer, brewer, bottler, distributor, or importer who has not complied with the registration requirement.

Section 563.045(4), F.S., requires the division to promulgate rules to carry out the purpose of this section.²²

¹⁴ See s. 561.221(1), F.S.

¹⁵ See s. 561.221(2), F.S.

¹⁶ See ss. 565.02(12) and 565.03, F.S.

¹⁷ See s. 561.221(3), F.S.

¹⁸ Section 561.14(1), F.S., permits manufacturers to distribute at wholesale to licensed distributors and to no one else within the state, unless authorized by statute.

¹⁹ See s. 561.221(1), F.S.

²⁰ See s. 561.29, F.S., relating to the suspension or revocation of alcoholic beverages licenses.

²¹ See DBPR, *Brand Registrant and Brand/Label*,

<https://www.myfloridalicense.com/intentions2.asp?chBoard=true&SID=&boardid=400&professionid=4011> (last visited Mar. 11, 2023).

²² The division has not adopted a rule to implement s. 563.045, F.S.

III. Effect of Proposed Changes:

The bill amends s. 563.045(2), F.S., to limit the application of the malt beverage annual brand and label registration fee of \$30 to brands and labels for malt beverages sold to a distributor. Under the bill, the malt beverage manufacturers would not be required to register a brand or label for a malt beverage and pay the \$30 registration fee if the malt beverage is not sold to a distributor and is sold directly to the consumer at the manufacturer's licensed premises.

The bill takes effect July 1, 2023.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Under the bill, manufacturers of malt beverages would not have to pay the \$30 brand and label registration fee for a malt beverage that is not sold to a distributor.

C. Government Sector Impact:

The division anticipates a fiscal impact of \$16,000 to update its online brand registration to conform to the requirements of this bill.²³ The division also anticipates an

²³ Department of Business and Professional Regulation, *2023 Agency Legislative Bill Analysis for SB 658* (Feb. 13, 2023) (on file with the Senate Regulated Industries Committee).

indeterminate decrease of revenue attributable to the bill exempting brand and label registration requirements for malt beverages that are not sold to a distributor. Currently, there are 11,846 malt brand licenses.²⁴ The table below shows the last three fiscal years of revenue collected for brand/label registrations.²⁵

	2020	2021	2022
Initial Malt Beverage Licenses	\$206,280	\$239,730	\$255,930
Malt Beverage License Renewals	\$98,580	\$130,020	\$131,820

These revenues include brand and label fees for all beverages. The reduction in revenue will be determined by the number of beverages that are kept in house, which is not currently tracked.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 563.045 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

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

²⁴ *Id.*

²⁵ *Id.*

By Senator Burgess

23-00197B-23

2023658__

1 A bill to be entitled
2 An act relating to registration fees for malt beverage
3 brands and labels; amending s. 563.045, F.S.;
4 providing that the annual registration fee is required
5 only if labels or brands are sold to a distributor;
6 specifying that no other registration fee is
7 authorized; providing an effective date.
8

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

10 Section 1. Subsection (2) of section 563.045, Florida
11 Statutes, is amended to read:

12 563.045 Brands or labels to be registered; qualification to
13 do business; fee; revocation.-
14

15 (2) The each registrant shall pay an annual registration
16 fee for a brand or label sold to a distributor is of \$30 for a
17 brand or label. No other annual registration fee for a brand or
18 label is authorized under this section. Any registration may be
19 suspended or revoked in the same manner as a beverage license
20 for any violation of the Beverage Law.

21 Section 2. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

April 20, 2023 Meeting Date

658 Bill Number or Topic

Fiscal Policy Committee

Amendment Barcode (if applicable)

Name Josh Aubuchon Phone 583-2400

Address 201 E Park Ave Email josh@daefl.com

Tallahassee FL 32301 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

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[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Brewers Guild

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 670

INTRODUCER: Banking and Insurance Committee and Senator Yarborough

SUBJECT: Paid Family Leave Insurance

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Johnson</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Johnson</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>
3.	_____	_____	_____	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 670 specifies standards for transacting paid family leave insurance in Florida. Currently, life insurers are authorized to transact health insurance, disability income insurance, and excess coverage for health maintenance organizations and multiple-employer welfare arrangements. CS/SB 670 authorizes life insurers to transact paid family leave insurance as a policy or as rider to a group disability income policy. CS/SB 670 specifies circumstances under which family leave benefits may be provided; and requires paid family leave insurance policies or riders to include disclosures and coverage requirements, such as benefit periods, waiting periods, benefit amounts, offsets, and the payment of benefits. The bill authorizes the Financial Services Commission to adopt rules to administer this act.

The Family and Medical Leave Act of 1993 (FMLA)¹ allows eligible employees of a covered employer to take employment-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months and meets other requirements. An estimated 60 percent of the workforce is covered by the FMLA and only 23 percent of the workforce has access to paid family leave. New Hampshire and Virginia currently offer voluntary family and medical leave benefits through private insurance.

SB 670 is modeled after the National Council on Insurance Legislators (NCOIL) Paid Family Leave Insurance Model Act, which provides a framework for states to create a new line of

¹ Pub. Law 103-3 (Feb. 5, 1993). 29 U.S.C. 2601 et. seq.

insurance in which an authorized insurer licensed to transact life insurance or disability income insurance will also be able to provide coverage for paid family leave.² An employee's access to such coverage could mitigate income loss when the employee needs to take leave without pay to care for family members.

There is no fiscal impact on local governments. SB 670 will have an indeterminate, but likely positive, fiscal impact on state government.

II. Present Situation:

Federal Family and Medical Leave Act of 1993

The Family and Medical Leave Act of 1993 (FMLA)³ allows eligible employees⁴ of a covered employer⁵ to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months and meets other requirements.⁶ An eligible employee's FMLA 12 workweek leave entitlement is available for any one, or more, of the following qualifying conditions:

- The birth of the employee's son or daughter, and to care for the newborn child;
- The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;
- To care for the employee's spouse, son, daughter, or parent with a serious health condition;
- Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job; and,
- Because of any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is a military member on covered active duty status (or has been notified of an impending call or order to covered active duty).⁷

The maximum amount of FMLA leave increases to 26 workweeks during a 12 month period in the case of leave to care for a covered servicemember with a serious injury or illness.

² [Paid family leave model law one of four adopted by NCOIL – Insurance News | InsuranceNewsNet](#) (last visited Mar. 10, 2023).

³ Pub. Law 103-3 (Feb. 5, 1993). 29 U.S.C. 2601 et. seq.

⁴ Generally, an eligible employee means an employee who has been employed for a total of at least 12 months and meets other requirements. 29 C.F.R. s. 825.110.

⁵ An employer means any person engaged in commerce or in an industry or activity affecting commerce who employs 50 or more employees for each working day during each of 20 or more calendar workweeks in the current or preceding calendar year, and includes:

- (1) Any person who acts, directly or indirectly, in the interest of an employer to any of the employees of such employer;
- (2) Any successor in interest of an employer; and
- (3) Any public agency.

The terms, "commerce" and "industry affecting commerce," are defined in accordance with section 501(1) and (3) of the Labor Management Relations Act of 1947 (LMRA) (29 U.S.C. 142(1) and (3)), as set forth in the definitions at 29 C.F.R. s. 825.102. For purposes of the FMLA, employers who meet the 50-employee coverage test are deemed to be engaged in commerce or in an industry or activity affecting commerce. 29 C.F.R. ss. 825.102 and 825.104.

⁶ 29 C.F.R. ss. 825.100 and 825.110.

⁷ 29 C.F.R. s. 825.200.

An employee on FMLA leave is also entitled to have any group health insurance benefits maintained while on leave as if the employee had continued to work instead of taking the leave.⁸

An estimated 60 percent of the workforce is covered by the FMLA⁹ and 23 percent of the workforce has access to paid family leave.¹⁰ Some states provide a paid family leave program utilizing either a social insurance policy design that funds benefits through pooled payroll taxes on employees or employers or using private insurance to fund the programs.¹¹ In addition, the availability of a program may be the result of a mandate while other states provide voluntary programs. States that currently offer family and medical benefits through private insurance are New York (mandatory), New Hampshire (voluntary), and Virginia (voluntary).

Florida Office of Insurance Regulation

The Office of Insurance Regulation¹² (OIR) licenses and regulates the activities of insurers, health maintenance organizations (HMOs), and other risk-bearing entities pursuant to the Florida Insurance Code.¹³ The Agency for Health Care Administration (agency) regulates the quality of care provided by HMOs under part III of ch. 641, F.S., and before receiving a certificate of authority from the OIR, an HMO must receive a Health Care Provider Certificate from the agency.¹⁴

The code provides that certain insurance coverages may come within the definitions of two or more kinds of insurance as defined in part V of ch. 624, F.S.¹⁵ The inclusion of such coverage within one definition may not exclude it from being considered as any other kind of insurance, the definition of which reasonably includes such coverage.¹⁶ Insurance is classified into the following kinds of insurance: life, health, property, casualty, surety, marine, and title.¹⁷

A qualified insurer¹⁸ may transact any one kind or combination of insurance, including life, health, property, casualty, surety, marine, and title.¹⁹ Paid family leave insurance is not currently included among the kinds of insurance authorized in Florida. The code provides that the transaction of life insurance includes the granting of annuity contracts, including, but not limited to, fixed or variable annuity contracts; the granting of endowment benefits, additional benefits in event of death or dismemberment by accident or accidental means, additional benefits in event of the insured's disability; and optional modes of settlement of proceeds of life insurance.²⁰ A life insurer may grant annuities, but shall not be authorized to transact any other kind of insurance

⁸ 29 C.F.R. s. 825.100(b).

⁹ [Paid Leave in the U.S. | KFF](#) (Dec. 17, 2021) (last visited Mar. 16, 2023).

¹⁰ *Id.*

¹¹ Department of Financial Services, *SB 670 Analysis* (Feb. 27, 2023).

¹² Section 20.121(3)(a), F.S.

¹³ Chapters 624-632, 634, 635, 636, 641, 642, 648, and 651, F.S., constitute the "Florida Insurance Code." Section 624.01, F.S.

¹⁴ Section 641.21(1), F.S.

¹⁵ Section 624.601, F.S.

¹⁶ *Id.*

¹⁷ Section 624.6011, F.S.

¹⁸ An authorized insurer is one duly authorized by a subsisting certificate of authority issued by the OIR to transact insurance in Florida. Section 624.09(1), F.S.,

¹⁹ Sections 624.406(1), and 624.6011, F.S.

²⁰ Section 624.602(1), F.S.

except health insurance, disability income insurance, excess coverage for health maintenance organizations, or excess insurance, specific and aggregate, for self-insurers of a plan of health insurance and multiple-employer welfare arrangements.²¹ A “life insurer” or “life insurance company” is an insurer engaged in the business of issuing life insurance contracts, including contracts of combined life and health and accident insurance.²²

Rule 690-154.106(6), F.AC., defines “disability income protection insurance” as a policy of health insurance identified in the outline of coverage, as to scope of coverage, if limited (e.g., accident only or sickness only), which provides for periodic payments, weekly or monthly, for a specified period during the continuance of disability resulting from sickness or injury. The OIR has approved paid family leave insurance products as part of a policy or as riders to disability income benefits.²³

National Council of Insurance Legislators Model Act

The National Council of Insurance Legislators (NCOIL) is an organization comprised principally of legislators serving on state insurance and financial institutions committees around the United States.²⁴ The NCOIL writes insurance model laws in insurance, works to both preserve the state jurisdiction over insurance and to serve as an educational forum for public policy makers and interested parties. On November 19, 2022, the NCOIL adopted the Paid Family Leave Insurance Model Act.²⁵ The purpose of the act is to create a new line of insurance, known as paid family leave insurance, under which any insurer licensed to transact life insurance or disability income insurance business in this state may be authorized to issue policies covering such risk.²⁶

III. Effect of Proposed Changes:

Section 1. Amends s. 624.406, F.S., to include paid family leave as a kind of insurance a qualified life insurer may be authorized to transact.

Section 2. Creates s. 624.6086, F.S., which defines the term, “paid family leave insurance,” as insurance issued to an employer that is related to a benefit program provided to an employee to pay for a percentage or portion of the employee’s income loss due to the any of the following conditions:

- The birth or adoption of a child by the employee;
- Placement of a child with the employee for foster care;
- Care of the employee’s family member who has a serious medical health condition; or
- Circumstances arising out of the fact that the employee’s family member who is a servicemember on active duty or has been notified of an impending call or order to duty.

Subsection (2) authorizes family leave insurance to be written as an amendment or a rider to a group disability income policy, included in a group disability income policy, or written as a

²¹ Section 624.406, F.S.

²² Section 624.602(2), F.S.

²³ Office of Insurance Regulation, *SB 670 Bill Analysis* (Feb. 14, 2023).

²⁴ [History & Purpose - NCOIL](#) (last visited Mar. 1, 2023).

²⁵ [NCOIL-PFL-Model-Adopted-Nov.-2022.pdf \(securserver.net\)](#) (last visited Mar. 5, 2023).

²⁶ *Id.*

separate group insurance policy purchased by the employer. Subsection (3) provides that the terms “child,” “family leave,” and “family member” have the same meanings as provided in s. 627.445(3), F.S.

Section 3. Creates s. 627.445, F.S., relating to paid family leave insurance requirements. The section creates definitions, family leave benefits and reasons, policy requirements, waiting period requirements, calculation and payment of family leave benefits, and rulemaking authority for the Financial Services Commission.

Subsection (3) defines “Armed Forces of the United States” to include members of the National Guard and the reserves for the purpose of family servicemembers whose call to active duty would be considered for qualification for this insurance benefit. The subsection also defines the following terms: child, family leave, family member, health care provider, parent, and serious health condition.

The bill requires that the policy must provide benefits for any leave taken by an employee from work for the following reasons:

- Participating in providing care, including physical or psychological care, for a family member of the employee made necessary by a serious health condition of the family member;
- Bonding with the employee’s child during the first 12 months after the child’s birth or the first 12 months after the placement of the child for adoption by or foster care with the employee;
- Addressing a qualifying exigency as interpreted under the Family and Medical Leave Act of 1993 arising out of the fact that the spouse, child, or parent of the employee is on active duty or has been notified of an impending call or order to active duty, in the Armed Forces of the United States;
- Caring for a family servicemember injured in the line of duty with the Armed Forces of the United States; or
- Taking other leave to provide care for a family member or other family leave as specified in the policy.

Further, the policy must disclose requirements with regard to each of the covered family leave reasons. The amount of family leave benefits available, including coordinating with other income, must be disclosed in the contract. The length of the benefit period may not be less 2 weeks during a period of 52 consecutive calendar weeks. The policy must specify whether there is an unpaid waiting period, and if so, the terms and conditions.

The bill authorizes limitations, exclusions, or reductions of benefits; however, they must be disclosed in the contract. Family leave benefits must be paid periodically and promptly, except as to a contested period of family leave and subject to any of the specified limitations, exclusions, or reductions.

The rates for policies or riders must be calculated pursuant to s. 627.062, F.S., and rates and forms must be approved by OIR. Section 627.062, F.S., provides that the rates for all classes of insurance to which the provisions of part of ch. 627, F.S., are applicable may not be excessive, inadequate, or unfairly discriminatory.

Section 4. Provides the bill will take effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Implementation of the bill will allow some employees eligible to receive family leave insurance benefits to receive compensation they would not have otherwise received while unable to work due to an eligible family leave of their own or a serious health condition of a family member.

SB 670 will allow life insurers to expand existing income replacement benefits products offered to employers to include paid family leave benefits.

C. Government Sector Impact:

The OIR has indicated that the costs associated with the implementation of the bill can be accomplished using existing resources.²⁷

The state may experience an indeterminate, positive impact due to increased premium tax revenues to the extent the demand for the policies grows.²⁸

²⁷ Office of Insurance Regulation, *SB 670 Analysis* (Feb. 14, 2023).

²⁸ Premium taxes are imposed on insurance premiums paid by insurance companies. Sections 624.509, F.S.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 624.406 of the Florida Statutes.
This bill creates sections 624.6086 and 627.445 and of the Florida Statutes.

IX. Additional Information:

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

CS by Banking and Insurance on March 22, 2023:

The CS:

- Requires the Office of Insurance Regulation to review forms as well rates of a paid family leave insurance rider or policy.
- Eliminates provision creating paid family leave insurance as a kind of insurance under s. 624.624.6011, F.S.
- Provides technical changes.

- B. **Amendments:**

None.

By the Committee on Banking and Insurance; and Senator
Yarborough

597-02913-23

2023670c1

1 A bill to be entitled
2 An act relating to paid family leave insurance;
3 amending s. 624.406, F.S.; authorizing life insurers
4 to transact paid family leave insurance; creating s.
5 624.6086, F.S.; defining terms; creating s. 627.445,
6 F.S.; defining terms; specifying circumstances under
7 which family leave benefits may be provided under a
8 paid family leave insurance policy; requiring that
9 paid family leave insurance policies specify details
10 and requirements with regard to covered circumstances;
11 specifying requirements for policies relating to
12 benefit periods, waiting periods, benefit amounts and
13 certain offsets, and the payment of benefits;
14 providing that eligibility for family leave benefits
15 may be limited, excluded, or reduced, but must be
16 specified in the policy; specifying permissible
17 limitations, exclusions, and reductions; providing
18 applicable provisions for calculating rates;
19 specifying the means by which a policy must offer
20 family leave benefits; authorizing the Financial
21 Services Commission to adopt rules; providing an
22 effective date.
23
24 Be It Enacted by the Legislature of the State of Florida:
25
26 Section 1. Subsection (1) of section 624.406, Florida
27 Statutes, is amended to read:
28 624.406 Combinations of insuring powers, one insurer.—An
29 insurer which otherwise qualifies therefor may be authorized to

Page 1 of 8

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597-02913-23

2023670c1

30 transact any one kind or combination of kinds of insurance as
31 defined in part V except:
32 (1) A life insurer may also grant annuities, but shall not
33 be authorized to transact any other kind of insurance except
34 health insurance, disability income insurance, paid family leave
35 insurance, excess coverage for health maintenance organizations,
36 or excess insurance, specific and aggregate, for self-insurers
37 of a plan of health insurance and multiple-employer welfare
38 arrangements.
39 Section 2. Section 624.6086, Florida Statutes, is created
40 to read:
41 624.6086 "Paid family leave insurance" defined.—
42 (1) "Paid family leave insurance" is insurance issued to an
43 employer which is related to a benefit program provided to an
44 employee to pay for a percentage or portion of the employee's
45 income loss due to:
46 (a) The birth of a child or the adoption of a child by the
47 employee;
48 (b) Placement of a child with the employee for foster care;
49 (c) Care of the employee's family member who has a serious
50 health condition; or
51 (d) Circumstances arising out of the fact that the
52 employee's family member who is a servicemember is on active
53 duty or has been notified of an impending call or order to
54 active duty.
55 (2) Paid family leave insurance may be issued to and
56 purchased by an employer as an amendment or a rider to a group
57 disability income policy, included in a group disability income
58 policy, or issued as a separate group insurance policy.

Page 2 of 8

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597-02913-23

2023670c1

59 (3) As used in this section, the terms "child," "family
 60 leave," and "family member" have the same meanings as provided
 61 in s. 627.445(1).

62 Section 3. Section 627.445, Florida Statutes, is created to
 63 read:

64 627.445 Paid family leave insurance.—

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

66 (a) "Armed Forces of the United States" means an officer or
 67 enlisted member of the Army, Navy, Air Force, Marine Corps,
 68 Space Force, or Coast Guard of the United States, the Florida
 69 National Guard, and the United States Reserve Forces.

70 (b) "Child" means a person who is:

71 1. Under 18 years of age, or 18 years of age or older and
 72 incapable of self-care because of a mental or physical
 73 disability; and

74 2. A biological, adopted, or foster son or daughter; a
 75 stepson or stepdaughter; a legal ward; or a son or daughter of a
 76 person to whom the employee stands in loco parentis.

77 (c) "Family leave" means any leave taken by an employee
 78 from work for any of the circumstances specified in subsection
 79 (2).

80 (d) "Family member" includes a child, spouse, or parent, or
 81 other person defined as a family member of the employee in the
 82 policy.

83 (e) "Health care provider" means any hospital licensed
 84 under chapter 395 and any health care institution licensed under
 85 chapter 400 or chapter 429 or an individual licensed under
 86 chapter 458, chapter 459, chapter 460, chapter 461, chapter 464,
 87 or chapter 466.

597-02913-23

2023670c1

88 (f) "Parent" means a biological, foster, or adoptive
 89 parent; a stepparent; a legal guardian; or other person who
 90 stood in loco parentis to the employee when the employee was a
 91 child.

92 (g) "Serious health condition" means an illness, an injury,
 93 an impairment, or a physical or mental condition, including, but
 94 not limited to, pregnancy complications that threaten the life
 95 of the mother or unborn child; transplanted organ preparation and
 96 recovery from surgery related to organ or tissue donation, which
 97 involves inpatient care in a hospital, hospice, or residential
 98 health care facility; continuing treatment; or continuing
 99 supervision by a health care provider. Continuing supervision by
 100 a health care provider includes a period of incapacity which is
 101 permanent or long-term due to a condition for which treatment
 102 may not be effective and where the family member need not be
 103 receiving active treatment by a health care provider.

104 (2) COVERED FAMILY LEAVE BENEFITS.—Family leave insurance
 105 benefits provided in a paid family leave insurance policy may be
 106 provided for any leave taken by an employee from work for any of
 107 the following circumstances:

108 (a) Participation in providing care, including physical or
 109 psychological care, for a family member made necessary by a
 110 serious health condition of the family member;

111 (b) Bonding with the employee's child during the first 12
 112 months after the child's birth or the first 12 months after the
 113 placement of the child for adoption by or foster care with the
 114 employee;

115 (c) Addressing a qualifying exigency as interpreted under
 116 the Family and Medical Leave Act of 1993, 29 U.S.C. s.

597-02913-23 2023670c1

117 2612(a)(1)(E) and 29 C.F.R. s. 825.126(a)(1)-(8), arising out of
 118 the fact that the spouse, child, or parent of the employee is on
 119 active duty or has been notified of an impending call or order
 120 to active duty in the Armed Forces of the United States;
 121 (d) Caring for a family member injured in the line of duty
 122 with the Armed Forces of the United States; or
 123 (e) Caring for a family member or other leave as specified
 124 in the policy.
 125 (3) REQUIRED POLICY SPECIFICITY.—The policy must specify:
 126 (a) Details and requirements with regard to each of the
 127 covered circumstances specified in subsection (2).
 128 (b) The length of family leave benefits available for each
 129 covered circumstance, which may not be less than 2 weeks during
 130 a period of 52 consecutive calendar weeks.
 131 (c) Whether there is an uncovered waiting period, and if
 132 so, the terms and conditions of the uncovered waiting period,
 133 which may include, but are not limited to, whether:
 134 1. The period runs over a consecutive calendar day period;
 135 2. The period is counted toward the annual allotment of
 136 covered family leave benefits or is in addition to the annual
 137 allotment of covered family leave benefits;
 138 3. The period must be met only once per benefit year or
 139 must be met for each separate claim for benefits; and
 140 4. The employee may work or receive paid time off or other
 141 compensation during the period.
 142 (d) The amount of benefits that will be paid for covered
 143 circumstances provided in subsection (2).
 144 (e) The definition of the wages or other income upon which
 145 the amount of benefits will be issued.

597-02913-23 2023670c1

146 (f) How such wages or other income will be calculated.
 147 (g) If the family leave benefits are subject to offsets for
 148 wages or other income received or for which the insured may be
 149 eligible, all such wages or other income that may be set off and
 150 the circumstances under which it may be offset.
 151 (h) The frequency of payments due for covered benefits.
 152 (4) CALCULATION OF 52 CONSECUTIVE CALENDAR WEEKS.—For
 153 purposes of this section, 52 consecutive calendar weeks may be
 154 calculated by:
 155 (a) A calendar year;
 156 (b) Any fixed period starting on a particular date, such as
 157 the effective or anniversary date of the policy;
 158 (c) The employee's hiring date or anniversary of hiring
 159 date;
 160 (d) The period measured forward from the employee's first
 161 day of family leave;
 162 (e) A rolling period measured by looking back from the
 163 employee's first day of family leave; or
 164 (f) Any other method specified in the policy.
 165 (5) PERMISSIBLE LIMITATIONS, EXCLUSIONS, OR REDUCTIONS.—
 166 Eligibility for family leave benefits under this section may be
 167 limited, excluded, or reduced, but any limitation, exclusion, or
 168 reduction must be specified in the policy and not conflict with
 169 the Florida Insurance Code. Permissible limitations, exclusions,
 170 or reductions may be made for the following:
 171 (a) For any period wherein the required notice and medical
 172 certification as prescribed in the policy has not been provided;
 173 (b) For any leave related to a serious health condition or
 174 other harm to a family member brought about by a willful act by

597-02913-23

2023670c1

175 the employee;176 (c) For any period during which the employee performed work
177 for remuneration or profit;178 (d) For any period for which the employee is eligible to
179 receive remuneration or maintenance from her or his employer, or
180 from a fund to which the employer has contributed;181 (e) For any period during which the employee is eligible to
182 receive benefits under any other statutory program or employer-
183 sponsored program, including, but not limited to, unemployment
184 insurance benefits, workers' compensation benefits, or any paid
185 time off or employer's paid leave policy;186 (f) For any period commencing before the employee becomes
187 eligible for family leave benefits under the policy;188 (g) For periods where more than one person seeks family
189 leave for the same family member under the same policy, unless
190 the policy specifies otherwise; or191 (h) For other reasons specified in the policy.192 (6) PAYMENT OF FAMILY LEAVE BENEFITS.—Family leave benefits
193 provided under a policy that complies with this section must be
194 paid periodically and promptly, as specified in the policy,
195 except as to a contested period of family leave and subject to
196 any of the limitations, exclusions, or reductions permitted
197 under subsection (5).198 (7) INSURANCE POLICY.—199 (a) Rates for policies or riders providing paid family
200 leave insurance benefits must be calculated in accordance with
201 the rate standards provided in s. 627.062.202 (b) Forms for policies or riders providing paid family
203 leave insurance benefits are subject to review by the office

Page 7 of 8

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597-02913-23

2023670c1

204 under s. 627.410.205 (c) A policy issued under this section must be issued as
206 provided in s. 624.6086(2).207 (8) RULEMAKING.—The commission may adopt rules to
208 administer this section.

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

Page 8 of 8

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23 Meeting Date

SB 670 Bill Number or Topic

Fiscal Policy Committee

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D. (Florida PTA)

Phone 407 855-7604

Address 1747 Orlando Central Pkwy

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Orlando FL 32809 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 704

INTRODUCER: Fiscal Policy Committee and Senator Boyd

SUBJECT: Substance Abuse Prevention

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Looke</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>Sneed</u>	<u>Money</u>	<u>AHS</u>	Favorable
3.	<u>Looke</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 704 creates the Statewide Council on Opioid Abatement (Council) within the Department of Children and Families (DCF) for the purpose of enhancing the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims of the opioid crisis and their families.

The bill amends two definitions in s. 381.887, F.S., to clarify that caregivers need not to have recurring contact with persons at risk of an opioid overdose to meet the definition and to include health care practitioners who dispense drugs in the definition of “authorized health care practitioner.” The bill allows pharmacists to prescribe as well as dispense emergency opioid antagonists within the constraints of that section of statute. Additionally, the bill adds emergency opioid antagonists that are delivered through a prefilled injection device delivery system to the types of opioid antagonists that may be prescribed, dispensed, and administered under the section.

The bill will have an indeterminate, yet insignificant negative fiscal impact on state government. See Section V. of this analysis.

The bill is effective upon becoming law.

II. Present Situation:

History of the Opioid Crisis in Florida

According to the National Institute on Drug Abuse:¹

- “In the late 1990s, pharmaceutical companies reassured the medical community that patients would not become addicted to prescription opioid pain relievers, and health care providers began to prescribe them at greater rates”; and
- “This subsequently led to widespread diversion and misuse of these medications before it became clear that these medications could indeed be highly addictive.”

Between the early 2000s and the early 2010s, Florida was infamous as the “pill mill capital” of the nation. At the peak of the pill mill crisis, doctors in Florida bought 89 percent of all the oxycodone sold in the country.²

Between 2009 and 2011, the Legislature enacted a series of reforms to combat prescription drug abuse. These reforms included strict regulation of pain management clinics; creating the Prescription Drug Monitoring Program (PDMP); and stricter regulation on selling, distributing, and dispensing controlled substances.³ “In 2016, the opioid prescription rate was 75 prescriptions for every 100 persons in Florida. This rate was down from a high of 83 prescriptions for every 100 persons.”⁴

As reported at the time by the Florida Attorney General’s Opioid Working Group:

Drug overdose is now the leading cause of non-injury related deaths in the United States. Since 2000, drug overdose death rates increased by 137 percent, including a 200 percent increase in the rate of overdose deaths involving opioids. In 2015, over 52,000 deaths in the U.S. were attributed to drug poisoning, and over 33,000 (63 percent) involved an opioid. In 2015, 3,535 deaths occurred in Florida where at least one drug was identified as the cause of death. More specifically, 2,535 deaths were caused by at least one opioid in 2015. Stated differently, seven lives per day were lost to opioids in Florida in 2015. Overall, the state had a rate of opioid-caused deaths of 13 per 100,000. The three counties with the highest opioid death rate were Manatee County (37 per 100,000), Dixie County (30 per 100,000), and Palm Beach County (22 per 100,000).⁵

¹ Center on Positive Behavioral Interventions and Supports, *Opioid Crisis and Substance Misuse*, available at: <https://www.pbis.org/topics/opioid-crisis-and-substance-misuse> (last visited March 17, 2023).

² Lizette Alvarez, *Florida Shutting ‘Pill Mill’ Clinics*, The New York Times (Aug. 31, 2011), available at <http://www.nytimes.com/2011/09/01/us/01drugs.html> (last visited March 17, 2023).

³ See Chapters 2009-198, 2010-211, and 2011-141, Laws of Fla.

⁴ Attorney General’s Opioid Working Group, *Florida’s Opioid Epidemic: Recommendations and Best Practices*, 7 (Mar. 1, 2019), available at [https://myfloridalegal.com/webfiles.nsf/WF/TDGT-B9UTV9/\\$file/AG+Opioid+Working+Group+Report+Final+2-28-2019.pdf](https://myfloridalegal.com/webfiles.nsf/WF/TDGT-B9UTV9/$file/AG+Opioid+Working+Group+Report+Final+2-28-2019.pdf) (last visited March 17, 2023).

⁵ *Id.*

Early in 2017, the federal Centers for Disease Control and Prevention (CDC) declared the opioid crisis an epidemic.⁶ Shortly thereafter, on May 3, 2017, Governor Rick Scott signed Executive Order 17-146, declaring the opioid epidemic a public health emergency in Florida.⁷

House Bill 21 (2018)

In 2018, the Florida Legislature passed CS/CS/HB 21 (Chapter 2018-13, Laws of Florida) to combat the opioid crisis. CS/CS/HB 21:

- Required additional training for practitioners on the safe and effective prescribing of controlled substances;
- Restricted the duration of prescriptions for Schedule II opioid medications to three days or up to seven days if medically necessary;
- Reworked the PDMP statute to require that prescribing practitioners check the PDMP prior to prescribing a controlled substance and to allow the integration of PDMP data with electronic health records and the sharing of PDMP data between Florida and other states; and
- Provided for additional funding for treatment and other issues related to opioid abuse.

Status of the Opioid Crisis after HB 21

There is evidence that the passage of HB 21 reduced opioid use in Florida. For example, one study that reviewed pharmacy prescriptions claims for a health plan serving more than 45,000 Floridians found that, on average, the number of enrollees per month that began opioid use between April of 2019 and August of 2019 dropped from 5.5 per 1,000 patients to 4.6 per 1,000 patients.⁸

However, with the onset of the COVID-19 pandemic, the incidence of opioid use disorder and resulting overdose deaths has once again risen. A report from Project Opioid details provisional data from the Department of Health (DOH) showing that deaths from drug overdoses have increased by 43 percent between 2019 and 2020, from 56 deaths per 100,000 in 2019 to 94 deaths per 100,000 in 2020. Additionally, fentanyl, an extremely potent opioid drug, is the leading cause of overdose deaths in Florida, and the incidence of fentanyl overdose deaths increased by 38 percent, from 2,348 in 2019 to 3,244 in 2020.⁹ From the start of 2020 through the end of 2021, non-fatal opioid related emergency room visits and hospitalizations have increased from 4,992 to 5,913 and 1,940 to 2,130, respectively.¹⁰ Fatal opioid related overdoses during that time period have also trended upward with 6,089 occurring in 2020 and 6,442 occurring in 2021.¹¹

⁶ See Exec. Order No. 17-146, available at <https://www.flgov.com/wp-content/uploads/2017/05/17146.pdf>. (last visited March 17, 2023).

⁷ *Id.*

⁸ Juan M. Hincapie-Castillo, et al., Changes in Opioid Use After Florida's Restriction Law for Acute Pain Prescriptions, JAMA Netw Open. 2020 Feb; 3(2): e200234, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7049083/>. (last visited March 17, 2023).

⁹ Project Opioid, A Pandemic Fueling an Epidemic in Florida in 2020, available at https://projectopioid.org/wp-content/uploads/2020/12/PO-2020-Data-Study-Final_New-Section.pdf (last visited March 17, 2023).

¹⁰ Q1 of 2020 compared to Q4 of 2021, Florida Health Charts, Substance Abuse Dashboard, available at <https://www.flhealthcharts.gov/ChartsDashboards/rdPage.aspx?rdReport=SubstanceUse.Overdose>. (last visited March 17, 2023)

¹¹ *Id.*

Multistate Opioid Lawsuit and Settlement

In 2018, Attorney General Pam Bondi filed suit against multiple opioid manufacturers and distributors. The suit was later expanded to include the pharmacies CVS and Walgreens.¹² The complaint alleged that the defendants caused the opioid crisis by, among other things:

- Engaging in a campaign of misrepresentations and omissions about opioid use designed to increase opioid prescriptions and opioid use, despite the risks.
- Funding ostensibly neutral and independent “front” organizations to publish information touting the benefits of opioids for chronic pain while omitting the information about the risks of opioid treatment.
- Paying ostensibly neutral medical experts called “key opinion leaders” who were really manufacturer mouthpieces to publish articles promoting the use of opioids to treat pain while omitting information regarding the risks.¹³

In 2021, McKesson, Cardinal Health, and AmerisourceBergen, the nation’s three largest pharmaceutical distributors, as well as manufacturer Janssen Pharmaceuticals, Inc., agreed to a national settlement in which the distributors agreed to pay \$21 billion over 18 years and Janssen agreed to pay \$5 billion over nine years.¹⁴ Of the \$26 billion available, approximately \$22.7 billion is earmarked for use by states that participated in the lawsuit, including Florida.¹⁵ In addition, Florida has negotiated individual settlements with multiple other companies including:

- A \$65 million settlement with Endo Health Solutions;
- A \$440 million settlement with CVS Pharmacy, Inc.;
- A \$177,114,999 settlement with Teva Pharmaceuticals Industries, Ltd.;
- A \$122 million settlement with Allergan Finance, LLC.;
- A \$620 million settlement with Walgreens Boots Alliance, Inc. and Walgreens Co.; and
- A \$215 million settlement with Walmart.¹⁶

These settlements will pay out over a period of time ranging from 10 years to 18 years. The monies from the settlements in general must be used on opioid abatement, including prevention efforts, treatment or recovery services,¹⁷ and to pay fees and costs incurred by the state, cities, and counties. Additionally, Teva Pharmaceuticals has agreed to provide the state with \$84 million worth of Naloxone Hydrochloride, which is an opioid overdose reversal medication.¹⁸

¹² See *Florida Sues Walgreens, CVS for Alleged Role in Opioid Crisis*, (November 19, 2018) available at <https://www.npr.org/2018/11/19/669146432/florida-sues-walgreens-cvs-for-alleged-role-in-opioid-crisis> (last visited on March 17, 2023).

¹³ See [http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AYSNED/\\$file/Complaint+summary.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MNOS-AYSNED/$file/Complaint+summary.pdf), (last visited on March 17, 2023).

¹⁴ Executive Summary of National Opioid Settlements, Feb. 3, 2023, available at <https://nationalopioidsettlement.com/executive-summary/#:~:text=In%20all%2C%20the%20Distributors%20will,additional%20manufacturers%E2%80%94Allergan%20and%20Teva.>, (last visited March 17, 2023).

¹⁵ Opioid Settlements: Who’s in?, Florida DLA, available at <https://myfloridalegal.com/opioidsettlement>, (last visited March 17, 2023).

¹⁶ *Id.*

¹⁷ *Id.* A portion of these funds will go to the state while another portion will go directly to the cities and counties.

¹⁸ *Id.*

As part of the settlement agreement, Florida agreed to establish an “Opioid Abatement Taskforce or Council.” The agreement lays out how the Council must be structured and the tasks the Council must perform. For a comparison of what is required of the Council in the settlement agreement with the language from CS/SB 704, see the chart below:

Florida Opioid Allocation and Statewide Response Agreement	CS/ SB 704 Council Provisions
Create an “Opioid Abatement” Taskforce or Council.	The Statewide Council on Opioid Abatement, an advisory council as defined in s. 20.03, [F.S.,] is created within the department for the purpose of enhancing the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims and families of the crisis.
Council must advise the Governor, Legislature, DCF, and Local Governments on the priorities that should be addressed by the expenditure of Opioid Funds.	The council shall review data from local, state, and national agencies, both on a regional and a statewide basis, to advise state and local governments on the status, severity, and stage of the opioid epidemic.
	The council must advise the state and local governments on resolving or abating the opioid epidemic.
	The council shall work with and provide and receive information from the Statewide Drug Policy Advisory Council and make sure that its recommendations and actions are consistent with the recommendations of that council to the extent possible.
Council must review how monies have been spent and the results that have been achieved with Opioid Funds.	<p>The council...must review how settlement monies recovered from the opioid litigation brought by state and political subdivisions have been spent, and the results that have been achieved from such expenditures.</p> <p>The council shall review data from local governments, other states, and national agencies regarding how moneys are being spent to abate the opioid epidemic, the success of such programs, and the appropriate metrics needed to assess the epidemic and progress in abating it.</p>
<p>Prior to July 1st of each year, the State and each of the Local Governments shall provide information to the DCF about how they intend to expend Opioid Funds in the upcoming fiscal year.</p> <p>State and local governments shall report expenditures to DCF no later than Aug. 31st for the previous fiscal year.</p>	<p>By June 30 of each year, each county, municipality, managing entity, or state agency that receives settlement funds from an opioid settlement shall provide information to the council related to how it intends to use settlement funds and how it intends to collect data regarding its use of funds.</p> <p>By August 31 of each year, each county, municipality, managing entity, or state agency that receives settlement funds from an opioid settlement must provide information to the council related to its expenditure of settlement funds and the results obtained from those expenditures.</p>

Florida Opioid Allocation and Statewide Response Agreement	CS/ SB 704 Council Provisions
<p>Council will set other data sets that need to be reported to DCF to demonstrate the effectiveness of expenditures on Approved Purposes. In setting those requirements the Council shall consider the Reporting Templates, Deliverables, Performance Measures, and other already utilized and existing templates and forms required by DCF from Managing Entities and suggest similar requirements be used by all parties to the agreement.</p>	<p>The council shall develop and recommend metrics, measures, or data sets to assess the progress and success of programs funded by expenditures of opioid settlement funds. The council must attempt to keep such metrics, measures, or data sets consistent with those used by the state with managing entities as well as any metrics, measures, or data sets required by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services in connection with any grants received by the state. Upon request of the council, a county, municipality, managing entity, or state agency must provide the council data or information required to develop such metrics, measures, or data sets.</p> <p>The council, with assistance and support of the department, shall provide a system of documentation and reporting commensurate with the requirements of federal and other agencies providing funding to the state, including, but not limited to, auditing expenditures consistent with any requirements imposed by the Legislature.</p>
<p>The council shall provide and publish a report annually, no later than Nov. 30 or the first business day after Nov. 30. The report shall contain information on how monies were spend the previous fiscal year by the State, each of the Qualified counties, each of the Managing Entities, and each of the Local Governments. It shall also contain reccomendations to the Governor, the Legislatre, and Local Governments for priorities among the Approved Purposes or similar such uses for how monies should be spent the coming fiscal year to respond to the opioid epidemic.</p>	<p>Beginning December 1, 2023, the council shall publish an annual report on the websites of the Department of Legal Affairs and the Department of Children and Families no later than December 1 or the first business day after December 1, if December 1 falls on a weekend or holiday. The report must contain information on how settlement funds were spent the previous fiscal year by the state and by each of the managing entities, counties, and municipalities. The report must also contain recommendations to the Governor, the Legislature, and local governments for the prioritization of how funds should be spent during the subsequent fiscal year to effectively respond to the opioid epidemic.</p>

Opioid Antagonists

Opioid receptor antagonists block one or more of the opioid receptors in the central or peripheral nervous system. The two most commonly used, centrally-acting opioid receptor antagonists are naloxone and naltrexone. Naloxone comes in intravenous, intramuscular, and intranasal formulations and is FDA-approved for the use in an opioid overdose and the reversal of respiratory depression associated with opioid use. Naltrexone is available in both oral and long-acting injectable formulations and is FDA-approved for the treatment of opioid and/or alcohol maintenance treatment. The most commonly used peripheral opioid receptor antagonist is

methylnaltrexone, which is a potent competitive antagonist acting at the digestive tract and is also FDA-approved for the treatment of opioid-induced constipation.¹⁹

Emergency Administration of Opioid Antagonists

Section 381.887, F.S., provides that the purpose of the section is to provide for the prescribing, ordering, and dispensing of emergency opioid antagonists (EOAs) to patients and caregivers and to encourage the prescribing, ordering, and dispensing of EOAs by authorized health care practitioners. The section states that:

- An authorized health care practitioner may prescribe and dispense an EOA to, and a pharmacist may order an EOA with an autoinjection delivery system or intranasal application delivery system for, a patient or caregiver for use in accordance with this section.
- A pharmacist may dispense an EOA pursuant to a prescription by an authorized health care practitioner. A pharmacist may dispense an EOA with an autoinjection delivery system or intranasal application delivery system, which must be appropriately labeled with instructions for use, pursuant to a pharmacist's order or pursuant to a non-patient specific standing order.
- A patient or caregiver is authorized to store and possess approved EOAs and, in an emergency situation when a physician is not immediately available, administer the EOA to a person believed in good faith to be experiencing an opioid overdose, regardless of whether that person has a prescription for an EOA.

The section also authorizes emergency responders, crime laboratory personnel, and personnel of a law enforcement agency or another agency who, if they are likely to come in contact with a controlled substance or persons at risk of an overdose, to possess, store, and administer EOAs as clinically indicated and provides immunity for such persons as a result of administering an EOA.

Additionally, the section provides immunity to:

- A person, including, but not limited to, an authorized health care practitioner, a dispensing health care practitioner, or a pharmacist, who possesses, administers, prescribes, dispenses, or stores an approved EOA in compliance with this section and s. 768.13, F.S.²⁰
- An authorized health care practitioner, acting in good faith and exercising reasonable care, for prescribing an EOA in accordance with this section.
- A dispensing health care practitioner or pharmacist, acting in good faith and exercising reasonable care, for dispensing an EOA in accordance with this section.

The Good Samaritan Act

Section 768.13, F.S., establishes the Good Samaritan Act. The Act provides civil immunity to any person, including those licensed to practice medicine, who gratuitously and in good faith renders emergency care or treatment either in direct response to emergency situations related to and arising out of a declared public health emergency, a declared state of emergency, or at the scene of an emergency outside of a hospital, doctor's office, or other place having proper medical

¹⁹ *Opioid Antagonists*, Theriot, Jonathan, et. al., (last updated July 23, 2021), available at <https://www.ncbi.nlm.nih.gov/books/NBK537079/#:~:text=3%5D%5B4%5D-.The%20two%20most%20commonly%20used%20centrally%20acting%20opioid%20receptor%20antagonists,depression%20associated%20with%20opioid%20use>. (last visited March 17, 2023).

²⁰ 768.12, F.S., is the Good Samaritan Act. Section 381.887, F.S., specifies that this immunity is the immunity afforded under the Good Samaritan Act.

equipment, without objection of the injured victim or victims thereof, for any damages resulting from the treatment or as a result of any act or failure to act in providing or arranging treatment where the person acts as an ordinary reasonably prudent person would.

The Good Samaritan Act also provides certain immunities to health care providers and health care practitioners providing emergency care in specified situations, to any person participating in emergency response activities under specified circumstances, and any person who renders emergency care or treatment to an injured animal in specified circumstances.

Statewide Drug Policy Advisory Council

Established by s. 397.333, F.S., the Statewide Drug Policy Advisory Council (DPAC) is a council located within the Department of Health and made up of the following members:

- The Attorney General, or his or her designee.
- The executive director of the DLA, or his or her designee.
- The Secretary of DCF, or his or her designee.
- The director of the Office of Planning and Budgeting in the Executive Office of the Governor, or his or her designee.
- The Secretary of Corrections, or his or her designee.
- The Secretary of Juvenile Justice, or his or her designee.
- The Commissioner of Education, or his or her designee.
- The executive director of the Department of Highway Safety and Motor Vehicles, or his or her designee.
- The Adjutant General of the state as the Chief of the Department of Military Affairs, or his or her designee.
- Seven Members appointed by the Governor:
 - One member must have professional or occupational expertise in drug enforcement;
 - One member must have professional or occupational expertise in substance abuse prevention;
 - One member must have professional or occupational expertise in substance abuse treatment;
 - Two members must have professional or occupational expertise in faith-based substance abuse treatment services; and
 - The remainder of the members appointed should have professional or occupational expertise in, or be generally knowledgeable about, issues that relate to drug enforcement and substance abuse programs and services.
- One member of the Florida Senate appointed by the President of the Senate.
- One member of the Florida House of Representatives appointed by the Speaker of the House of Representatives; and
- One member of the judiciary appointed by the Chief Justice of the Supreme Court.

The DPAC is required to:

- Meet at least quarterly or upon the call of the chairperson;
- Conduct a comprehensive analysis of the problem of substance abuse in this state and make recommendations to the Governor and Legislature for developing and implementing a state drug control strategy;

- Review and make recommendations to the Governor and Legislature on funding substance abuse programs and services;
- Review various substance abuse programs and recommend, where needed, measures that are sufficient to determine program outcomes;
- Review the drug control strategies and programs of other states and the Federal Government;
- Recommend to the Governor and Legislature applied research projects that would use research capabilities within the state;
- Recommend to the Governor and Legislature changes in law which would remove barriers to or enhance the implementation of the state drug control strategy;
- Make recommendations to the Governor and the Legislature on the need for public information campaigns;
- Ensure that there is a coordinated, integrated, and multidisciplinary response to the substance abuse problem in this state;
- Assist communities and families in pooling their knowledge and experiences with respect to the problem of substance abuse;
- Examine the extent to which all state programs that involve substance abuse treatment can include a meaningful work component;
- Recommend to the Governor and the Legislature ways to expand and fund drug courts; and
- Submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1 of each year.

III. Effect of Proposed Changes:

Authorizations for Emergency Opioid Antagonists (EOAs)

CS/SB 704 amends s. 381.887, F.S., to amend two definitions to clarify that caregivers need not have recurring contact with persons at risk of an opioid overdose to meet the definition and to include health care practitioners who dispense drugs in the definition of “authorized health care practitioner.” The change add dispensers will allow pharmacists to prescribe as well as dispense emergency opioid antagonists within the constraints of the section. Additionally, the bill adds emergency opioid antagonists that are delivered through a prefilled injection device delivery system to the types of opioid antagonists that may be prescribed, dispensed, and administered under the section.

Statewide Council on Opioid Abatement (Council)

The bill creates s. 397.335, F.S., to establish the Council within the DCF for the purpose of enhancing the development and coordination of state and local efforts to abate the opioid epidemic and to support the victims of the opioid crisis and their families.

Membership

The bill provides that the Council be composed of 10 members as follows:

- The Attorney General, or a designee, who is the chair of the Council.
- The Secretary of the DCF, or a designee, who is the vice chair.
- A member appointed by the Governor.
- A member appointed by the President of the Senate.

- A member appointed by the Speaker of the House.
- Two members who are each a commissioner or mayor of a municipality, appointed by the Florida League of Cities. At least one such member must be from a municipality with a population of less than 50,000 people.
- Two members, one of whom is a county commissioner or mayor of a county with a population of less than 200,000 people and one of whom is a county commissioner or mayor of a county with a population in excess of 200,000 people, appointed by the Florida Association of Counties.
- One member who is either a county commissioner or county mayor, appointed by the Florida Association of Counties, or the commissioner or mayor of a municipality, appointed by the Florida League of Cities. The Florida Association of Counties shall appoint such member for the initial term, and future appointments must alternate between a member appointed by the Florida League of Cities, and the Florida Association of Counties.

The bill specifies that members are appointed to two-year terms and the members may not receive a commission, fee, or financial benefit in connection with service on the Council except that members may be reimbursed for per diem and travel expenses in accordance with s. 112.061, F.S.,²¹ by the state agency that the member represents, or by the DCF if a member is not affiliated with a state agency.

Organization and Support

The bill requires the first meeting of the Council to occur no later than August 31, 2023, and quarterly thereafter, or upon the call of the chair or two other members. The bill allows meetings to take place in person or virtually and specifies that a majority of members constitutes a quorum.

The bill requires the DLA and the DCF to provide the Council with staff necessary to assist the Council with the performance of its duties. The Council is authorized to apply for and accept funds, grants, gifts, and services from the state, the federal government or any of its agencies, or any other public or private source for the purposes of defraying costs or performing its duties. The bill also requires that all members adhere to the rules, regulations, and laws of Florida including, but not limited to, s. 112.311, F.S., relating to disclosure of conflicts of interest and recusal from discussions or votes on conflicted matters.

Duties of the Council

The bill imparts the Council with the following duties:

- Advising the state and local governments on resolving or abating the opioid epidemic and reviewing how settlement monies recovered from the opioid litigation brought by the state and political subdivisions have been spent, and the results that have been achieved from such expenditures.
- Working with, and providing and receiving information from, the Statewide Drug Policy Advisory Council (DPAC) and making sure that its recommendations and actions are consistent with the recommendations of the DPAC to the extent possible.

²¹ Establishing set rates for travel and per diem reimbursement.

- Reviewing data from local, state, and national agencies, both on a regional and a statewide basis, to advise state and local governments on the status, severity, and stage of the opioid epidemic.
- Reviewing data from local governments, other states, and national agencies regarding how moneys are being spent to abate the opioid epidemic, the success of such programs, and the appropriate metrics needed to assess the epidemic and progress in abating it.
- Developing and recommending metrics, measures, or data sets to assess the progress and success of programs funded by expenditures of opioid settlement funds. The Council must attempt to keep such metrics, measures, or data sets consistent with those used by the state with managing entities as well as any metrics, measures, or data sets required by the Substance Abuse and Mental Health Services Administration of the United States Department of Health and Human Services in connection with any grants received by the state.
- With assistance and support of the DCF, providing a system of documentation and reporting commensurate with the requirements of federal and other agencies providing funding to the state, including, but not limited to, auditing expenditures consistent with any requirements imposed by the Legislature.
- Beginning December 1, 2023, publishing an annual report on the websites of the DLA and the DCF by each December 1st. The report must contain information on how opioid settlement funds were spent the previous fiscal year by the state and by each of the managing entities, counties, and municipalities. Additionally, the report must contain recommendations to the Governor, the Legislature, and local governments for the prioritization of how funds should be spent during the subsequent fiscal year to effectively respond to the opioid epidemic.

Requirements for Other Governmental Entities and Managing Entities

The bill requires that:

- By June 30 of each year, each county, municipality, managing entity, or state agency that receives opioid settlement funds shall provide information to the Council on how it intends to use the funds and how it intends to collect data regarding its use of funds.
- By August 31 of each year, each county, municipality, managing entity, or state agency that receives opioid settlement funds must provide information to the Council on expenditures of settlement funds and the results obtained from those expenditures.
- Upon request of the Council, a county, municipality, managing entity, or state agency must provide the Council information required to develop metrics, measures, or data sets consistent with those used by the state with managing entities as well as any metrics, measures, or data sets required by the Substance Abuse and Mental Health Services Administration (SAMHSA) within the U.S. Department of Health and Human Services on grants received by the state.

The bill is effective upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill has an indeterminate fiscal impact on the DCF and the DLA associated with staffing the Council.²² The DOH is also expected to incur some nonrecurring costs to update the Licensing and Enforcement Information Database and other database systems for the Medical Quality Assurance Program.²³ However, the impact on each agency will likely be insignificant and can be absorbed by each department within their existing resources.

The bill may have a positive fiscal impact on the State and local governments in that the Council is a requirement of the multistate opioid settlement agreement and is necessary in order to receive Florida's portion of the approximately \$26 billion settlement agreement.

²² The Department of Children and Families, *Senate Bill 704 Fiscal Analysis* (March 2023) (on file with Senate Appropriations Committee on Health and Human Services).

²³ The Department of Health, *House Bill 783 Fiscal Analysis* (March 2023).

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 381.887 of the Florida Statutes.

This bill creates section 397.335 of the Florida Statutes.

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

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

CS by Fiscal Policy on April 20, 2023:

The CS:

- Removes the current bill provisions related to the administration and dispensing of opioid antagonists by emergency responders and pharmacists.
- Amends definitions related to emergency treatment for suspected opioid overdoses to:
 - Expand the definition of “authorized health care practitioner” to include practitioners who dispense drugs, as well as prescribe drugs. Effectively, this will allow pharmacists to prescribe, as well as dispense, emergency opioid antagonists to authorized persons.
 - Specify that a caregiver only must have contact with, rather than recurring contact with, a person at risk for an opioid overdose.
- Authorizes the use of emergency opioid antagonists with prefilled injection device delivery systems.
- Amends language creating the Statewide Council on Opioid Abatement to specify that the council must review data from other states regarding how opioid monies are spent in order to assess the effectiveness of such programs.
- Removes language granting the Department of Legal Affairs authority to subpoena data from local governments.
- Conforms a date for reporting specified data to the council to the requirements of the settlement agreement.
- Makes other technical amendments to the language creating the Statewide Council on Opioid Abatement.

B. Amendments:

None.



123050

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
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The Committee on Fiscal Policy (Boyd) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraphs (b) and (c) of subsection (1) of
section 381.887, Florida Statutes, are amended to read:

381.887 Emergency treatment for suspected opioid overdose.—

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

(b) "Authorized health care practitioner" means a licensed
practitioner authorized by the laws of this state to prescribe
or dispense drugs.



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12 (c) "Caregiver" means a family member, friend, or person in
13 a position to have ~~recurring~~ contact with a person at risk of
14 experiencing an opioid overdose.

15 Section 2. Section 397.335, Florida Statutes, is created to
16 read:

17 397.335 Statewide Council on Opioid Abatement.—

18 (1) ESTABLISHMENT.—The Statewide Council on Opioid
19 Abatement, an advisory council as defined in s. 20.03, is
20 created within the department for the purpose of enhancing the
21 development and coordination of state and local efforts to abate
22 the opioid epidemic and to support the victims and families of
23 the crisis.

24 (2) MEMBERSHIP.—

25 (a) Notwithstanding s. 20.052, the council shall be
26 composed of the following members:

27 1. The Attorney General, or his or her designee, who shall
28 serve as chair.

29 2. The secretary of the department, or his or her designee,
30 who shall serve as vice chair.

31 3. One member appointed by the Governor.

32 4. One member appointed by the President of the Senate.

33 5. One member appointed by the Speaker of the House of
34 Representatives.

35 6. Two members appointed by the Florida League of Cities
36 who are commissioners or mayors of municipalities. One member
37 shall be from a municipality with a population of fewer than
38 50,000 people.

39 7. Two members appointed by or through the Florida
40 Association of Counties who are county commissioners or mayors.



123050

41 One member shall be appointed from a county with a population of
42 fewer than 200,000, and one member shall be appointed from a
43 county with a population of more than 200,000.

44 8. One member who is either a county commissioner or county
45 mayor appointed by the Florida Association of Counties or who is
46 a commissioner or mayor of a municipality appointed by the
47 Florida League of Cities. The Florida Association of Counties
48 shall appoint such member for the initial term, and future
49 appointments must alternate between a member appointed by the
50 Florida League of Cities and a member appointed by the Florida
51 Association of Counties.

52 (b) Each member shall serve a 2-year term. Any vacancy
53 shall be filled in the same manner as the original appointment
54 for the remainder of the unexpired term.

55 (c) A member may not receive a commission, fee, or
56 financial benefit in connection with serving on the council.
57 Council members may be reimbursed for per diem and travel
58 expenses in accordance with s. 112.061 by the state agency that
59 the member represents. If the member is not affiliated with a
60 state agency, the member shall be reimbursed by the Department
61 of Children and Families.

62 (3) ORGANIZATION AND SUPPORT.—

63 (a) The first meeting of the council must be held by August
64 31, 2023.

65 (b) The council shall meet quarterly and upon the call of
66 the chair or two other members. Meetings of the council may take
67 place in person or through electronic transmission using
68 communications media technology as described in s.
69 120.54(5)(b)2.



70 (c) A majority of the members of the council shall
71 constitute a quorum.

72 (d) The department and the Department of Legal Affairs
73 shall provide the council with staff necessary to assist the
74 council in the performance of its duties.

75 (e) The council may apply for and accept funds, grants,
76 gifts, and services from the state, the Federal Government, or
77 any of its agencies, or any other public or private source for
78 the purposes of defraying costs or performing its duties.

79 (f) All members shall adhere to all applicable general law,
80 rules, and regulations, including, but not limited to, s.
81 112.311, concerning the disclosure of conflicts of interest and
82 recusal from discussions or votes on conflicted matters.

83 (4) DUTIES.—

84 (a) The council shall advise the state and local
85 governments on resolving or abating the opioid epidemic and
86 review how settlement moneys recovered from the opioid
87 litigation brought by the state and its subdivisions have been
88 spent and the results that have been achieved from those
89 expenditures.

90 (b) The council shall work with, provide, and receive
91 information from the Statewide Drug Policy Advisory Council and
92 ensure that its recommendations and actions are consistent with
93 that council's recommendations to the extent possible.

94 (c) The council shall review data from local, state, and
95 national agencies, both on a regional and a statewide basis, to
96 advise state and local governments on the status, severity, and
97 stage of the opioid epidemic.

98 (d) The council shall review data from local governments,



123050

99 other states, and national agencies regarding how moneys are
100 being spent to abate the opioid epidemic, the success of such
101 programs, and the appropriate metrics needed to assess the
102 epidemic and progress in abating it.

103 (e) By June 30 of each year, each county, municipality,
104 managing entity, or state agency that receives settlement funds
105 from an opioid settlement shall provide information to the
106 council related to how it intends to use settlement funds and
107 how it intends to collect data regarding its use of funds.

108 (f) By August 31 of each year, each county, municipality,
109 managing entity, or state agency that receives settlement funds
110 from an opioid settlement must provide information to the
111 council related to its expenditure of settlement funds and the
112 results obtained from those expenditures.

113 (g) The council shall develop and recommend metrics,
114 measures, or datasets to assess the progress and success of
115 programs funded by expenditures of opioid settlement funds. The
116 council must attempt to keep such metrics, measures, or datasets
117 consistent with those used by the state with managing entities,
118 as well as any metrics, measures, or datasets required by the
119 Substance Abuse and Mental Health Services Administration of the
120 United States Department of Health and Human Services in
121 connection with any grants received by the state. Upon request
122 of the council, a county, municipality, managing entity, or
123 state agency must provide the council data or information
124 required to develop such metrics, measures, or datasets.

125 (h) The council with assistance and support of the
126 department shall provide a system of documentation and reporting
127 in accordance with the requirements of federal agencies and any



123050

128 other agencies providing funding to the state, including
129 auditing expenditures consistent with any requirements imposed
130 by the Legislature.

131 (i) By December 1, 2023, and annually thereafter, the
132 council shall provide and publish an annual report. The report
133 shall contain information on how settlement moneys were spent
134 the previous fiscal year by the state, each of the managing
135 entities, and each of the counties and municipalities. The
136 report shall also contain recommendations to the Governor, the
137 Legislature, and local governments for how moneys should be
138 prioritized and spent the coming fiscal year to respond to the
139 opioid epidemic.

140 (j) The report shall be posted on the websites of the
141 department and the Department of Legal Affairs.

142 Section 3. This act shall take effect July 1, 2023.

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

145 And the title is amended as follows:

146 Delete everything before the enacting clause
147 and insert:

148 A bill to be entitled
149 An act relating to opioid abatement; amending s.
150 381.887, F.S.; revising definitions; creating s.
151 397.335, F.S.; establishing the Statewide Council on
152 Opioid Abatement within the Department of Children and
153 Families; providing for purpose of the council;
154 providing for membership, organization and support,
155 and duties of the council; providing an effective
156 date.



214246

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
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The Committee on Fiscal Policy (Boyd) recommended the following:

1 **Senate Amendment to Amendment (123050) (with directory and**
2 **title amendments)**

3
4 Between lines 14 and 15

5 insert:

6 (3) (a) An authorized health care practitioner may prescribe
7 and dispense an emergency opioid antagonist to, and a pharmacist
8 may order an emergency opioid antagonist with an autoinjection
9 delivery system, prefilled injection device delivery system, or
10 intranasal application delivery system for, a patient or
11 caregiver for use in accordance with this section.



214246

12 (b) A pharmacist may dispense an emergency opioid
13 antagonist pursuant to a prescription by an authorized health
14 care practitioner. A pharmacist may dispense an emergency opioid
15 antagonist with an autoinjection delivery system, prefilled
16 injection device delivery system, or intranasal application
17 delivery system, which must be appropriately labeled with
18 instructions for use, pursuant to a pharmacist's order or
19 pursuant to a nonpatient-specific standing order.

20
21 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

22 And the directory clause is amended as follows:

23 Delete line 5

24 and insert:

25 Section 1. Paragraphs (b) and (c) of subsection (1) and
26 paragraphs (a) and (b) of subsection (3) of

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete line 150

31 and insert:

32 381.887, F.S.; revising definitions; revising the
33 types of delivery systems a pharmacist may order or
34 use to dispense an emergency opioid antagonist;
35 creating s.

By Senator Boyd

20-01052-23

2023704__

1 A bill to be entitled
 2 An act relating to substance abuse prevention;
 3 amending s. 381.887, F.S.; revising legislative
 4 intent; revising authorizations for prescribing and
 5 dispensing emergency opioid antagonists by authorized
 6 health care practitioners; authorizing certain
 7 pharmacies, pharmacists, and pharmacy technicians to
 8 take certain actions relating to emergency opioid
 9 antagonists; conforming provisions to changes made by
 10 the act; creating s. 397.335, F.S.; creating the
 11 Statewide Council on Opioid Abatement within the
 12 Department of Children and Families; providing a
 13 purpose for the council; providing for membership of
 14 the council; prohibiting members from receiving
 15 commissions, fees, or financial benefits in connection
 16 with service on the council; authorizing members to be
 17 reimbursed for per diem and travel expenses by certain
 18 entities; providing meeting requirements for the
 19 council; requiring the department and the Department
 20 of Legal Affairs to provide staff for the council;
 21 authorizing the council to accept certain funds,
 22 grants, gifts, and services; requiring members to
 23 adhere to specified rules, regulations, and laws;
 24 providing duties of the council; requiring the council
 25 to work in partnership with the Statewide Drug Policy
 26 Advisory Council for specified purposes; requiring
 27 counties, municipalities, managing entities, and state
 28 agencies that receive settlement funds from an opioid
 29 settlement to annually provide specified information

Page 1 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

20-01052-23

2023704__

30 to the council by specified dates; requiring counties,
 31 municipalities, managing entities, and state agencies
 32 to provide certain information to the council upon
 33 request; authorizing the Department of Legal Affairs
 34 to acquire data through certain actions on behalf of
 35 the council; requiring the council to publish an
 36 annual report containing information and
 37 recommendations on the Department of Legal Affairs and
 38 the Department of Children and Families' websites by a
 39 specified date; amending s. 768.13, F.S.; providing
 40 legislative intent; exempting certain pharmacies,
 41 pharmacists, and pharmacy technicians from liability
 42 for damages, penalties, fines, or costs as a result of
 43 certain actions relating to emergency opioid
 44 antagonists; providing an effective date.

45
 46 Be It Enacted by the Legislature of the State of Florida:

47
 48 Section 1. Subsection (2), paragraphs (a) and (c) of
 49 subsection (3), subsections (4) and (5), paragraph (b) of
 50 subsection (6), and subsection (7) of section 381.887, Florida
 51 Statutes, are amended, and paragraphs (d) and (e) are added to
 52 subsection (3) of that section, to read:

53 381.887 Emergency treatment for suspected opioid overdose.—

54 (2) The purpose of this section is to provide for the
 55 prescribing, ordering, and dispensing of emergency opioid
 56 antagonists to patients, and caregivers, and emergency
 57 responders and to encourage the prescribing, ordering, and
 58 dispensing of emergency opioid antagonists by authorized health

Page 2 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

20-01052-23

2023704__

59 care practitioners, pharmacies, and pharmacists.

60 (3) (a) An authorized health care practitioner may prescribe
61 and dispense an emergency opioid antagonist to, and a pharmacist
62 may order an emergency opioid antagonist with an autoinjection
63 delivery system or intranasal application delivery system for, a
64 patient, ~~a~~ caregiver, or an emergency responder for use in
65 accordance with this section.

66 (c) A patient, ~~a~~ caregiver, or an emergency responder is
67 authorized to receive, store, and possess approved emergency
68 opioid antagonists and, in an emergency situation when a
69 physician is not immediately available, administer the emergency
70 opioid antagonist to a person believed in good faith to be
71 experiencing an opioid overdose, regardless of whether that
72 person has a prescription for an emergency opioid antagonist.

73 (d) A pharmacy or pharmacist licensed under chapter 465 is
74 authorized to receive, store, possess, and dispense, as
75 applicable, emergency opioid antagonists delivered by a
76 manufacturer or an affiliate of the pharmacy, pursuant to
77 agreements reached with the Department of Legal Affairs for the
78 purpose of dispensing emergency opioid antagonists pursuant to a
79 standing order issued by or at the direction of the State
80 Surgeon General, to any emergency responder identified in the
81 standing order.

82 (e) A pharmacist or pharmacy technician may dispense an
83 emergency opioid antagonist, pursuant to a standing order issued
84 by or at the direction of the State Surgeon General in a manner
85 consistent with the terms of the standing order, to any
86 emergency responder identified in the standing order.

87 (4) The following persons are authorized to receive,

Page 3 of 11

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

20-01052-23

2023704__

88 possess, store, and administer emergency opioid antagonists as
89 clinically indicated and are immune from any civil liability or
90 criminal liability as a result of receiving, possessing,
91 storing, or administering an emergency opioid antagonist:

92 (a) Emergency responders, including, but not limited to,
93 law enforcement officers, paramedics, and emergency medical
94 technicians.

95 (b) Crime laboratory personnel for the statewide criminal
96 analysis laboratory system as described in s. 943.32, including,
97 but not limited to, analysts, evidence intake personnel, and
98 their supervisors.

99 (c) Personnel of a law enforcement agency or another ~~an~~
100 ~~other~~ agency, including, but not limited to, correctional
101 probation officers and child protective investigators who, while
102 acting within the scope or course of employment, come into
103 contact with a controlled substance or persons at risk of
104 experiencing an opioid overdose.

105 (5) A person, including, but not limited to, an authorized
106 health care practitioner, a dispensing health care practitioner,
107 ~~or~~ a pharmacist, or a pharmacy technician, or a pharmacy, that
108 receives, who possesses, administers, prescribes, dispenses, or
109 stores an approved emergency opioid antagonist in compliance
110 with this section and s. 768.13 is afforded the civil liability
111 immunity protections provided under s. 768.13.

112 (6)

113 (b) A dispensing health care practitioner, ~~or~~ pharmacist,
114 pharmacy technician, or pharmacy acting in good faith and
115 exercising reasonable care, is not subject to discipline or
116 other adverse action under any professional licensure statute or

Page 4 of 11

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20-01052-23 2023704__

117 rule and is immune from any civil or criminal liability as a
118 result of receiving, possessing, storing, dispensing,
119 prescribing, or administering an emergency opioid antagonist in
120 accordance with this section.

121 (7) This section does not limit any existing immunities for
122 emergency responders or other persons which are provided under
123 this chapter or any other applicable provision of law. This
124 section does not create a duty or standard of care for a person
125 to prescribe, dispense, possess, store, or administer an
126 emergency opioid antagonist.

127 Section 2. Section 397.335, Florida Statutes, is created to
128 read:

129 397.335 Statewide Council on Opioid Abatement.—

130 (1) ESTABLISHMENT.—There is established in the department
131 the Statewide Council on the Opioid Abatement. The council is
132 created for the purpose of enhancing the development and
133 coordination of state and local efforts to abate the opioid
134 epidemic and to support the victims of the opioid crisis and
135 their families. The council shall comply with the requirements
136 of s. 20.052 except as otherwise provided in this section.

137 (2) MEMBERSHIP.—

138 (a) Notwithstanding s. 20.052, the council shall be
139 composed of the following members:

140 1. The Attorney General, or a designee, who shall serve as
141 chair.

142 2. The Secretary of the Department of Children and
143 Families, or a designee, who shall serve as vice chair.

144 3. A member appointed by the Governor.

145 4. A member appointed by the President of the Senate.

20-01052-23 2023704__

146 5. A member appointed by the Speaker of the House.

147 6. Two members who are each a commissioner or mayor of a
148 municipality, appointed by the Florida League of Cities. At
149 least one such member must be from a municipality with a
150 population of less than 50,000 people.

151 7. Two members, one of whom is a county commissioner or
152 mayor of a county with a population of less than 200,000 people
153 and one of whom is a county commissioner or mayor of a county
154 with a population in excess of 200,000 people, appointed by the
155 Florida Association of Counties.

156 8. One member who is either a county commissioner or county
157 mayor, appointed by the Florida Association of Counties, or the
158 commissioner or mayor of a municipality, appointed by the
159 Florida League of Cities. The Florida Association of Counties
160 shall appoint such member for the initial term, and future
161 appointments must alternate between a member appointed by the
162 Florida League of Cities, and the Florida Association of
163 Counties.

164 (b) Each member must be appointed to a 2-year term. Any
165 vacancy must be filled in the same manner as the original
166 appointment for the remainder of the unexpired term.

167 (c) A member may not receive a commission, fee, or
168 financial benefit in connection with service on the council.
169 Council members may be reimbursed for per diem and travel
170 expenses in accordance with s. 112.061 by the state agency that
171 the member represents. If a member is not affiliated with a
172 state agency, the member must be reimbursed by the department.

173 (3) ORGANIZATION AND SUPPORT.—

174 (a) The first meeting of the council must occur no later

20-01052-23 2023704__

175 than August 31, 2023.

176 (b) The council shall meet quarterly and upon the call of
 177 the chair or two other members. Meetings of the council may take
 178 place in person or virtually using communications media
 179 technology as defined in s. 120.54(5)(b)2.

180 (c) A majority of the members of the council constitutes a
 181 quorum.

182 (d) The Department of Legal Affairs and the Department of
 183 Children and Families shall provide the council with staff
 184 necessary to assist the council in the performance of its
 185 duties.

186 (e) The council may apply for and accept funds, grants,
 187 gifts, and services from the state, the Federal Government or
 188 any of its agencies, or any other public or private source for
 189 the purposes of defraying costs or performing its duties.

190 (f) All members must adhere to the rules, regulations, and
 191 laws of the state including, but not limited to, s. 112.311
 192 relating to disclosure of conflicts of interest and recusal from
 193 discussions or votes on conflicted matters.

194 (4) DUTIES.—

195 (a) The council must advise the state and local governments
 196 on resolving or abating the opioid epidemic and must review how
 197 settlement monies recovered from the opioid litigation brought
 198 by the state and political subdivisions have been spent, and the
 199 results that have been achieved from such expenditures.

200 (b) The council shall work with and provide and receive
 201 information from the Statewide Drug Policy Advisory Council and
 202 make sure that its recommendations and actions are consistent
 203 with the recommendations of that council to the extent possible.

20-01052-23 2023704__

204 (c) The council shall review data from local, state, and
 205 national agencies, both on a regional and a statewide basis, to
 206 advise state and local governments on the status, severity, and
 207 stage of the opioid epidemic.

208 (d) The council shall review data from local, state, and
 209 national agencies regarding how moneys are being spent to abate
 210 the opioid epidemic, the success of such programs, and the
 211 appropriate metrics needed to assess the epidemic and progress
 212 in abating it.

213 (e) By July 30 of each year, each county, municipality,
 214 managing entity, or state agency that receives settlement funds
 215 from an opioid settlement shall provide information to the
 216 council related to how it intends to use settlement funds and
 217 how it intends to collect data regarding its use of funds.

218 (f) By August 31 of each year, each county, municipality,
 219 managing entity, or state agency that receives settlement funds
 220 from an opioid settlement must provide information to the
 221 council related to its expenditure of settlement funds and the
 222 results obtained from those expenditures.

223 (g) The council shall develop and recommend metrics,
 224 measures, or data sets to assess the progress and success of
 225 programs funded by expenditures of opioid settlement funds. The
 226 council must attempt to keep such metrics, measures, or data
 227 sets consistent with those used by the state with managing
 228 entities as well as any metrics, measures, or data sets required
 229 by the Substance Abuse and Mental Health Services Administration
 230 of the United States Department of Health and Human Services in
 231 connection with any grants received by the state. Upon request
 232 of the council, a county, municipality, managing entity, or

20-01052-23 2023704__

233 state agency must provide the council data or information
 234 required to develop such metrics, measures, or data sets.

235 (h) If a county, municipality, managing entity, or agency
 236 fails to provide data or information requested under paragraph
 237 (g), the Department of Legal Affairs, acting on behalf of the
 238 council, may acquire such data through a civil investigative
 239 demand or a subpoena or by commencing an action seeking the
 240 turnover of such data or information.

241 (i) The council, with assistance and support of the
 242 department, shall provide a system of documentation and
 243 reporting commensurate with the requirements of federal and
 244 other agencies providing funding to the state, including, but
 245 not limited to, auditing expenditures consistent with any
 246 requirements imposed by the Legislature.

247 (j) Beginning December 1, 2023, the council shall publish
 248 an annual report on the websites of the Department of Legal
 249 Affairs and the Department of Children and Families no later
 250 than December 1st or the first business day after December 1, if
 251 December 1 falls on a weekend or holiday. The report must
 252 contain information on how settlement funds were spent the
 253 previous fiscal year by the state and by each of the managing
 254 entities, counties, and municipalities. The report must also
 255 contain recommendations to the Governor, the Legislature, and
 256 local governments for the prioritization of how funds should be
 257 spent during the subsequent fiscal year to effectively respond
 258 to the opioid epidemic.

259 Section 3. Paragraph (e) is added to subsection (2) of
 260 section 768.13, Florida Statutes, to read:

261 768.13 Good Samaritan Act; immunity from civil liability.-

20-01052-23 2023704__

262 (2)

263 (e)1. As a response to the recognized health emergency in
 264 this state caused by the opioid crisis, the Legislature intends
 265 to:

266 a. Maximize the ability of law enforcement officers,
 267 emergency medical technicians, firefighters, and other emergency
 268 responders to store, possess, and administer emergency opioid
 269 antagonists as defined in s. 381.887(1) to persons who are
 270 experiencing an opioid overdose, appear to be experiencing an
 271 opioid overdose, or are at risk of experiencing an opioid
 272 overdose; and

273 b. Encourage every licensed pharmacy, pharmacist, and
 274 pharmacy technician to dispense emergency opioid antagonists,
 275 pursuant to a standing order issued by or at the direction of
 276 the State Surgeon General, to law enforcement officers,
 277 emergency medical technicians, firefighters, and other emergency
 278 responders identified in such standing order, without fear of
 279 litigation or costs or damages arising from such litigation.

280 2. Any licensed pharmacy, pharmacist, or pharmacy
 281 technician that does either of the following may not be held
 282 liable for any damages, penalties, fines, or costs as a result
 283 of any act or omission relating to such act:

284 a. Possesses or stores an emergency opioid antagonist for
 285 the purpose of dispensing the emergency opioid antagonist to any
 286 law enforcement officer, emergency medical technician,
 287 firefighter, or other emergency responder.

288 b. Dispenses an emergency opioid antagonist to any law
 289 enforcement officer, emergency medical technician, firefighter,
 290 or other emergency responder in compliance with the terms and

20-01052-23

2023704__

291 conditions set forth in a standing order issued by or at the
292 direction of the State Surgeon General.

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

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

April 20, 2023

Meeting Date

SB 704 SA prevention

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Teresa Miller

Phone 813-842-3073

Address 3608 W Corona St

Street

Email t.miller@stoprxdrugabuse.org

Tampa

City

FL

State

33629

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

SB 704

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Brett Bacot

Phone 850-445-1465

Address 215 S. Monroe St.

Street

Email brett.bacot@hipe.com

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: US World Meds

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 704

Bill Number or Topic

Amendment Barcode (if applicable)

4/20/23

Meeting Date

FISCAL POLICY

Committee

Name LIBBY GUZZO

Phone 850 245 0155

Address CAPITOL PL-01

Email LIBBY.GUZZO@MYFLORIDAFLORIDA.COM

Street

Tallahassee

City

FL

State

32399

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

ATTORNEY GENERAL'S OFFICE

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

4/20/23

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 704

Bill Number or Topic

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Senate professional staff conducting the meeting

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D (Florida PTA) Phone 407 855-7604

Address 1747 Orlando Central Pkwy Email legislation@floridapta.org

Street

Orlando FL 32809

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-JointRules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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704

Bill Number or Topic

4/20/22

Meeting Date

FLSA Policy

Committee

Amendment Barcode (if applicable)

Name

BETH LABASKY

Phone

850 322 7335

Address

PO Box 10245

Email

BETHLABASKY@AOL

Street

JACK FL 32302

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

INFORMED FAMILIES
RED RIBBON CERTIFIED SCHOOLS

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

704
Bill Number or Topic

Amendment Barcode (if applicable)

4/20/23
Meeting Date

HSIA/Buay
Committee

Name

Ramon Maury

Phone

850 222 1568

Address

PO Box 10245
Street

Email

Rm@RamonMaury.com

City

TALL

State

FL

Zip

32302

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

INFORMED FAMILIES
RED RIBBON CAMPAIGNS

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022JointRules.pdf)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 748

INTRODUCER: Fiscal Policy Committee, Banking and Insurance Committee and Senator Boyd

SUBJECT: My Safe Florida Home Program

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Thomas</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Favorable</u>
3.	<u>Thomas</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 748 revises provisions relating to the My Safe Florida Home Program (MSFH Program or Program). The bill:

- Provides the MSFH Program may select as a mitigation inspector a licensed home inspector who has completed certain training;
- Provides an inspection under the MSFH Program may only be done on a property for which a homestead exemption has been granted;
- Revises eligibility requirements for mitigation inspections to include townhouses to determine if opening protection mitigation would provide improvements to mitigate hurricane damage;
- Revises eligibility requirements for mitigation grants to include dwellings with an insured value of \$700,000 or less (up from \$500,000 or less) and for opening protection for townhouses when recommended by a hurricane mitigation inspection;
- Deletes the requirement a property eligible for a mitigation grant must be located in the “wind-borne debris region;”
- Increases the amount, from \$5,000 to \$10,000, low-income homeowners may receive from a grant and not have to provide a matching amount;
- Adds the Citizens Property Insurance Corporation to the list of entities that may receive Program brochures for redistribution;
- Deletes the requirement contracts valued at one million dollars or more entered into by the Program be reviewed and approved by the Legislative Budget Commission; and

- Requires the Department of Financial Services (DFS) to develop a quality assurance and reinspection program.

While the bill does not have a fiscal impact on state or local governments, SB 2500¹ provides \$50,000,000 in General Revenue funds for MSFH Program funding needs. The Florida House of Representatives, in HB 5001, provides \$100,000,000 in MFSH Program funding.² The amount of funding will be determined during the Legislative Conference process.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

My Safe Florida Home Program

Background

Following the 2004 and 2005 hurricane seasons, where 2.8 million Florida homeowners suffered more than \$33 billion in insured property damage,³ 86 percent of the 4.4 million homes in Florida were built prior to the adoption of stronger building codes in 2002, and the average age of a home was 26 years, Florida began to experience a decline in the availability of property insurance and an increase in its cost.⁴

In 2006, the Legislature created the MSFH Program⁵ within the DFS.⁶ The original appropriation was \$250 million for a period not to exceed three years with any unused appropriated funds reverting to the state on June 30, 2009.⁷

The MSFH Program was created with the intent to provide trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties (mitigation inspections), and grants to eligible applicants, subject to funding availability.⁸ The MSFH Program was to “develop and implement a comprehensive and coordinated approach for hurricane damage mitigation.”⁹ The MSFH program allowed the DFS to undertake a public outreach and advertising campaign to inform consumers of the availability and benefits of the mitigation inspections and grants.¹⁰ It required the development of brochures for distribution to

¹ The Florida Senate, *SB 2500 – Appropriations, As Introduced*, pg. 338, available at <https://www.flsenate.gov/Session/Bill/2023/2500/BillText/Filed/PDF> (last visited March 30, 2023).

² The Florida House of Representatives, *HB 5001 – General Appropriations Act, As Introduced*, available at https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=Orig_GAA.pdf&DocumentType=Bill&BillNumber=5001&Session=2023 (last visited March 30, 2023).

³ Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Appropriations Committee on Agriculture, Environment, and General Government.)

⁴ *Id.*

⁵ *Id.*

⁶ The Legislature initially established the program as the Florida Comprehensive Hurricane Damage Mitigation Program (ch. 2006-12, L.O.F.) however, the name was subsequently changed in 2007 (ch. 2007-126, L.O.F.).

⁷ Chapter 2006-12 L.O.F.

⁸ Section 215.5586, F.S.

⁹ *Id.*

¹⁰ Section 215.5586(3), F.S.

general contractors, roofing contractors, and real estate brokers and sales associates to explain the benefits of residential hurricane damage mitigation to homeowners.¹¹

From its inception to January 30, 2009, the MSFH Program received approximately 425,193 applications, performed more than 391,000 inspections and awarded 39,000 grants. From July 2007 through January 2009, MSFH Program expenditures totaled approximately \$151.9 million.¹² Funding for the program ceased on June 30, 2009.¹³

The DFS requested Risk Management Solutions (RMS) to conduct an impact analysis of the MSFH Program. RMS released a report of the impact analysis on May 14, 2009 (report).¹⁴ In the report, RMS concluded program grants were beneficial to the State of Florida, individual homeowners, and the insurance industry.¹⁵ RMS indicated the predicted reduction in loss as a result of the grant projects completed far exceeded the grant money spent.¹⁶ The MSFH Program was never repealed from law and additional funding was not provided until May 2022.

2022 Renewal and Funding of the MSFH Program

In May 2022, during the 2022D Special Session and under a property insurance bill (SB 2-D), the Legislature reestablished the MSFH Program within the DFS to provide financial incentives for Florida residential property owners to obtain free home inspections which identify mitigation measures and provide grants to retrofit such properties, thereby reducing their vulnerability to hurricane damage and helping decrease the cost of residential property insurance.¹⁷

To implement the MSFH Program, \$150 million in nonrecurring funds from the General Revenue Fund was appropriated to the DFS. The funds were designated for the following purposes:

- \$25 million for hurricane mitigation inspections;
- \$115 million for hurricane mitigation grants;
- Four million dollars for education and consumer awareness;
- One million dollars for public outreach to contractors, real estate brokers, and sales associates; and
- Five million dollars for administrative costs.¹⁸

Under SB 2-D, any unexpended balance of appropriated funds remaining on June 30, 2023, shall revert and is appropriated to the DFS for Fiscal Year 2023-2024 to be used for the MSFH Program. The appropriation will expire on October 1, 2024.

¹¹ Section 215.5586(7), F.S.

¹² Florida Auditor General, *Department of Financial Services, My Safe Florida Home Program, Operational Audit Report No. 2010-074* (Jan. 1010), available at https://flauditor.gov/pages/pdf_files/2010-074.pdf (last visited March 20, 2023).

¹³ Department of Financial Services, *My Safe Florida Home, 2008 Annual Report* (Feb. 2009) (on file with Senate Appropriations Committee on Agriculture, Environment, and General Government).

¹⁴ Risk Management Solutions, *Analyzing the Effects of the My Safe Florida Home Program on Florida Insurance Risk*, (May 14, 2009), available at https://www.ipcc.ch/apps/nj-lite/srex/nj-lite_download.php?id=5036 (last visited March 20, 2023)

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Section 3, ch. 2022-268, L.O.F. See CS/SB 2-D (2022 Special Session).

¹⁸ Section 4, ch. 2022-268, L.O.F.

2022 MSFH Program Implementation

Following the passage of SB 2-D in 2022, the DFS procured a vendor to administer the MSFH Program, qualified inspectors to conduct mitigation inspections, and qualified contractors who agreed to provide mitigation repairs and retrofitting under the grant portion of the MSFH Program.¹⁹ The DFS compiled a list of approved vendors homeowners participating in the MSFH Program may choose for inspections and mitigation work.²⁰

On November 18, 2022, a web-based application for homeowners to request mitigation inspections and grant funds went live.²¹ Between May 26, 2022, and February 28, 2023, 16,724 mitigation inspections were completed and 2,979 grant applications were approved.²²

Inspectors completing mitigation inspections under the MSFH Program must complete the Uniform Mitigation Verification Inspection Form (Inspection Form), as revised by the Office of Insurance Regulation on January 12, 2023.²³ The mitigation inspection report provided to the homeowner includes the completed Inspection Form, as well as the information already required by statute,²⁴ together with:

- A summary of the results of the mitigation inspection identifying recommended improvements a homeowner may undertake;
- A range of cost estimates regarding the recommended improvements; and
- Estimated property insurance premium discounts based on the mitigation measures the homeowner has completed.²⁵

Hurricane Mitigation Inspections

The MSFH Program provides trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties to determine what mitigation measures are needed, what insurance premium discounts may be available, and what improvements to existing residential properties are needed to reduce the property's vulnerability to hurricane damage. The inspections must include, at a minimum:

- A home inspection and report that summarizes the results and identifies recommended improvements a homeowner may take to mitigate hurricane damage;
- A range of cost estimates regarding the recommended mitigation improvements; and
- Insurer-specific information regarding premium discounts correlated to the current mitigation features and the recommended mitigation improvements identified by the inspection.²⁶

The DFS is authorized to contract with “wind certification entities” as vendors to provide such inspections. Each wind certification entity must, at a minimum, meet the following requirements:

- Use hurricane mitigation inspectors who:

¹⁹ Florida Department of Financial Services, *Senate Bill 748 Agency Analysis* (Mar. 3, 2023) (on file with Senate Banking and Insurance Committee.)

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ Section 215.5586(1)(a), F.S.

²⁵ Department of Financial Services, *supra* note 20, at 2.

²⁶ Section 215.5586(1)(a), F.S.

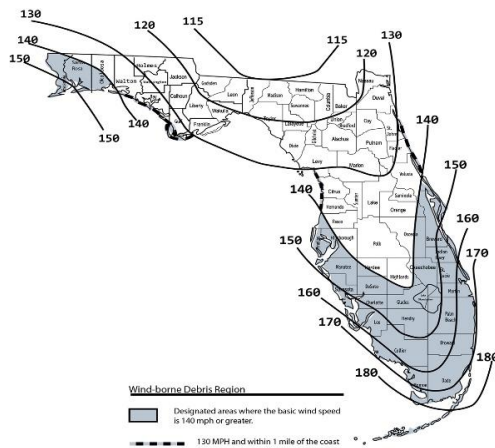
- Are certified as a building inspector under s. 468.607, F.S.;
- Are licensed as a general or residential contractor under s. 489.111, F.S.;
- Are licensed as a professional engineer under s. 471.015, F.S., and who have passed the appropriate equivalency test of the building code training program as required by s. 553.841, F.S.;
- Are licensed as a professional architect under s. 481.213, F.S.; or
- Have at least two years of experience in residential construction or residential building inspection and have received specialized training in hurricane mitigation procedures.
- Use hurricane mitigation inspectors who also:
 - Have undergone drug testing and a background screening; and
 - Have been certified satisfactorily to the department to conduct the inspections.
- Provide a quality assurance program that includes a reinspection component.²⁷

Hurricane Mitigation Grants

The homeowner eligibility requirements for the mitigation grants are:

- The homeowner must have been granted a homestead exemption on the home;
- The home must be a dwelling with an insured value of \$500,000 or less. Low-income homeowners are exempt from this requirement;
- The home must have undergone an acceptable hurricane mitigation inspection after July 1, 2008;
- As a condition for participation in the program, a building permit for the initial construction of the home must have been made before January 1, 2008;
- The homeowner must agree to make the home available for inspection upon completion of the mitigation project; and
- The home must be in the “wind-borne debris region” (see shaded area in image below) as that term is defined in the Florida Building Code.²⁸

Windborne-Debris Map – Florida



²⁷ Section 215.5586(1)(b), F.S.

²⁸ Section 215.5586(2)(a), F.S.

All MSFH Program grants must be matched on the basis of one dollar provided by the applicant for two dollars provided by the state, up to a maximum state contribution of \$10,000 toward the actual cost of the mitigation project.²⁹ Low-income homeowners may receive up to \$5,000 in grant funds without providing matching dollars.³⁰ A homeowner who receives a MSFH Program grant must agree to make his or her home available for inspection after the mitigation project is completed.³¹

Program Transparency Requirements

The DFS must submit an annual report of MSFH Program activities to the President of the Senate and the Speaker of the House of Representatives. The report must include the average annual amount of insurance premium discounts and the total of such discounts homeowners received from insurers resulting from the mitigation funded through the Program.³²

III. Effect of Proposed Changes:

Section 1 amends s. 215.5586, F.S., relating to the My Safe Florida Home Program (MSFH Program) to:

- Provide the MSFH Program use licensed, rather than trained and certified, inspectors to provide hurricane mitigation inspections on site-built, single-family, residential properties have been granted a homestead exemption;
- Revise the information provided to homeowners as part of a hurricane mitigation inspection to include information regarding estimated premium discounts, rather than insurer-specific premium discounts;
- Provide the MSFH Program may select as a mitigation inspector a home inspector licensed under s. 468.8314, F.S., who has completed at least three hours of hurricane mitigation training approved by the Construction Industry Licensing Board, which training must include hurricane mitigation techniques, compliance with the uniform mitigation verification form, and completion of a proficiency exam;
- Provide the MSFH Program may no longer select as a mitigation inspector a person who has at least two years of experience in residential construction or residential building inspection and has received specialized training in hurricane mitigation procedures;
- Provide inspections may only be done on a property for which a homestead exemption has been granted;
- Remove the requirement a property eligible for a mitigation grants must have undergone an acceptable hurricane mitigation inspection after July 1, 2008, but keep the requirement the property must have undergone an acceptable hurricane mitigation inspection by the MSFH Program;
- Delete the requirement a property eligible for a mitigation grant must be located in the “wind-borne debris region;”

²⁹ Section 215.5586(2)(b), F.S.

³⁰ Section 215.5586(2)(g), F.S.

³¹ Section 215.5586(2)(a)6., F.S.

³² Section 215.5586(10), F.S.

- Revises eligibility requirements for mitigation inspections to include townhouses to determine if opening protection mitigation would provide improvements to mitigate hurricane damage;
- Revises eligibility requirements for mitigation grants to include dwellings with an insured value of \$700,000 or less (up from \$500,000 or less) and for opening protection for townhouses when recommended by a hurricane mitigation inspection;
- Delete the provision mitigation projects be subject to random reinspection;
- Remove “brace gable ends” and “upgrading roof covering from code to code plus” from the list of eligible mitigation grant projects;
- Increase the amount low-income homeowners may receive from a grant and not have to provide a matching amount from \$5,000 to \$10,000;
- Remove a provision authorizing low-income homeowners to use grant funds to make repairs to existing structures that are necessary for the mitigation improvement;
- Authorize, rather than require, the MSFH Program to develop brochures that provide information on the benefits of residential hurricane damage mitigation for distribution to Citizens Property Insurance Corporation, general contractors, roofing contractors, and real estate licensees. Provide brochures may be supplied electronically;
- Delete the requirement contracts valued at one million dollars or more entered into by the Program be reviewed and approved by the Legislative Budget Commission;
- Require the DFS to develop a quality assurance and reinspection program, which may use valid random sampling to perform the quality assurance portion of the MSFH Program, that will determine whether initial inspections and mitigation improvements are completed in a manner consistent with the intent of the program; and
- Revise the contents of the annual report to include the “estimated” average annual amount of insurance premium discounts and total “estimated” annual amount of insurance premium discounts homeowners received from insurers as a result of mitigation projects funded by the program.

Section 2 reenacts s. 215.5588(3), F.S., relating to the Florida Disaster Recovery Program, to incorporate the amendments made to s. 215.5586, F.S., by the bill.

The effective date of the bill is July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill increases the number of homeowners eligible for the MSFH Program.

C. Government Sector Impact:

The bill increases the number of homeowners eligible for the MSFH Program, but does not include an appropriation. Without an additional appropriation, the expanded eligibility may cause funds to run out earlier than originally expected.

For Fiscal Year 2023-2024, SB 2500³³ provides \$50,000,000 in General Revenue funds for MSFH Program funding needs and HB 5001 provides \$100,000,000 in General Revenue Funds to the MFSH Program.³⁴ The amount of funding will be determined during the Legislative Conference process.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 215.5586 and 215.5588.

³³ The Florida Senate, *SB 2500 – Appropriations, As Introduced*, pg. 338, available at <https://www.flsenate.gov/Session/Bill/2023/2500/BillText/Filed/PDF> (last visited March 30, 2023).

³⁴ The Florida House of Representatives, *HB 5001 – General Appropriations Act, As Introduced*, available at https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=Orig_GAA.pdf&DocumentType=Bill&BillNumber=5001&Session=2023 (last visited March 30, 2023).

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

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

CS by Fiscal Policy Committee on April 20, 2023:

The committee substitute revises eligibility requirements for:

- Mitigation inspections to include townhouses to determine if opening protection mitigation would provide improvements to mitigate hurricane damage;
- Mitigation grants to include dwellings with an insured value of \$700,000 or less (up from \$500,000 or less) and for opening protection for townhouses when recommended by a hurricane mitigation inspection.

CS by Banking and Insurance Committee on March 15, 2023:

The committee substitute makes the following changes:

- Removes the proposed change to include townhomes in the MSFH Program;
- Deletes proposed authority for the Department of Financial Services to create criteria prioritizing inspection applications; and
- Adds the Citizens Property Insurance Corporation to the list of entities that may receive MSFH Program brochures for redistribution.

B. Amendments:

None.



925002

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Boyd) recommended the following:

Senate Amendment (with title amendment)

Delete lines 69 - 223
and insert:
damage. An inspector may inspect a townhouse as defined in s.
481.203 to determine if opening protection mitigation as listed
in paragraph (2)(e) would provide improvements to mitigate
hurricane damage.

(b) The Department of Financial Services shall contract
with wind certification entities to provide hurricane mitigation
inspections. The inspections provided to homeowners, at a



925002

12 minimum, must include:

13 1. A home inspection and report that summarizes the results
14 and identifies recommended improvements a homeowner may take to
15 mitigate hurricane damage.

16 2. A range of cost estimates regarding the recommended
17 mitigation improvements.

18 3. ~~Insurer-specific~~ Information regarding estimated premium
19 discounts, correlated to the current mitigation features and the
20 recommended mitigation improvements identified by the
21 inspection.

22 ~~(c)(b)~~ To qualify for selection by the department as a wind
23 certification entity to provide hurricane mitigation
24 inspections, the entity must ~~shall~~, at a minimum, meet the
25 following requirements:

26 1. Use hurricane mitigation inspectors who are licensed or
27 certified as:

28 a. ~~Are certified as~~ A building inspector under s. 468.607;

29 b. ~~Are licensed as~~ A general, building, or residential
30 contractor under s. 489.111;

31 c. ~~Are licensed as~~ A professional engineer under s. 471.015
32 and who have passed the appropriate equivalency test of the
33 ~~building code training program as required by s. 553.841;~~

34 d. ~~Are licensed as~~ A professional architect under s.
35 481.213; or

36 e. A home inspector under s. 468.8314 and who have
37 completed at least 3 hours of hurricane mitigation training
38 approved by the Construction Industry Licensing Board, which
39 training must include hurricane mitigation techniques,
40 compliance with the uniform mitigation verification form, and



925002

41 ~~completion of a proficiency exam Have at least 2 years of~~
42 ~~experience in residential construction or residential building~~
43 ~~inspection and have received specialized training in hurricane~~
44 ~~mitigation procedures. Such training may be provided by a class~~
45 ~~offered online or in person.~~

46 2. Use hurricane mitigation inspectors who also:
47 a. have undergone drug testing and a background screening.
48 The department may conduct criminal record checks of inspectors
49 used by wind certification entities. Inspectors must submit a
50 set of ~~the~~ fingerprints to the department for state and national
51 criminal history checks and must pay the fingerprint processing
52 fee set forth in s. 624.501. The fingerprints must ~~shall~~ be sent
53 by the department to the Department of Law Enforcement and
54 forwarded to the Federal Bureau of Investigation for processing.
55 The results must ~~shall~~ be returned to the department for
56 screening. The fingerprints must ~~shall~~ be taken by a law
57 enforcement agency, designated examination center, or other
58 department-approved entity; ~~and~~

59 ~~b. Have been certified, in a manner satisfactory to the~~
60 ~~department, to conduct the inspections.~~

61 3. Provide a quality assurance program including a
62 reinspection component.

63 ~~(c) The department shall implement a quality assurance~~
64 ~~program that includes a statistically valid number of~~
65 ~~reinspections.~~

66 (d) An application for an inspection must contain a signed
67 or electronically verified statement made under penalty of
68 perjury that the applicant has submitted only a single
69 application for that home.



925002

70 (e) The owner of a site-built, single-family, residential
71 property or townhouse as defined in s. 481.203 for which a
72 homestead exemption has been granted may apply for and receive
73 an inspection without also applying for a grant pursuant to
74 subsection (2) and without meeting the requirements of paragraph
75 (2) (a).

76 (2) MITIGATION GRANTS.—Financial grants shall be used to
77 encourage single-family, site-built, owner-occupied, residential
78 property owners to retrofit their properties to make them less
79 vulnerable to hurricane damage.

80 (a) For a homeowner to be eligible for a grant, the
81 following criteria must be met:

82 1. The homeowner must have been granted a homestead
83 exemption on the home under chapter 196.

84 2. The home must be a dwelling with an insured value of
85 \$700,000 ~~\$500,000~~ or less. Homeowners who are low-income
86 persons, as defined in s. 420.0004(11), are exempt from this
87 requirement.

88 3. The home must undergo ~~have undergone~~ an acceptable
89 hurricane mitigation inspection as provided in subsection (1)
90 ~~after July 1, 2008~~.

91 ~~4. The home must be located in the "wind-borne debris~~
92 ~~region" as that term is defined in the Florida Building Code.~~

93 ~~5.~~ The building permit application for initial construction
94 of the home must have been made before January 1, 2008.

95 ~~5.6.~~ The homeowner must agree to make his or her home
96 available for inspection once a mitigation project is completed.

97
98 An application for a grant must contain a signed or



925002

99 electronically verified statement made under penalty of perjury
100 that the applicant has submitted only a single application and
101 must have attached documents demonstrating the applicant meets
102 the requirements of this paragraph.

103 (b) All grants must be matched on the basis of \$1 provided
104 by the applicant for \$2 provided by the state up to a maximum
105 state contribution of \$10,000 toward the actual cost of the
106 mitigation project.

107 (c) The program shall create a process in which contractors
108 agree to participate and homeowners select from a list of
109 participating contractors. All mitigation must be based upon the
110 securing of all required local permits and inspections and must
111 be performed by properly licensed contractors. ~~Mitigation~~
112 ~~projects are subject to random reinspection of up to at least 5~~
113 ~~percent of all projects.~~ Hurricane mitigation inspectors
114 qualifying for the program may also participate as mitigation
115 contractors as long as the inspectors meet the department's
116 qualifications and certification requirements for mitigation
117 contractors.

118 (d) Matching fund grants shall also be made available to
119 local governments and nonprofit entities for projects that will
120 reduce hurricane damage to single-family, site-built, owner-
121 occupied, residential property. The department shall liberally
122 construe those requirements in favor of availing the state of
123 the opportunity to leverage funding for the My Safe Florida Home
124 Program with other sources of funding.

125 (e) When recommended by a hurricane mitigation inspection,
126 grants for eligible homes may be used for the following
127 improvements:



925002

- 128 1. Opening protection.
129 2. Exterior doors, including garage doors.
130 3. ~~Brace gable ends.~~
131 ~~4.~~ Reinforcing roof-to-wall connections.
132 ~~4.5.~~ Improving the strength of roof-deck attachments.
133 ~~6. Upgrading roof covering from code to code plus.~~
134 ~~5.7.~~ Secondary water barrier for roof.
135 (f) When recommended by a hurricane mitigation inspection,
136 grants for townhouses as defined in s. 481.203 may be used only
137 for opening protection.
138

139 The department may require that improvements be made to all
140 openings, including exterior doors and garage doors, as a
141 condition of reimbursing a homeowner approved for a grant. The
142 department may adopt, by rule, the maximum grant allowances for
143 any improvement allowable under this paragraph.

144 (g) ~~(f)~~ Grants may be used on a previously inspected
145 existing structure or on a rebuild. A rebuild is defined as a
146 site-built, single-family dwelling under construction to replace
147 a home that was destroyed or significantly damaged by a
148 hurricane and deemed unlivable by a regulatory authority. The
149 homeowner must be a low-income homeowner as defined in paragraph
150 (h) ~~(g)~~, must have had a homestead exemption for that home
151 before ~~prior to~~ the hurricane, and must be intending to rebuild
152 the home as that homeowner's homestead.

153 (h) ~~(g)~~ Low-income homeowners, as defined in s.
154 420.0004(11), who otherwise meet the requirements of paragraphs
155 (a), (c), (e), and (g) ~~(f)~~ are eligible for a grant of up to
156 \$10,000 ~~\$5,000~~ and are not required to provide a matching amount



925002

157 to receive the grant. ~~Additionally, for low-income homeowners,~~
158 ~~grant funding may be used for repair to existing structures~~
159 ~~leading to any of the mitigation improvements provided in~~
160 ~~paragraph (c), limited to 20 percent of the grant value.~~ The
161 program may accept a certification directly from a low-income
162 homeowner that the homeowner meets the requirements of s.
163 420.0004(11) if the homeowner provides such certification in a
164 signed or electronically verified statement made under penalty
165 of perjury.

166 ~~(h) The department shall establish objective, reasonable~~
167 ~~criteria for prioritizing grant applications, consistent with~~
168 ~~the requirements of this section.~~

169 (i) The department shall develop a process that ensures the
170

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

172 And the title is amended as follows:

173 Delete lines 7 - 19

174 and insert:

175 granted a homestead exemption; authorizing an
176 inspector to inspect townhouses to determine if a
177 certain mitigation would provide improvements to
178 mitigate hurricane damage; revising the information
179 provided to homeowners as part of a hurricane
180 mitigation inspection; revising the hurricane
181 mitigation inspectors that may be selected by the
182 Department of Financial Services to provide hurricane
183 mitigation inspections; deleting a provision requiring
184 the department to implement a certain quality
185 assurance program; revising the criteria for



925002

186 mitigation grant eligibility for homeowners; deleting
187 a provision that subjects mitigation projects to
188 random reinspection for a specified timeframe;
189 revising the improvements for eligible homes for which
190 mitigation grants may be used; providing that such
191 grants for townhouses may be used only for a specified
192 purpose; revising the amount low-income homeowners

By the Committee on Banking and Insurance; and Senator Boyd

597-02624-23

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1 A bill to be entitled
 2 An act relating to the My Safe Florida Home Program;
 3 amending s. 215.5586, F.S.; providing that licensed,
 4 rather than certified, inspectors are to provide
 5 hurricane mitigation inspections on site-built,
 6 single-family, residential properties that have been
 7 granted a homestead exemption; revising the
 8 information provided to homeowners as part of a
 9 hurricane mitigation inspection; revising the
 10 hurricane mitigation inspectors that may be selected
 11 by the Department of Financial Services to provide
 12 hurricane mitigation inspections; deleting a provision
 13 requiring the department to implement a certain
 14 quality assurance program; revising the criteria for
 15 mitigation grant eligibility for homeowners; deleting
 16 a provision that subjects mitigation projects to
 17 random reinspection for a specified timeframe;
 18 revising the improvements for which mitigation grants
 19 may be used; revising the amount low-income homeowners
 20 may receive from the department under the grant
 21 program; deleting a provision authorizing low-income
 22 homeowners to use grant funds for specified purposes;
 23 deleting a requirement that the department establish
 24 specified criteria for prioritizing grant
 25 applications; authorizing, rather than requiring, the
 26 program to develop and distribute certain brochures to
 27 specified persons; deleting a provision requiring
 28 certain contracts entered into by the department to be
 29 reviewed and approved by the Legislative Budget

Page 1 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-02624-23

2023748c1

30 Commission; requiring the department to develop a
 31 certain quality assurance and reinspection program;
 32 revising the contents of the annual report the
 33 department is required to deliver to the Legislature;
 34 conforming provisions to changes made by the act;
 35 making technical changes; reenacting s. 215.5588(3),
 36 F.S., relating to the Florida Disaster Recovery
 37 Program, to incorporate the amendments made to s.
 38 215.5586, F.S., in a reference thereto; providing an
 39 effective date.

40
 41 Be It Enacted by the Legislature of the State of Florida:

42
 43 Section 1. Section 215.5586, Florida Statutes, is amended
 44 to read:
 45 215.5586 My Safe Florida Home Program.—There is established
 46 within the Department of Financial Services the My Safe Florida
 47 Home Program. The department shall provide fiscal
 48 accountability, contract management, and strategic leadership
 49 for the program, consistent with this section. This section does
 50 not create an entitlement for property owners or obligate the
 51 state in any way to fund the inspection or retrofitting of
 52 residential property in this state. Implementation of this
 53 program is subject to annual legislative appropriations. It is
 54 the intent of the Legislature that the My Safe Florida Home
 55 Program provide licensed ~~trained and certified~~ inspectors to
 56 perform inspections for owners of site-built, single-family,
 57 residential properties and grants to eligible applicants as
 58 funding allows. The program shall develop and implement a

Page 2 of 12

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597-02624-23

2023748c1

59 comprehensive and coordinated approach for hurricane damage
 60 mitigation that may include the following:
 61 (1) HURRICANE MITIGATION INSPECTIONS.—
 62 (a) Licensed Certified inspectors are to provide home home-
 63 retrofit inspections of site-built, single-family, residential
 64 properties for which a homestead exemption has been granted,
 65 property may be offered to determine what mitigation measures
 66 are needed, what insurance premium discounts may be available,
 67 and what improvements to existing residential properties are
 68 needed to reduce the property's vulnerability to hurricane
 69 damage.
 70 (b) The Department of Financial Services shall contract
 71 with wind certification entities to provide hurricane mitigation
 72 inspections. The inspections provided to homeowners, at a
 73 minimum, must include:
 74 1. A home inspection and report that summarizes the results
 75 and identifies recommended improvements a homeowner may take to
 76 mitigate hurricane damage.
 77 2. A range of cost estimates regarding the recommended
 78 mitigation improvements.
 79 3. ~~Insurer-specific~~ Information regarding estimated premium
 80 discounts, correlated to the current mitigation features and the
 81 recommended mitigation improvements identified by the
 82 inspection.
 83 (c) (b) To qualify for selection by the department as a wind
 84 certification entity to provide hurricane mitigation
 85 inspections, the entity must shall, at a minimum, meet the
 86 following requirements:
 87 1. Use hurricane mitigation inspectors who are licensed or

Page 3 of 12

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597-02624-23

2023748c1

88 certified as:
 89 a. ~~Are certified as~~ A building inspector under s. 468.607;
 90 b. ~~Are licensed as~~ A general, building, or residential
 91 contractor under s. 489.111;
 92 c. ~~Are licensed as~~ A professional engineer under s. 471.015
 93 ~~and who have passed the appropriate equivalency test of the~~
 94 ~~building code training program as required by s. 553.841;~~
 95 d. ~~Are licensed as~~ A professional architect under s.
 96 481.213; or
 97 e. A home inspector under s. 468.8314 and who have
 98 completed at least 3 hours of hurricane mitigation training
 99 approved by the Construction Industry Licensing Board, which
 100 training must include hurricane mitigation techniques,
 101 compliance with the uniform mitigation verification form, and
 102 completion of a proficiency exam ~~Have at least 2 years of~~
 103 ~~experience in residential construction or residential building~~
 104 ~~inspection and have received specialized training in hurricane~~
 105 ~~mitigation procedures. Such training may be provided by a class~~
 106 ~~offered online or in person.~~
 107 2. Use hurricane mitigation inspectors who also+
 108 a- have undergone drug testing and a background screening.
 109 The department may conduct criminal record checks of inspectors
 110 used by wind certification entities. Inspectors must submit a
 111 set of ~~the~~ fingerprints to the department for state and national
 112 criminal history checks and must pay the fingerprint processing
 113 fee set forth in s. 624.501. The fingerprints must shall be sent
 114 by the department to the Department of Law Enforcement and
 115 forwarded to the Federal Bureau of Investigation for processing.
 116 The results must shall be returned to the department for

Page 4 of 12

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-02624-23

2023748c1

117 screening. The fingerprints must ~~shall~~ be taken by a law
 118 enforcement agency, designated examination center, or other
 119 department-approved entity, ~~and~~
 120 ~~b. Have been certified, in a manner satisfactory to the~~
 121 ~~department, to conduct the inspections.~~
 122 3. Provide a quality assurance program including a
 123 reinspection component.
 124 ~~(c) The department shall implement a quality assurance~~
 125 ~~program that includes a statistically valid number of~~
 126 ~~reinspections.~~
 127 (d) An application for an inspection must contain a signed
 128 or electronically verified statement made under penalty of
 129 perjury that the applicant has submitted only a single
 130 application for that home.
 131 (e) The owner of a site-built, single-family, residential
 132 property for which a homestead exemption has been granted may
 133 apply for and receive an inspection without also applying for a
 134 grant pursuant to subsection (2) and without meeting the
 135 requirements of paragraph (2) (a).
 136 (2) MITIGATION GRANTS.—Financial grants shall be used to
 137 encourage single-family, site-built, owner-occupied, residential
 138 property owners to retrofit their properties to make them less
 139 vulnerable to hurricane damage.
 140 (a) For a homeowner to be eligible for a grant, the
 141 following criteria must be met:
 142 1. The homeowner must have been granted a homestead
 143 exemption on the home under chapter 196.
 144 2. The home must be a dwelling with an insured value of
 145 \$500,000 or less. Homeowners who are low-income persons, as

597-02624-23

2023748c1

146 defined in s. 420.0004(11), are exempt from this requirement.
 147 3. The home must undergo ~~have undergone~~ an acceptable
 148 hurricane mitigation inspection as provided in subsection (1)
 149 ~~after July 1, 2008.~~
 150 4. ~~The home must be located in the "wind borne debris~~
 151 ~~region" as that term is defined in the Florida Building Code.~~
 152 ~~5.~~ The building permit application for initial construction
 153 of the home must have been made before January 1, 2008.
 154 ~~5.6.~~ The homeowner must agree to make his or her home
 155 available for inspection once a mitigation project is completed.
 156
 157 An application for a grant must contain a signed or
 158 electronically verified statement made under penalty of perjury
 159 that the applicant has submitted only a single application and
 160 must have attached documents demonstrating the applicant meets
 161 the requirements of this paragraph.
 162 (b) All grants must be matched on the basis of \$1 provided
 163 by the applicant for \$2 provided by the state up to a maximum
 164 state contribution of \$10,000 toward the actual cost of the
 165 mitigation project.
 166 (c) The program shall create a process in which contractors
 167 agree to participate and homeowners select from a list of
 168 participating contractors. All mitigation must be based upon the
 169 securing of all required local permits and inspections and must
 170 be performed by properly licensed contractors. ~~Mitigation~~
 171 ~~projects are subject to random reinspection of up to at least 5~~
 172 ~~percent of all projects.~~ Hurricane mitigation inspectors
 173 qualifying for the program may also participate as mitigation
 174 contractors as long as the inspectors meet the department's

597-02624-23

2023748c1

175 qualifications and certification requirements for mitigation
176 contractors.

177 (d) Matching fund grants shall also be made available to
178 local governments and nonprofit entities for projects that will
179 reduce hurricane damage to single-family, site-built, owner-
180 occupied, residential property. The department shall liberally
181 construe those requirements in favor of availing the state of
182 the opportunity to leverage funding for the My Safe Florida Home
183 Program with other sources of funding.

184 (e) When recommended by a hurricane mitigation inspection,
185 grants may be used for the following improvements:

- 186 1. Opening protection.
- 187 2. Exterior doors, including garage doors.
- 188 3. ~~Brace gable ends.~~
- 189 4. Reinforcing roof-to-wall connections.
- 190 4.5- Improving the strength of roof-deck attachments.
- 191 ~~6. Upgrading roof covering from code to code plus.~~
- 192 5.7- Secondary water barrier for roof.

193
194 The department may require that improvements be made to all
195 openings, including exterior doors and garage doors, as a
196 condition of reimbursing a homeowner approved for a grant. The
197 department may adopt, by rule, the maximum grant allowances for
198 any improvement allowable under this paragraph.

199 (f) Grants may be used on a previously inspected existing
200 structure or on a rebuild. A rebuild is defined as a site-built,
201 single-family dwelling under construction to replace a home that
202 was destroyed or significantly damaged by a hurricane and deemed
203 unlivable by a regulatory authority. The homeowner must be a

597-02624-23

2023748c1

204 low-income homeowner as defined in paragraph (g), must have had
205 a homestead exemption for that home ~~before~~ prior to the
206 hurricane, and must be intending to rebuild the home as that
207 homeowner's homestead.

208 (g) Low-income homeowners, as defined in s. 420.0004(11),
209 who otherwise meet the requirements of paragraphs (a), (c), (e),
210 and (f) are eligible for a grant of up to \$10,000 ~~\$5,000~~ and are
211 not required to provide a matching amount to receive the grant.
212 ~~Additionally, for low-income homeowners, grant funding may be~~
213 ~~used for repair to existing structures leading to any of the~~
214 ~~mitigation improvements provided in paragraph (c), limited to 20~~
215 ~~percent of the grant value.~~ The program may accept a
216 certification directly from a low-income homeowner that the
217 homeowner meets the requirements of s. 420.0004(11) if the
218 homeowner provides such certification in a signed or
219 electronically verified statement made under penalty of perjury.

220 (h) ~~The department shall establish objective, reasonable~~
221 ~~criteria for prioritizing grant applications, consistent with~~
222 ~~the requirements of this section.~~

223 ~~(i)~~ The department shall develop a process that ensures the
224 most efficient means to collect and verify grant applications to
225 determine eligibility and may direct hurricane mitigation
226 inspectors to collect and verify grant application information
227 or use the Internet or other electronic means to collect
228 information and determine eligibility.

229 (3) EDUCATION, ~~AND~~ CONSUMER AWARENESS, ~~AND~~ OUTREACH.-

230 (a) The department may undertake a statewide multimedia
231 public outreach and advertising campaign to inform consumers of
232 the availability and benefits of hurricane inspections and of

597-02624-23

2023748c1

233 the safety and financial benefits of residential hurricane
 234 damage mitigation. The department may seek out and use local,
 235 state, federal, and private funds to support the campaign.

236 (b) The program may develop brochures for distribution to
 237 Citizens Property Insurance Corporation, general contractors,
 238 roofing contractors, and real estate brokers and sales
 239 associates who are licensed under part I of chapter 475 which
 240 provide information on the benefits to homeowners of residential
 241 hurricane damage mitigation. Citizens Property Insurance
 242 Corporation is encouraged to distribute the brochure to its
 243 policyholders. Contractors are encouraged to distribute the
 244 brochures to homeowners at the first meeting with a homeowner
 245 who is considering contracting for home or roof repair or
 246 contracting for the construction of a new home. Real estate
 247 brokers and sales associates are encouraged to distribute the
 248 brochure to clients before the purchase of a home. The brochures
 249 may be made available electronically.

250 (4) FUNDING.—The department may seek out and leverage
 251 local, state, federal, or private funds to enhance the financial
 252 resources of the program.

253 (5) RULES.—The Department of Financial Services shall adopt
 254 rules pursuant to ss. 120.536(1) and 120.54 to govern the
 255 program; implement the provisions of this section; including
 256 rules governing hurricane mitigation inspections and grants,
 257 mitigation contractors, and training of inspectors and
 258 contractors; and carry out the duties of the department under
 259 this section.

260 (6) HURRICANE MITIGATION INSPECTOR LIST.—The department
 261 shall develop and maintain as a public record a current list of

597-02624-23

2023748c1

262 hurricane mitigation inspectors authorized to conduct hurricane
 263 mitigation inspections pursuant to this section.

264 ~~(7) PUBLIC OUTREACH FOR CONTRACTORS AND REAL ESTATE BROKERS~~
 265 ~~AND SALES ASSOCIATES.—The program shall develop brochures for~~
 266 ~~distribution to general contractors, roofing contractors, and~~
 267 ~~real estate brokers and sales associates licensed under part I~~
 268 ~~of chapter 475 explaining the benefits to homeowners of~~
 269 ~~residential hurricane damage mitigation. The program shall~~
 270 ~~encourage contractors to distribute the brochures to homeowners~~
 271 ~~at the first meeting with a homeowner who is considering~~
 272 ~~contracting for home or roof repairs or contracting for the~~
 273 ~~construction of a new home. The program shall encourage real~~
 274 ~~estate brokers and sales associates licensed under part I of~~
 275 ~~chapter 475 to distribute the brochures to clients prior to the~~
 276 ~~purchase of a home. The brochures may be made available~~
 277 ~~electronically.~~

278 ~~(8) CONTRACT MANAGEMENT.—~~

279 (a) The department may contract with third parties for
 280 grants management, inspection services, contractor services for
 281 low-income homeowners, information technology, educational
 282 outreach, and auditing services. Such contracts are ~~shall be~~
 283 ~~considered direct costs of the program and are shall not be~~
 284 ~~subject to administrative cost limits, but contracts valued at~~
 285 ~~\$1 million or more shall be subject to review and approval by~~
 286 ~~the Legislative Budget Commission. The department shall contract~~
 287 ~~with providers that have a demonstrated record of successful~~
 288 ~~business operations in areas directly related to the services to~~
 289 ~~be provided and shall ensure the highest accountability for use~~
 290 ~~of state funds, consistent with this section.~~

597-02624-23

2023748c1

291 (b) The department shall implement a quality assurance and
 292 reinspection program that determines whether initial inspections
 293 and home improvements are completed in a manner consistent with
 294 the intent of the program. The department may use valid random
 295 sampling in order to perform the quality assurance portion of
 296 the program.

297 ~~(8)(9)~~ INTENT.—It is the intent of the Legislature that
 298 grants made to residential property owners under this section
 299 shall be considered disaster-relief assistance within the
 300 meaning of s. 139 of the Internal Revenue Code of 1986, as
 301 amended.

302 ~~(9)(10)~~ REPORTS.—The department shall make an annual report
 303 on the activities of the program that shall account for the use
 304 of state funds and indicate the number of inspections requested,
 305 the number of inspections performed, the number of grant
 306 applications received, the number and value of grants approved,
 307 and the estimated average annual amount of insurance premium
 308 discounts and total estimated annual amount of insurance premium
 309 discounts homeowners received from insurers as a result of
 310 mitigation funded through the program. The report must ~~shall~~ be
 311 delivered to the President of the Senate and the Speaker of the
 312 House of Representatives by February 1 of each year.

313 Section 2. For the purpose of incorporating the amendments
 314 made by this act to section 215.5586, Florida Statutes, in a
 315 reference thereto, subsection (3) of section 215.5588, Florida
 316 Statutes, is reenacted to read:

317 215.5588 Florida Disaster Recovery Program.—

318 (3) Up to 78 percent of these funds may be used to
 319 complement the grants awarded by the Department of Financial

Page 11 of 12

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597-02624-23

2023748c1

320 Services under s. 215.5586 and fund other eligible disaster-
 321 related activities supporting housing rehabilitation, hardening,
 322 mitigation, and infrastructure improvements at the request of
 323 the local governments in order to assist the State of Florida in
 324 better serving low-income homeowners in single-family housing
 325 units, including, but not limited to, condominiums. Up to 20
 326 percent of the funds may be used to provide inspections and
 327 mitigation improvements to multifamily units receiving rental
 328 assistance under projects of the United States Department of
 329 Housing and Urban Development or the Rural Development Division
 330 of the United States Department of Agriculture.

331 Section 3. This act shall take effect July 1, 2023.

Page 12 of 12

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

April 20, 2023 Meeting Date

Fiscal Policy Committee

SB 748 Bill Number or Topic

N/A Amendment Barcode (if applicable)

Name Tasha Carter, FL's Insurance Consumer Advocate Phone 850.413.5923

Address 200 E. Gaines Street Email tasha.carter@myfloridacfo.com

Tallahassee FL 32319 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [] I am appearing without compensation or sponsorship. [x] I am a registered lobbyist, representing: Office of the Insurance Consumer Advocate, Department of Financial Services [] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

The Florida Senate

APPEARANCE RECORD

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4/20

Meeting Date

FISCAL POLICY

Committee

748

Bill Number or Topic

Amendment Barcode (if applicable)

Name AUSTIN STOWERS

Phone 850 413 5939

Address 200 E GAINES

Street

Email austin.stowers@myfloridacfo.com

TALLAHASSEE

City

FL

State

32399

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

CFO JIMMY PATRONIS

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4.20.2023

Meeting Date

Fiscal Policy

Committee

SB 0748

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chante' Jones

Phone 850.272.0551

Address 215 S. Monroe St. Ste 603

Email cejjones@aarp.org

Street

Tallahassee FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

AARP Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 824

INTRODUCER: Military and Veterans Affairs, Space, and Domestic Security Committee and Senator Collins

SUBJECT: Veterans' Services and Recognition

DATE: April 19, 2023 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Proctor</u>	<u>MS</u>	<u>Fav/CS</u>
2.	<u>Gerbrandt</u>	<u>Money</u>	<u>AHS</u>	<u>Favorable</u>
3.	<u>Brown</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 824 establishes the Division of Long-term Care in the Department of Veterans' Affairs (department) and creates the Veterans' Adult Day Health Care of Florida Act to provide uniform basic standards for the operation of veterans' adult day health care programs (program) for eligible veterans in need of services. The act provides:

- For appointment of an operator by the Executive Director (director) of the department;
- Eligibility requirements for a veteran to participate in the program;
- Priority order for admission and authorizes a self-paying veteran to participate;
- That the program is subject to audit or inspection by the Auditor General or the Office of Program Policy Analysis and Government Accountability; and
- That unless the state's standards are more restrictive, the standards to be applied by the department to regulate program operations are those prescribed by the United States Department of Veterans Affairs (VA).

The bill also designates the week of November 11 as Veterans Week. The Governor may annually issue a proclamation designating Veterans Week. The bill encourages public officials, schools, private organizations, and all residents to commemorate the week, honoring those who served in times of war and peace.

In addition, the bill revises the requirements for employment as a veteran service officer to allow a veteran who served in the active military, naval, or air service and was discharged or released under honorable conditions, or later received an upgraded honorable discharge to qualify.

The bill may have an indeterminate negative fiscal impact on the department. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Definition of a Veteran

A veteran, as referenced in the bill, is a person who served in the active military, naval, or air service and who was discharged or released under honorable conditions only or who later received an upgraded discharge under honorable conditions.¹

Department of Veterans' Affairs

The department is the state point of entry for Florida's 1.5 million veterans, the nation's third largest veteran population.² The department provides statewide outreach to connect veterans with earned federal and state services, benefits, and support.³ The department also operates nine state veterans' homes, one of which is an assisted living facility, and the others are nursing homes.⁴

The department oversees and operates the following:

- The Division of Administration and Public Information and the Bureau of Information and Research; and
- The Division of Veterans' Benefits and Assistance and the following bureaus within the division:
 - Bureau of Veteran Claims Services;
 - Bureau of Veteran Field Services; and
 - Bureau of State Approving for Veterans' Training.⁵

The department also provides veterans' claims examiners to assist veterans in securing earned services, benefits, and support. In 2022, veterans' claims examiners assisted more than 272,000 veterans. In addition, claims examiners have processed nearly 35,000 new claims on behalf of Florida veterans, and helped recover more than \$194 million in retroactive benefits for Florida veterans and their families.⁶

¹ Section 1.01(14), F.S.

² Fla. Dep't of Veterans' Affairs, Leadership, *Florida Department of Veterans' Affairs – Our Vision and Mission*, available at <https://www.floridavets.org/leadership/> (last visited April 4, 2023).

³ *Id.*

⁴ *Id.* The assisted living facility, otherwise known as a state veterans' domiciliary home, is located in Lake City, Florida. The nursing homes are located in the cities of Daytona Beach, Land O'Lakes, Pembroke Pines, Panama City, Port Charlotte, St. Augustine, Port St. Lucie, and Orlando.

⁵ Section 20.37(2), F.S.

⁶ Florida Dep't of Veterans Affairs, *supra* note 2.

County and City Veteran Service Officers

Each board of county commissioners may approve the hiring of a county veteran service officer.⁷ Likewise, the governing body of a city may employ a city veteran service officer.⁸ To qualify, an applicant must be a veteran who:

- Served in the United States Armed Forces during a period of war;
- Served at least 18 months' active duty; and
- Was discharged under honorable conditions.⁹

A surviving spouse may instead be hired if the veteran spouse meets those qualifications.¹⁰

Alternate qualification for employment as a veteran service officer is available to an honorably discharged wartime veteran who:

- Was discharged for service-connected or aggravated medical reasons before serving 18 months of active duty;
- Completed a tour of duty other than active duty for training, regardless of the length of the tour; or
- Satisfied his or her military obligation in a manner other than active duty for training or reserve duty.¹¹

The applicant must additionally have a minimum of a 2-year degree from an accredited institute of higher education or a high school degree or its equivalent and 4 years of administrative experience.¹²

The department provides the training program for county and city veteran service officers,¹³ and every county or city veteran service officer must attend training and successfully complete a test administered by the department. In addition, the department establishes periodic training refresher courses, and completion of these courses is a condition of continuing employment.¹⁴

Adult Day Care Centers

Adult day care centers provide therapeutic services and activities for adults in a noninstitutional setting.¹⁵ Participants may utilize a variety of services offered during any part of a day totaling less than 24 hours.¹⁶ Basic services provided by adult day care centers include leisure activities, self-care training, nutritional services, and respite care.¹⁷ These facilities are licensed by the

⁷ Section 292.11(1), F.S.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Section 291.11(4), F.S.

¹⁴ *Id.*

¹⁵ Section 429.901(3), F.S.

¹⁶ *Id.* and s. 429.905(2), F.S.

¹⁷ Section 429.901(1) and (3), F.S.

Agency for Health Care Administration.¹⁸ However, facilities that operate under the federal government or any agency thereof are exempt from current state law on adult day care centers.¹⁹ The VA's Adult Day Health Care Program (Program) was established by the VA with the goal of allowing veterans to have a place during the day for social activities, peer support, companionship, and recreation.²⁰ The Program is intended for veterans who need help with activities of daily living, those who are isolated, or whose caregiver is experiencing burden.²¹ Health services such as care from nurses, therapists, social workers, and others may also be provided. The Program may be provided at VA medical centers, state Veterans Homes, or through community organizations.²² To receive a federal grant or grant funding for an adult day health care program, the state must meet the following specific federal requirements:

- If an adult day health care program is located within a nursing home, domiciliary, or other care facility, the adult health care program must have its own separate designated space during operational hours.
- The indoor space for the adult day health care program must be at least 100 sq. ft. per participant including office space for staff, and must be 60 sq. ft. per participant excluding office space for staff.
- Each program will need to design and partition its space to meet its own needs, but must make available certain federally mandated functional areas.²³
- Furnishings must be available for all participants, including functional furniture appropriate to the participants' needs.²⁴

Legal Holidays and Observances

Examples of legal holidays are New Year's Day (January 1), Memorial Day (the last Monday in May), Independence Day (July 4), Labor Day (the first Monday in September), Veterans' Day (November 11), Thanksgiving Day (the fourth Thursday in November), and Christmas Day (December 25).²⁵

In addition to legal holidays, special observances are recognized and observed by the state. Special observance days include Law Enforcement Memorial Day²⁶, Arbor Day²⁷, and Law Day and Law Week²⁸.

III. Effect of Proposed Changes:

The bill addresses veterans' services and recognition.

¹⁸ Section 429.903, F.S.

¹⁹ Section 429.905, F.S.

²⁰ U.S. Dep't. of Veterans Affairs, *Adult Day Health Care*, available at https://www.va.gov/geriatrics/pages/Adult_Day_Health_Care.asp (last visited Mar. 20, 2023).

²¹ *Id.*

²² *Id.*

²³ For the list of federally mandated functional areas, see 38 C.F.R. s. 59.160(c)(1)-(11).

²⁴ 38 C.F.R. s. 59.160.

²⁵ Section 683.01, F.S.

²⁶ Section 683.115, F.S.

²⁷ Section 683.04, F.S.

²⁸ Section 683.22, F.S.

Division of Long-term Care

The bill amends s. 20.37, F.S., to establish in the Department of Veterans' Affairs (department) the Division of Long-term Care.

Veteran Service Officers

The bill amends s. 292.11, F.S., to revise the qualifications for employment as a city or county veteran service officer. Pursuant to the bill, a veteran can qualify as a veteran service officer if the veteran served in the active military, naval, or air service and was discharged or released under honorable conditions, or later received an upgraded discharge under honorable conditions.

The education requirement is unchanged.

Veterans' Adult Day Health Care of Florida Act

The bill creates ss. 296.42 through 296.49, F.S., to create the Veterans' Adult Day Health Care of Florida Act. The act's purpose is to provide uniform basic standards for the operation of veterans' adult day health care or adult day care programs for eligible veterans in need of services. The bill defines a "program" as a licensed facility operated by the department as an adult day care center.

Eligibility of a Veteran

The department will determine the eligibility of applicants for admission to the program. The program is available to a veteran as defined in s. 1.01(14), F.S., or a veteran who served in eligible peacetime service, and who must:

- Be in need of adult day health care;
- Be a resident of the state at the time of application;
- Not owe money to the department for services rendered during a previous stay at a department facility;
- Have applied for all financial assistance reasonably available through governmental resources; and
- Have been approved as eligible for care and treatment by the United States Department of Veteran Affairs (VA).

Residency requirements may be waived for an applicant in the limited circumstance that the veteran is a disaster evacuee of a state under a declared state of emergency and who otherwise qualifies.

Admittance priority must be given to eligible veterans in the following order:

- An eligible veteran who is a state resident.
- An eligible veteran who has a service-connected disability as determined by the VA, or who was discharged or released from service for a disability incurred or aggravated in the line of duty, and the disability is the basis for need of adult day health care.

- An eligible veteran who has a non-service-connected disability and is unable to defray the expense of adult day health care as provided under oath by a notary or other officer authorized to administer an oath.

If there is room, an eligible veteran who pays the full cost of his or her support services may be admitted to the program.

Facility Administrator

The director of the department will appoint an operator, a contractor, or an administrator of a veterans' nursing home or assisted living facility to serve as the entity responsible for day-to-day operations of the program.

If a contractor is appointed, the contractor may be for profit or nonprofit entity but will remain under the direction of the executive director of the department.

The administrator of a veterans' nursing home or the veterans' domiciliary may serve as the operator if the facility is colocated at an existing veterans' nursing home or assisted living facility.

Employment

Unless the operator is assigned to a contractor, the position of operator is classified as Selected Exempt Service and employees of the program are state employees subject to classification by the department in state law.

Unless the operator is assigned to a contractor, the director shall give veterans preference in selecting an operator.

Nondiscrimination Policy

The program will admit state residents regardless of race, age, sex, creed, religion, national origin, or anything else that would create a practice of discrimination. However, consideration of an applicant's veteran status does not constitute discrimination.

Program Audit and Inspection

The program is subject to audit and inspection by the Auditor General and the Office of Program Policy Analysis and Government Accountability, the department, and the VA, and any other audit or inspection required in law to maintain appropriate standards.

The standards that the department must use to regulate the operation of the program are those prescribed by the VA, unless the state's standards are more restrictive.

Rulemaking Authority

The department must adopt rules necessary to properly administer the program, including rules for preservation of order and enforcement of discipline, which may include dismissal from the program, subject to approval by the director. Rules will conform as nearly as possible to rules and regulations for comparable facilities of the VA.

Veterans Week

The bill creates s. 683.1475, F.S., to designate the week of November 11 of each year as “Veterans Week”, with the week starting the Sunday before November 11. If November 11 falls on a Sunday, “Veterans Week” begins on that day. The Governor may annually issue a proclamation designating this week as Veterans Week. Public officials, schools, private organizations, and all residents are encouraged to commemorate the week and honor those who served in times of war and peace.

The bill takes effect July 1, 2023.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

A veteran may be able to stay at home longer, with the provision of long-term care and access to a meaningful day activity at an adult day care center. These services may also provide respite for a family caretaker.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on the department. The bill creates the Division of Long-term Care within the department, and establishes the

Veterans' Adult Day Health Care of Florida Act to provide veterans with adult day care services. According to the department, the costs of staffing the new division can be absorbed within existing resources.²⁹

The adult day care services program is expected to be revenue generating but may require upfront funding to cover costs associated with renovations of existing homes and equipment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.37 and 292.11.

This bill creates the following sections of the Florida Statutes: 296.42, 296.43, 296.44, 296.45, 296.46, 296.47, 296.48, 296.49, and 683.1475.

IX. Additional Information:

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

**CS by Military and Veterans Affairs, Space, and Domestic Security on
March 29, 2023:**

The committee substitute:

- Clarifies that a board of county commissioners and governing body of any city may employ a veteran service officer;
- Replaces the authority of the operator to determine eligibility of applicants with that of the department;
- Corrects a technical deficiency by removing the authority of the operator to adopt rules; and
- Corrects a technical deficiency by specifying when “Veterans Week” begins.

- B. **Amendments:**

None.

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

²⁹ Florida Dep't of Veterans Affairs, *2023 Agency Legislative Bill Analysis, SB 824* (July 1, 2023) (on file with the Senate Committee on Military and Veterans Affairs, Space, and Domestic Security).

By the Committee on Military and Veterans Affairs, Space, and Domestic Security; and Senator Collins

583-03301-23

2023824c1

A bill to be entitled

An act relating to veterans' services and recognition; amending s. 20.37, F.S.; creating the Division of Long-term Care within the Department of Veterans' Affairs; amending s. 292.11, F.S.; revising qualifications for employment of county and city veteran service officers; creating part III of ch. 296, F.S.; creating the "Veterans' Adult Day Health Care of Florida Act"; providing a purpose and definitions; providing for the appointment of an operator; requiring the department to determine applicant eligibility; requiring the department to adopt specified rules; specifying the qualifications, duties, and responsibilities of the operator; establishing a nondiscrimination policy for the program; providing for eligibility and priority of admittance; providing for participants' contribution to support; providing for program audits, inspections, and operational standards; creating s. 683.1475, F.S.; designating the week of November 11 of each year as "Veterans Week" in Florida; authorizing the Governor to issue an annual proclamation; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (2) of section 20.37, Florida Statutes, to read:
20.37 Department of Veterans' Affairs.—There is created a

Page 1 of 7

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583-03301-23

2023824c1

Department of Veterans' Affairs.

(2) The following divisions, and bureaus within these divisions, of the Department of Veterans' Affairs are established:

(c) Division of Long-term Care.

Section 2. Subsection (1) of section 292.11, Florida Statutes, is amended to read:

292.11 County and city veteran service officer.—

(1) Each board of county commissioners or the governing body of any city may employ a ~~county~~ veteran service officer; provide office space, clerical assistance, and the necessary supplies incidental to providing and maintaining a ~~county~~ service office; and pay related ~~said~~ expenses and salaries from the moneys hereinafter provided for. ~~The governing body of any city may employ a city veteran service officer; provide such office space, clerical assistance, and supplies; and pay expenses and salaries. A county or city veteran service officer must be a veteran as defined in s. 1.01(14) who served as a member of the Armed Forces of the United States during a period of war, as defined in Title 38, U.S.C.; who served at least 18 months' active duty in the Armed Forces; and who was separated from such service under honorable conditions, or the surviving spouse of any such a veteran and must. Any honorably discharged wartime veteran who was so discharged for service-connected or aggravated medical reasons before serving 18 months of active duty; who completed a tour of duty other than active duty for training, regardless of the length of the tour; or who satisfied his or her military obligation in a manner other than active duty for training or reserve duty shall be eligible for~~

Page 2 of 7

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583-03301-23 2023824c1

59 ~~employment as a county or city veteran service officer. Every~~
 60 ~~county or city veteran service officer, in order to be eligible~~
 61 ~~for employment as a county or city veteran service officer,~~
 62 ~~shall~~ have a 2-year degree from an accredited university,
 63 college, or community college or a high school degree or
 64 equivalency diploma and 4 years of administrative experience.

65 Section 3. Part III of chapter 296, Florida Statutes,
 66 consisting of sections 296.42 through 296.49, Florida Statutes,
 67 is created to read:

68 PART III

69 VETERANS' ADULT DAY HEALTH CARE OF FLORIDA ACT

70 296.42 Short title.—This part may be cited as the
 71 "Veterans' Adult Day Health Care of Florida Act."

72 296.43 Purpose.—The purpose of this part is to provide for
 73 the establishment of basic standards for the operation of
 74 veterans' adult day health care programs for eligible veterans
 75 in need of such services.

76 296.44 Definitions.—As used in this part, the term:

77 (1) "Contractor" means an entity responsible for the day-
 78 to-day operations of an adult day health care facility or adult
 79 day care center as prescribed by 38 C.F.R. s. 59.160 or part III
 80 of chapter 429, respectively. The contractor may be a for-profit
 81 or nonprofit entity that operates the adult day health care
 82 facility or adult day care center under the direction of the
 83 executive director of the department.

84 (2) "Department" means the Department of Veterans' Affairs.

85 (3) "Director" means the executive director of the
 86 department.

87 (4) "Operator" means the person designated to have and who

583-03301-23 2023824c1

88 has the general administrative charge of an adult day health
 89 care facility or adult day care center. The administrator of a
 90 veterans' nursing home under s. 296.34 or the administrator of
 91 the Veterans' Domiciliary Home of Florida under s. 296.04 may
 92 serve as the operator if the adult day health care facility or
 93 adult day care center is colocated at an existing veterans'
 94 nursing home or the Veterans' Domiciliary Home of Florida or is
 95 a freestanding facility.

96 (5) "Participant" means an eligible veteran recipient of
 97 basic services or of supportive and optional services provided
 98 by an adult day health care facility or adult day care center.

99 (6) "Program" means a licensed facility operated by the
 100 department under part III of chapter 429.

101 (7) "Veteran" has the same meaning as in s. 1.01(14).

102 296.45 Operator; qualifications, duties, and
 103 responsibilities.—

104 (1) The director shall appoint an operator who is
 105 responsible for the overall operation of the program and for the
 106 care of the participant or shall designate a contractor to
 107 perform the same duties.

108 (2) The department shall determine the eligibility of
 109 applicants for admission to the program in accordance with
 110 provisions of this part and shall adopt rules necessary for the
 111 proper administration of the program, including rules for the
 112 preservation of order and enforcement of discipline in the
 113 program. Rules governing the program must conform as nearly as
 114 possible to the rules and regulations for comparable facilities
 115 of the United States Department of Veterans Affairs.

116 (3) The operator position is assigned to the Selected

583-03301-23

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117 Exempt Service under part V of chapter 110 unless the operation
 118 of the program is assigned to a contractor. The director must
 119 give veterans preference in selecting an operator as provided in
 120 ss. 295.07 and 295.085 if the operation of the program is not
 121 assigned to a contractor.

122 (4) Employees who fill authorized and established positions
 123 appropriated for the program must be state employees unless the
 124 operation of the program is assigned to a contractor. The
 125 department shall classify such employees in the manner
 126 prescribed in chapter 110.

127 (5) The operator shall administer and enforce all rules of
 128 the program, including rules of discipline, and may dismiss a
 129 participant in the program for an infraction of the rules,
 130 subject to the approval of the director.

131 296.46 Nondiscrimination policy of the program.—It is the
 132 policy of the state to admit residents into the program without
 133 regard to race, age, sex, creed, religion, national origin, or
 134 any other reason that would thereby create a practice of
 135 discrimination. However, consideration of an applicant's veteran
 136 status does not constitute discrimination.

137 296.47 Eligibility and priority of admittance.—

138 (1) To be eligible for admittance to the program, the
 139 person must be a veteran or have eligible peacetime service as
 140 defined in s. 296.02 and must:

141 (a) Be in need of adult day health care;

142 (b) Be a resident of this state at the time of application
 143 for admission to the program;

144 (c) Not owe money to the department for services rendered
 145 during any previous stay at a department facility;

583-03301-23

2023824c1

146 (d) Have applied for all financial assistance reasonably
 147 available through governmental sources; and

148 (e) Have been approved as eligible for care and treatment
 149 by the United States Department of Veterans Affairs.

150 (2) The operator may waive the residency requirement for a
 151 veteran who is otherwise eligible under Florida law for
 152 admittance to a program. The waiver must be limited to a veteran
 153 who is a disaster evacuee of a state that is under a declared
 154 state of emergency.

155 (3) Admittance priority must be given to eligible veterans
 156 in the following order of priority:

157 (a) An eligible veteran who is a resident of this state.

158 (b) An eligible veteran who has a service-connected
 159 disability as determined by the United States Department of
 160 Veterans Affairs, or was discharged or released from military
 161 service for a disability incurred or aggravated in the line of
 162 duty, and the disability is the condition for which adult day
 163 health care is needed.

164 (c) An eligible veteran who has a non-service-connected
 165 disability and is unable to defray the expense of adult day
 166 health care and so states under oath before a notary public or
 167 other officer authorized to administer an oath.

168 296.48 Participants; contribution to support.—The operator
 169 may, if there is room, admit to participation in the program a
 170 veteran who has sufficient means for his or her own support but
 171 is otherwise eligible to become a participant in the program,
 172 upon payment of the full cost of his or her support, which cost
 173 and method of collection must be fixed from time to time by the
 174 operator.

583-03301-23

2023824c1

175 296.49 Audit, inspection; standards for the program.—The
176 program must be open at any time to audit and inspection by the
177 Auditor General and the Office of Program Policy Analysis and
178 Government Accountability, as provided by law, the department,
179 and the United States Department of Veterans Affairs, and to any
180 other audits or inspections as required by law to maintain
181 appropriate standards in the program. The standards that the
182 department must use to regulate the operation of the program are
183 those prescribed by the United States Department of Veterans
184 Affairs, provided that when the state’s standards are more
185 restrictive, the standards of the state must apply.

186 Section 4. Section 683.1475, Florida Statutes, is created
187 to read:

188 683.1475 Veterans Week.—

189 (1) The week of November 11 of each year is designated as
190 “Veterans Week,” with the week starting with the Sunday
191 preceding November 11. If November 11 falls on a Sunday,
192 “Veterans Week” begins on that day.

193 (2) The Governor may annually issue a proclamation
194 designating the week of November 11 as “Veterans Week.” Public
195 officials, schools, private organizations, and all residents of
196 this state are encouraged to commemorate Veterans Week and honor
197 the men and women who answered the call during times of war and
198 peace to protect and preserve the treasured freedom of all
199 citizens of the United States.

200 Section 5. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

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4/20/23
Meeting Date

SB 824
Bill Number or Topic

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Bob Asztalos

Phone 850-284-1166

Address The Capitol Bn 2105
Street

Email bob.asztalos@fldva.fl.gov

Tallahassee FL 32399
City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Department of Veteran Affairs

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4.20.2023

Meeting Date

SB0824

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Chante' Jones

Phone 850.272.0551

Address 215 S. Monroe St. Ste 603

Street

Email cejjones@aarp.org

Tallahassee FL

City

State

32301

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AARP Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 996

INTRODUCER: Transportation Committee and Senator Berman

SUBJECT: Driver License, Identification Card, and Motor Vehicle Registration Applications

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Jones	Vickers	TR	Fav/CS
2.	Wells	Jerrett	ATD	Favorable
3.	Jones	Yeatman	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 996 requires the Department of Highway Safety and Motor Vehicles (DHSMV) to include on the application and renewal forms of a motor vehicle registration, driver license, and identification card an option to make a voluntary contribution of \$1 to Best Buddies International. Such contributions will be distributed monthly from the DHSMV to the not-for-profit organization.

The bill will have an indeterminate impact on the DHSMV, which will incur programming and implementation costs related to the bill. However, an organization must submit an application fee to defray the DHSMV's costs for reviewing the application and developing the voluntary checkoff.

The bill takes effect October 1, 2023.

II. Present Situation:

Voluntary Contributions

The application form for motor vehicle registration and renewal of registration¹ and for an original, renewal, or replacement driver's license or identification card provides a voluntary

¹ As used in this document, the phrase "motor vehicle registration application" refers to the application form for motor vehicle registration and renewal of registration.

contributions section that allows applicants to make a donation by checking a box on the form.² According to the DHSMV, there are currently 27 organizations on the motor vehicle registration form and 20 organizations on the driver license application form that an applicant has the opportunity to contribute to.³

Sections 320.023 and 322.081, F.S., establish the requirements for organizations seeking to establish a voluntary contribution on such forms. Requirements include:

- A request for the particular voluntary contribution being sought, describing the proposed voluntary contribution in general terms;
- An application fee,⁴ not to exceed \$10,000 to defray the DHSMV's cost for reviewing the application and developing the voluntary contribution checkoff, if authorized;
- A marketing strategy outlining short-term and long-term marketing plans for the requested voluntary contribution; and
- A financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contribution.

This information must be submitted to the DHSMV at least 90 days before the next regular session of the Legislature convenes.⁵ If the voluntary contribution is not approved by the Legislature, the application fee is refunded to the requesting organization.⁶ If the voluntary contribution is approved by the Legislature, the DHSMV must include it when the DHSMV reprints such forms.⁷

The DHSMV must discontinue the voluntary contribution if:

- Less than \$25,000 has been contributed by the end of the fifth year.
- Less than \$25,000 is contributed during any subsequent five-year period.⁸

The DHSMV may discontinue the voluntary contribution and distribution of associated proceeds if the organization no longer exists, has stopped providing services authorized to be funded from the voluntary contributions, or pursuant to an organizational recipient's request. Organizations must immediately notify the DHSMV to stop warrants for voluntary contributions if any of these conditions exist, and must meet the applicable audit or attestation requirements for any period of operation during the fiscal year.⁹

A voluntary contribution collected and distributed, or any interest earned from those contributions, may not be used for commercial or for-profit activities or for general or administrative expenses, except as authorized by law. The law provides that:¹⁰

- All organizations receiving annual use fee proceeds from the DHSMV are responsible for ensuring proceeds are used in accordance with law.

² Sections 320.02(16) and 322.08(8), F.S., provide applicants with 21 options for voluntary contributions.

³ DHSMV, *2023 Agency Legislative Bill Analysis: SB 996* (March 20, 2023).

⁴ State funds may not be used to pay the application fee. See ss. 320.023(1)(b) and 322.081(1)(b), F.S.

⁵ Sections 320.023(1) and 322.081(1), F.S.

⁶ Sections 320.023(2) and 322.081(2), F.S.

⁷ Sections 320.023(3) and 322.081(3), F.S.

⁸ Sections 320.023(4)(a) and 322.081(4)(a), F.S.

⁹ Sections 320.023(4)(b) and 322.081(4)(b), F.S.

¹⁰ Sections 320.023(5) and 322.081(5), F.S.

- Any organization not subject to audit pursuant to the Florida Single Audit Act, must annually attest, under penalties of perjury, that such proceeds were used in compliance with law.
- Any voluntary contributions authorized by law are deposited into and distributed from the Motor Vehicle License Clearing Trust Fund to the specified recipients.
- Any organization subject to audit pursuant to the Florida Single Audit Act must submit an audit report in accordance with rules promulgated by the Auditor General. The annual attestation shall be submitted to the DHSMV within nine months after the end of the organization's fiscal year.

Within 90 days after receiving an organization's audit or attestation, the DHSMV must determine if recipients have not complied with the above requirements. If the DHSMV determines an organization has not complied or has failed to use the revenues in accordance with law, the DHSMV must discontinue the distribution of the revenues to the organization until determining the organization is in compliance. If an organization fails to comply within 12 months after the voluntary contributions are withheld, the proceeds are deposited into the Highway Safety Operating Trust Fund to offset departmental costs.¹¹

The DHSMV is authorized to examine all records pertaining to the use of funds from the voluntary contributions by the organizations.¹²

All organizations seeking to establish a voluntary contribution on a motor vehicle registration application or a driver license and identification card application that are required to operate under the Solicitation of Contributions Act,¹³ must do so before these funds may be distributed.¹⁴

Best Buddies International

Best Buddies International is a 501(c)(3) nonprofit organization "dedicated to establishing a global volunteer movement that creates opportunities for one-to-one friendships, integrated employment, leadership development, and inclusive living for individuals with intellectual and developmental disabilities."¹⁵ Best Buddies has chapters throughout Florida and estimates it has had an impact on 10,854 participants in Florida.¹⁶

Best Buddies International, Inc., is registered with the Department of State as a foreign not for profit corporation.¹⁷ The organization is also registered with the Department of Agriculture and Consumer Services as a charitable organization in order to solicit contributions in Florida.¹⁸

¹¹ Sections 320.023(6) and 322.081(6), F.S.

¹² Sections 320.023(7) and 322.081(7), F.S.

¹³ Chapter 496, F.S.

¹⁴ Sections 320.023(8) and 322.081(8), F.S.

¹⁵ Best Buddies, *What We Do: Mission*, <https://www.bestbuddies.org/what-we-do/mission-vision-goals/> (last visited March 22, 2023).

¹⁶ See Best Buddies of Florida, *Our Impact* (December 2021), <https://www.bestbuddies.org/florida/impact> (last visited March 22, 2023).

¹⁷ Florida Department of State - Division of Corporations, *Best Buddies International, Inc.*, Sunbiz.org.

¹⁸ Florida Department of Agriculture, *Check-A-Charity: Best Buddies International, Inc.* (Registration Number: CH2971), available at <https://csapp.fdacs.gov/CSPublicApp/CheckACharity/CheckACharity.aspx> (last visited March 22, 2023).

Best Buddies International's application to establish a voluntary contribution has been approved by the DHSMV.¹⁹

III. Effect of Proposed Changes:

The bill amends ss. 320.02 and 322.08, F.S., to require the DHSMV to include on the application and renewal forms of a motor vehicle registration, driver license, and identification card an option to make a voluntary contribution of \$1 to Best Buddies International. Such contributions will be distributed monthly from the DHSMV to the not-for-profit organization.

The bill takes effect October 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may have an indeterminate positive fiscal impact on Best Buddies International, which may receive increased contributions due to the bill.

¹⁹ Email from Rachel Fleury-Charles, Legislative Liaison, DHSMV, *RE: Bill Analysis Request HB 965* (February 21, 2022).

C. Government Sector Impact:

The bill will have an indeterminate impact on the DHSMV, which will incur programming and implementation costs related to the bill. However, an organization must submit an application fee to defray the DHSMV's costs for reviewing the application and developing the voluntary checkoff, if the checkoff is approved by the Legislature.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 320.02 and 322.08.

IX. Additional Information:

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

CS by Transportation on March 27, 2023:

The CS changes the effective date of the bill from July 1 to October 1, 2023.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senator Berman

596-03093-23

2023996c1

1 A bill to be entitled
 2 An act relating to driver license, identification
 3 card, and motor vehicle registration applications;
 4 amending ss. 320.02 and 322.08, F.S.; requiring that
 5 the motor vehicle registration form and registration
 6 renewal form and the driver license or identification
 7 card application form, respectively, include an option
 8 to make a voluntary contribution to Best Buddies
 9 International; providing an effective date.

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

11 Section 1. Paragraph (v) is added to subsection (16) of
 12 section 320.02, Florida Statutes, to read:

13 320.02 Registration required; application for registration;
 14 forms.—
 15 (16)
 16 (v) The application form for motor vehicle registration and
 17 renewal of registration must include language permitting a
 18 voluntary contribution of \$1 to Best Buddies International. Such
 19 contributions shall be distributed monthly by the department to
 20 Best Buddies International, a corporation not for profit under
 21 s. 501(c)(3) of the Internal Revenue Code.

22 For the purpose of applying the service charge provided in s.
 23 215.20, contributions received under this subsection are not
 24 income of a revenue nature.

25 Section 2. Subsection (8) of section 322.08, Florida
 26 Statutes, is amended to read:

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-03093-23

2023996c1

30 322.08 Application for license; requirements for license
 31 and identification card forms.—
 32 (8) The application form for an original, renewal, or
 33 replacement driver license or identification card must include
 34 language permitting the following:

35 (a) A voluntary contribution of \$1 per applicant, which
 36 contribution shall be deposited into the Health Care Trust Fund
 37 for organ and tissue donor education and for maintaining the
 38 organ and tissue donor registry.

39 (b) A voluntary contribution of \$1 per applicant, which
 40 shall be distributed to the Florida Council of the Blind.

41 (c) A voluntary contribution of \$2 per applicant, which
 42 shall be distributed to the Hearing Research Institute,
 43 Incorporated.

44 (d) A voluntary contribution of \$1 per applicant, which
 45 shall be distributed to the Juvenile Diabetes Foundation
 46 International.

47 (e) A voluntary contribution of \$1 per applicant, which
 48 shall be distributed to the Children's Hearing Help Fund.

49 (f) A voluntary contribution of \$1 per applicant, which
 50 shall be distributed to Family First, a nonprofit organization.

51 (g) A voluntary contribution of \$1 per applicant to Stop
 52 Heart Disease, which shall be distributed to the Florida Heart
 53 Research Institute, a nonprofit organization.

54 (h) A voluntary contribution of \$1 per applicant to Senior
 55 Vision Services, which shall be distributed to the Florida
 56 Association of Agencies Serving the Blind, Inc., a not-for-
 57 profit organization.

58 (i) A voluntary contribution of \$1 per applicant for

Page 2 of 4

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596-03093-23

2023996c1

59 services for persons with developmental disabilities, which
60 shall be distributed to The Arc of Florida.

61 (j) A voluntary contribution of \$1 to the Ronald McDonald
62 House, which shall be distributed each month to Ronald McDonald
63 House Charities of Tampa Bay, Inc.

64 (k) Notwithstanding s. 322.081, a voluntary contribution of
65 \$1 per applicant, which shall be distributed to the League
66 Against Cancer/La Liga Contra el Cancer, a not-for-profit
67 organization.

68 (l) A voluntary contribution of \$1 per applicant to Prevent
69 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
70 Inc., a nonprofit organization.

71 (m) A voluntary contribution of \$1 per applicant, which
72 shall be distributed to Prevent Blindness Florida, a not-for-
73 profit organization, to prevent blindness and preserve the sight
74 of the residents of this state.

75 (n) Notwithstanding s. 322.081, a voluntary contribution of
76 \$1 per applicant to the state homes for veterans, to be
77 distributed on a quarterly basis by the department to the
78 Operations and Maintenance Trust Fund within the Department of
79 Veterans' Affairs.

80 (o) A voluntary contribution of \$1 per applicant to the
81 Disabled American Veterans, Department of Florida, which shall
82 be distributed quarterly to Disabled American Veterans,
83 Department of Florida, a nonprofit organization.

84 (p) A voluntary contribution of \$1 per applicant for Autism
85 Services and Supports, which shall be distributed to Achievement
86 and Rehabilitation Centers, Inc., Autism Services Fund.

87 (q) A voluntary contribution of \$1 per applicant to Support

Page 3 of 4

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88 Our Troops, which shall be distributed to Support Our Troops,
89 Inc., a Florida not-for-profit organization.

90 (r) Notwithstanding s. 322.081, a voluntary contribution of
91 \$1 per applicant to aid the homeless. Contributions made
92 pursuant to this paragraph shall be deposited into the Grants
93 and Donations Trust Fund of the Department of Children and
94 Families and used by the State Office on Homelessness to
95 supplement grants made under s. 420.622(4) and (5), provide
96 information to the public about homelessness in the state, and
97 provide literature for homeless persons seeking assistance.

98 (s) A voluntary contribution of \$1 or more per applicant to
99 End Breast Cancer, which shall be distributed to the Florida
100 Breast Cancer Foundation.

101 (t) Notwithstanding s. 322.081(1), a voluntary contribution
102 of \$1 or more per applicant to Childhood Cancer Care, which
103 shall be distributed to the Live Like Bella Childhood Cancer
104 Foundation.

105 (u) A voluntary contribution of \$1 or more per applicant to
106 Best Buddies International, which shall be distributed monthly
107 to Best Buddies International, a corporation not for profit
108 under s. 501(c)(3) of the Internal Revenue Code.

109
110 A statement providing an explanation of the purpose of the trust
111 funds shall also be included. For the purpose of applying the
112 service charge provided under s. 215.20, contributions received
113 under paragraphs (b)-(u) ~~(b)-(t)~~ are not income of a revenue
114 nature.

115 Section 3. This act shall take effect October 1, 2023.

Page 4 of 4

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The Florida Senate

APPEARANCE RECORD

4-20-23

996

Meeting Date

Bill Number or Topic

Fiscal Policy

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Committee

Amendment Barcode (if applicable)

Name

RANA BROWN

Phone

850.224.3427

Address

104 W. Jefferson St.

Email

RANA@RLBOOKPA.COM

Street

Tallahassee, FL 32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

BEST BUDDIES

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1104

INTRODUCER: Appropriations Committee on Criminal and Civil Justice; Senator Wright

SUBJECT: Victim Compensation Claims

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Cellon	Stokes	CJ	Favorable
2.	Atchley	Harkness	ACJ	Fav/CS
3.	Cellon	Yeatman	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 1104 amends s. 960.07, F.S., to extend the time a victim may file a claim for compensation under the Florida Crimes Compensation Act. Specifically, the bill provides that upon a showing that a delay in filing a claim occurred because of a delay in the testing of, or delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation may receive a waiver from the Department of Legal Affairs (DLA) of any claim filing deadline.

The bill may have an indeterminate negative impact on the DLA. See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2023.

II. Present Situation:

Florida Crimes Compensation Act

The Florida Crimes Compensation Act¹ authorizes the Florida Attorney General's Division of Victim Services to administer a compensation program to ensure financial assistance for victims

¹ Sections 960.01-960.28, F.S.

of crime. Injured victims of crime may file for compensation for financial assistance such as treatment costs, economic loss, disability, or loss of support.²

Section 960.065, F.S., provides that the following persons are eligible for compensation under ch. 960, F.S.:

- A victim.
- An intervenor.
- A surviving spouse, parent or guardian, sibling, or child of a deceased victim or intervenor.
- Any other person who is dependent for his or her principal support upon a deceased victim or intervenor.³

Claims will generally be denied if filed for or on behalf of a person who:

- Committed or aided in the commission of the crime upon which the claim for compensation was based;
- Was engaged in an unlawful activity at the time of the crime upon which the claim for compensation is based, unless the victim was engaged in prostitution as a result of being a victim of human trafficking;
- Was in custody or confined, regardless of conviction, in a county or municipal detention facility, a state or federal correctional facility, or a juvenile detention or commitment facility at the time of the crime upon which the compensation is based;
- Has been adjudicated as a habitual felony offender (HFO), habitual violent offender, or violent career criminal; or
- Has been adjudicated guilty of a forcible felony offense.⁴

Claims filed by or on behalf of a person who was in custody or confined, who are adjudicated as a HFO or found guilty of a forcible felony may be eligible upon a finding by the Crime Victim's Service Office of mitigating or special circumstances that would render a disqualification unjust.⁵

Any award granted, must be granted on an "actual need" basis. An award is provided only after all benefits provided by primary insurance carriers, including, but not limited to, health and accident insurers, workers' compensation, and automobile accident coverage.⁶ Payments under ch. 960, F.S., are considered payments "of last resort," that follow all other payments.⁷

Payment of claims are made from the Crimes Compensation Trust Fund (Trust Fund). The Trust Fund was created for the purpose of providing, in part, for the payment of claims. The funds placed in the Trust Fund consist of moneys:

- Appropriated by the Legislature;

² Attorney General, *Victim Compensation Brochure*, available at: [http://myfloridalegal.com/webfiles.nsf/WF/MRAY-8CVP5T/\\$file/BVCVictimCompensationBrochure.pdf](http://myfloridalegal.com/webfiles.nsf/WF/MRAY-8CVP5T/$file/BVCVictimCompensationBrochure.pdf) (last visited March 20, 2023).

³ Section 960.065(1), F.S.

⁴ Section 960.065(2), F.S.

⁵ Section 960.065(3), F.S.

⁶ Section 960.13(2), F.S.

⁷ Section 960.13(3), F.S.

- Recovered on behalf of the DLA by subrogation or other action, recovered through restitution;
- Received from additional court costs, or fines;
- Received from the Federal Government; or
- Received from any other public or private source.⁸

Filing of Claims for Compensation

A claim for compensation may be filed by an eligible person. If such person is a minor, or is mentally incompetent, a claim may be filed by the person's parent, or guardian, as appropriate.

Claims arising from a crime occurring before October 1, 2019, must be filed within 1 year after:

- The occurrence of the crime upon which the claim is based.
- The death of the victim or intervenor.
- The death of the victim or intervenor is determined to be the result of a crime, and the crime occurred after June 30, 1994.

The DLA may extend the time for filing a claim for a crime occurring before October 1, 2019, by up to 2 years, upon a showing of good cause.⁹

Claims arising from a crime occurring on or after October 1, 2019, must be filed within 3 years after the later of:

- The occurrence of the crime upon which the claim is based;
- The death of the victim or intervenor; or
- The death of the victim or intervenor is determined to be the result of the crime.

The DLA may extend the time for filing a claim for a crime occurring on or after October 1, 2019, by up to 5 years, upon a showing of good cause.¹⁰

There are exceptions to the time limitations mentioned above for a victim or intervenor who was under the age of 18 at the time the crime upon which the claim is based occurred.¹¹ These exceptions include:

- The victim's or intervenor's parent or guardian may file a claim on behalf of the victim or intervenor while the victim or intervenor is less than 18 years of age;
- For a claim arising from a crime that occurred before October 1, 2019, when a victim or intervenor who was under the age of 18 at the time of the crime occurred reaches the age of 18, the victim or intervenor has 1 year to file a claim; or
- For a claim arising from a crime occurring on or after October 1, 2019, when a victim or intervenor who was under the age of 18 at the time the crime occurred reaches the age of 18, the victim or intervenor has 3 years to file a claim.¹²

⁸ Section 960.21, F.S.

⁹ Section 960.07(2)(a), F.S.

¹⁰ Section 960.07(2)(b), F.S.

¹¹ Section 960.07(3), F.S.

¹² Section 960.07(3)(a)-(c), F.S.

Upon a showing of good cause, the DLA may extend the time for filing a claim for an additional period up to 1 year for a crime occurring before October 1, 2019, if the victim or intervenor was less than 18 years of age. Additionally, upon a showing of good cause, the DLA may extend the time for filing a claim for an additional 2 years for a crime occurring on or after October 1, 2019, if the victim or intervenor was less than 18 years of age.¹³

Additionally, there are exceptions to the time limitations mentioned above for victims of sexually violent offenses.¹⁴ Such victims may file a claim for compensation for counseling or other mental health services within:

- One year after the filing of a petition to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises from a crime committed before October 1, 2019; or
- Three years after the filing of a petition to involuntarily civilly commit the individual who perpetrated the sexually violent offense, if the claim arises from a crime committed on or after October 1, 2019.¹⁵

III. Effect of Proposed Changes:

The bill amends s. 960.07, F.S., to extend the time a victim may file a claim for compensation under the Florida Crimes Compensation Act. Specifically, the bill provides that upon a showing that a delay in filing a claim occurred because of a delay in the testing of, or delay in the DNA profile matching from, a sexual assault forensic examination kit or biological material collected as evidence related to a sexual offense, a person who is eligible for compensation may receive a waiver from the DLA of any claim filing deadline.

The bill is effective July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

¹³ *Id.*

¹⁴ Section 394.912, F.S., provides that a “sexually violent offense” means: murder of a human being while engaged in sexual battery in violation of s. 782.04(1)(a)2, F.S.; kidnapping of a child under the age of 13 and, in the course of that offense, committing sexual battery or a lewd, lascivious, or indecent assault or act upon or in the presence of the child; committing the offense of false imprisonment upon a child under the age of 13 and, in the course of that offense, committing sexual battery or a lewd, lascivious, or indecent assault or act upon or in the presence of the child; sexual battery in violation of s. 794.011, F.S.; lewd, lascivious, or indecent assault or act upon or in presence of the child in violation of s. 800.04 or s. 847.0135(5), F.S.; an attempt, criminal solicitation, or conspiracy, in violation of s. 777.04, F.S., of a sexually violent offense; any conviction for a felony offense in effect at any time before October 1, 1998, which is comparable to a sexually violent offense under paragraphs (a)-(f) or any federal conviction or conviction in another state for a felony offense that in this state would be a sexually violent offense; any criminal act that, either at the time of sentencing for the offense or subsequently during civil commitment proceedings under this part, has been determined beyond a reasonable doubt to have been sexually motivated; or a criminal offense in which the state attorney refers a person to the DOC for civil commitment proceedings.

¹⁵ Section 960.07(4), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on available funds in the DLA's Crimes Compensation Trust Fund, as more victims will be eligible for compensation due to the expansion of eligibility to file claims. It is uncertain how many individuals may be eligible due to the expansion under the bill or how many of the newly eligible individuals will file claims.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 960.07 of the Florida Statutes.

IX. Additional Information:

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

CS by Appropriations Committee on Criminal and Civil Justice on April 12, 2023:
The committee substitute makes technical changes by correcting references in the bill.

- B. **Amendments:**

None.

By the Appropriations Committee on Criminal and Civil Justice;
and Senator Wright

604-03774-23

20231104c1

1 A bill to be entitled
2 An act relating to victim compensation claims;
3 amending s. 960.07, F.S.; authorizing the Department
4 of Legal Affairs to issue waivers of any claim filing
5 deadlines for specified victim claims for compensation
6 upon a showing that a delay in filing the application
7 occurred because of a delay in the testing of, or
8 delay in the DNA profile matching from, a sexual
9 assault forensic examination kit or biological
10 material collected as evidence related to a sexual
11 offense; conforming provisions to changes made by the
12 act; making technical changes; providing an effective
13 date.
14
15 Be It Enacted by the Legislature of the State of Florida:
16
17 Section 1. Subsections (2), (3), and (4) of section 960.07,
18 Florida Statutes, are amended to read:
19 960.07 Filing of claims for compensation.—
20 (2) Except as provided in subsections (3) and (4), a claim
21 must be filed in accordance with this subsection.
22 (a)1. A claim arising from a crime occurring before October
23 1, 2019, must be filed within 1 year after:
24 a. The occurrence of the crime upon which the claim is
25 based.
26 b. The death of the victim or intervenor.
27 c. The death of the victim or intervenor is determined to
28 be the result of a crime, and the crime occurred after June 30,
29 1994.

Page 1 of 4

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604-03774-23

20231104c1

30 2. Upon a showing that a delay in filing a claim under this
31 paragraph occurred because of a delay in the testing of, or
32 delay in the DNA profile matching from, a sexual assault
33 forensic examination kit or biological material collected as
34 evidence related to a sexual offense, a person who is eligible
35 for compensation under subsection (1) may receive a waiver from
36 the department of any claim filing deadline.
37 3. For good cause based on a reason other than a delay as
38 described in subparagraph 2., the department may extend the time
39 for filing a claim under subparagraph 1. for a period not
40 exceeding 2 years after such occurrence.
41 (b)1. A claim arising from a crime occurring on or after
42 October 1, 2019, must be filed within 3 years after the later
43 of:
44 a. The occurrence of the crime upon which the claim is
45 based;
46 b. The death of the victim or intervenor; or
47 c. The death of the victim or intervenor is determined to
48 be the result of the crime.
49 2. Upon a showing that a delay in filing a claim under this
50 paragraph occurred because of a delay in the testing of, or
51 delay in the DNA profile matching from, a sexual assault
52 forensic examination kit or biological material collected as
53 evidence related to a sexual offense, a person who is eligible
54 for compensation under subsection (1) may receive a waiver from
55 the department of any claim filing deadline.
56 3. For good cause based on a reason other than a delay as
57 described in subparagraph 2., the department may extend the time
58 for filing a claim under subparagraph 1. for a period not to

Page 2 of 4

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604-03774-23

20231104c1

59 exceed 5 years after such occurrence.

60 (3) ~~(a)~~ Notwithstanding ~~the provisions of~~ subsection (2), if
61 the victim or intervenor was under the age of 18 at the time the
62 crime upon which the claim is based occurred, a claim may be
63 filed in accordance with this subsection.

64 ~~1.(a)~~ The victim's or intervenor's parent or guardian may
65 file a claim on behalf of the victim or intervenor while the
66 victim or intervenor is less than 18 years of age;

67 ~~2.(b)~~ For a claim arising from a crime that occurred before
68 October 1, 2019, when a victim or intervenor who was under the
69 age of 18 at the time the crime occurred reaches the age of 18,
70 the victim or intervenor has 1 year to file a claim; or

71 ~~3.(c)~~ For a claim arising from a crime occurring on or
72 after October 1, 2019, when a victim or intervenor who was under
73 the age of 18 at the time the crime occurred reaches the age of
74 18, the victim or intervenor has 3 years to file a claim.

75 (b) Upon a showing that a delay in filing a claim occurred
76 because of a delay in the testing of, or delay in the DNA
77 profile matching from, a sexual assault forensic examination kit
78 or biological material collected as evidence related to a sexual
79 offense, a person who is eligible for compensation under
80 paragraph (a) may receive a waiver from the department of any
81 claim filing deadline.

82 (c) For good cause based on a reason other than a delay as
83 described in paragraph (b), the department may extend the time
84 period allowed for filing a claim under subparagraph (a)2.
85 ~~paragraph (b)~~ for an additional period not to exceed 1 year or
86 under subparagraph (a)3. ~~paragraph (c)~~ for an additional period
87 not to exceed 2 years.

Page 3 of 4

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604-03774-23

20231104c1

88 (4) ~~Notwithstanding The provisions of~~ subsection (2)
89 ~~notwithstanding~~, a victim of a sexually violent offense as
90 defined in s. 394.912, may file a claim for compensation for
91 counseling or other mental health services within:

92 (a) One year after the filing of a petition under s.
93 394.914, to involuntarily civilly commit the individual who
94 perpetrated the sexually violent offense, if the claim arises
95 from a crime committed before October 1, 2019; or

96 (b) Three years after the filing of a petition under s.
97 394.914, to involuntarily civilly commit the individual who
98 perpetrated the sexually violent offense, if the claim arises
99 from a crime committed on or after October 1, 2019.

100 Upon a showing that a delay in filing a claim occurred because
101 of a delay in the testing of, or delay in the DNA profile
102 matching from, a sexual assault forensic examination kit or
103 biological material collected as evidence related to a sexual
104 offense, a person who is eligible for compensation under this
105 subsection may receive a waiver from the department of any claim
106 filing deadline.

107 Section 2. This act shall take effect July 1, 2023.
108

Page 4 of 4

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 1104

Bill Number or Topic

4/20/23

Meeting Date

FISCAL POLICY

Committee

Amendment Barcode (if applicable)

Name LIBBY GUZZO

Phone 850 245 0155

Address CAPITAL PL-01

Email LIBBY.Guzzo@myFLORIDAlegal.com

Street

TH

City

FL

State

32399

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

ATTORNEY GENERAL'S OFFICE

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 1112

INTRODUCER: Senator Burgess and others

SUBJECT: Middle School and High School Start Times

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	<u>Sabitsch</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 1112 provides requirements for middle school and high school start times. Specifically the bill requires that, by July 1, 2026, district school boards must implement a school start time no earlier than 8:00 a.m. for middle schools and 8:30 a.m. for high schools.

The bill requires each district school board to inform its community concerning impacts of sleep habits of middle and high school students, and to discuss strategies to implement the later school start times.

The bill also specifies that charter schools must comply with the school start times required in the bill.

The bill has no impact on state revenues or expenditures, but could have a significant fiscal impact to school districts.

The bill takes effect on July 1, 2023.

II. Present Situation:

District School Boards

Each district school board is responsible for the establishment, organization, and operation of schools in the district's geographic area. Each district school board is required to adopt policies for the opening and closing of schools within the district, however the opening date of schools may not be earlier than August 10th of each year.¹ Current law does not prescribe daily start times for schools. However district school board policy must ensure that no more than one and

¹ Section 1001.42(4)(f), F.S.

one-half hours will elapse between the time a student boards a district operated bus and the time school begins.²

Charter Schools

Charter schools are tuition-free public schools created through an agreement or “charter” that provides flexibility relative to regulations created for traditional public schools. All charter schools in Florida are public schools and are part of the state’s public education system. During the 2021-2022 school year, 361,939 students were enrolled in 703 charter schools in 47 districts.³ Charter schools are afforded a number of exemptions from certain requirements which include matters related to the overall operation of the school such as facilities, operations, and finance. However, charter schools must comply with certain statutory requirements which are described in law.⁴ Like other public schools, no law directs charter schools to establish specific daily start times for the schools.

Importance of Sleep for Adolescents

The American Academy of Pediatrics (AAP) recognizes insufficient sleep in adolescents as an important public health issue that significantly affects the health and safety, as well as the academic success, of our nation’s middle and high school students. Although a number of factors, including biological changes in sleep associated with puberty, lifestyle choices, and academic demands, negatively affect middle and high school students’ ability to obtain sufficient sleep, the evidence strongly implicates earlier school start times (i.e., before 8:30 a.m.) as a key modifiable contributor to insufficient sleep, as well as circadian rhythm disruption, in this population. Furthermore, a substantial body of research has now demonstrated that delaying school start times is an effective countermeasure to chronic sleep loss and has a wide range of potential benefits to students with regard to physical and mental health, safety, and academic achievement. The AAP strongly supports the efforts of school districts to optimize sleep in students and urges high schools and middle schools to aim for start times that allow students the opportunity to achieve optimal levels of sleep (i.e., 8.5 to 9.5 hours) and to improve physical and mental health (e.g., reduced obesity risk and lower rates of depression), safety (e.g., drowsy driving crashes), academic performance, and quality of life.⁵

The Florida chapter of the AAP stresses that medical and academic research on teens’ developing bodies and brains show that sleep is directly linked to their physical and mental health, learning, and academic success. Teenagers in high school need, on average, 8 to 10 hours of sleep each school night. A policy change to start high schools after 8:00 a.m. is needed. School districts across the nation, where 8:00 a.m. school start times have been implemented, have decreased tardiness, decreased sleeping in class, increased attendance, increased graduation rates, and higher standardized test scores. Students are reported to be better prepared, more alert,

² Rule 6A-3.0171(6), F.A.C.

³ Florida Department of Education, Fact Sheet Office of Independent Education & Parental Choice, *Florida’s Charter Schools* (September 2022), available at <https://www.fldoe.org/core/fileparse.php/7696/urlt/Charter-Sept-2022.pdf>.

⁴ Section 1002.33(16), F.S.

⁵ American Association of Pediatrics, School Start Times for Adolescents, Policy statement, (Sept 1., 2014), available at: <https://publications.aap.org/pediatrics/article/134/3/642/74175/School-Start-Times-for-Adolescents?autologincheck=redirected> (last visited Mar. 14, 2023).

and motivated to do well. Economists suggest that delaying school start times would have a substantial benefit-to-cost ratio (9:1). This finding is based on a conservative estimate of both costs per student largely related to transportation and the increase in projected future earnings per student in present value because of test score gains related to moving start times 1 hour later (approximately \$17,500).⁶

School Start Times in Florida

According to the Office of Program Policy Analysis and Government Accountability (OPPAGA), the average start time for all Florida high schools (541 schools) is 7:45 a.m. Forty-six percent of high schools start before 7:30 a.m., and 19 percent of high schools start between 7:30 a.m. and 8:00 a.m. There were 49 Florida school districts with at least one high school that started before 8:00 a.m. and of those, 22 districts had a least one high school that started before 7:30 a.m. For Florida middle schools (490 schools) the average start time is 9:03 a.m., with only eight percent of schools starting prior to 8:00 a.m.⁷

OPPAGA requested specific information from twelve districts that had either recently changed or are considered changing school start times to determine motivations and barriers. Eight of those school districts had recently changed some or all of their start times while four school districts had considered changes to start time but did not make changes. Reported motivations among the respondents included:

- Transportation issues to improve on-time bus schedules, address driver shortages, reduce transit times, comply with Center for Disease Control (CDC) social distancing recommendations, and improve operational efficiencies.
- Student health and safety issues to improve general student health and to address the health needs of high school students in particular.
- Student learning issues to promote student academic achievement, increase learning time lost due to weather-related closures, and increase the length of the elementary school day.

Reported barriers that were confronted when considering start time changes included:

- Child care and student supervision issues concerning care for siblings, childcare arrangements, limited school staff and concerns about child safety in dawn/pre-dawn hours.
- Afterschool activities issues concerning afterschool employment for high school students, effects on extended day programs, and the ability to attend afterschool activities.
- Transportation issues concerning costs of adding bus routes and buses, rising bus driver wages and limited bus drivers, and capital funding issues.⁸

III. Effect of Proposed Changes:

The bill amends s. 1001.42 F.S., regarding school start times for middle and high schools. Specifically, the bill requires each school district to adopt policies regarding middle school and high school start times such that, by July 1, 2026, the instructional day:

⁶ Email, Florida Chapter of the American Academy of Pediatrics, *Position Statement: Start Schools after 8:00 a.m.* (Mar. 13, 2023) (on file with Senate Committee on Education).

⁷ Email, OPPAGA Report: *OPPAGA Research on School Start Times*, (Mar. 13, 2023) (on file with Senate Committee on Education).

⁸ *Id.*

- For a middle school begins no later than 8:00 a.m.
- For a high school start times begins no later than 8:30 a.m.

The bill requires each district school board to inform parents, students, teachers, school administrations, athletic coaches, and other stake-holders about the health, safety, and the academic impacts of sleep deprivation on middle and high school students and the benefits of a later school start time. The bill also requires the board to discuss local strategies to successfully implement the later school start times.

The bill amends s. 1002.33, F.S., to clarify that charter schools must comply with the start time requirements for middle and high schools established in the bill.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

There may be a significant, but indeterminate, fiscal impact to school district transportation costs in preparation for a July 1, 2026, implementation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill does not modify the provision in State Board of Education Rule 6A-3.0171(6), F.A.C., authorizing up to 1.5 hours between a bus pickup and the school start time. Therefore, the positive effect of a later school start time may be moderated by an early bus pickup time.

VIII. Statutes Affected:

This bill substantially amends sections 1001.42 and 1002.33 of the Florida Statutes.

IX. Additional Information:

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

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

None.

B. **Amendments:**

None.

By Senator Burgess

23-01764-23

20231112__

1 A bill to be entitled
 2 An act relating to middle school and high school start
 3 times; amending s. 1001.42, F.S.; providing
 4 requirements for middle school and high school start
 5 times; requiring such school start times to be
 6 implemented by a specified date; providing district
 7 school board requirements; amending s. 1002.33, F.S.;
 8 requiring charter schools to meet certain requirements
 9 relating to middle school and high school start times;
 10 providing an effective date.

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

12 Section 1. Paragraph (f) of subsection (4) of section
 13 1001.42, Florida Statutes, is amended to read:

14 1001.42 Powers and duties of district school board.—The
 15 district school board, acting as a board, shall exercise all
 16 powers and perform all duties listed below:

17 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF SCHOOLS.—
 18 Adopt and provide for the execution of plans for the
 19 establishment, organization, and operation of the schools of the
 20 district, including, but not limited to, the following:

21 (f) Opening and closing of schools; fixing uniform date;
 22 middle school and high school start times.—Adopt policies for
 23 the opening and closing of schools, and fix uniform dates, and
 24 middle school and high school start times. ~~however,~~

25 1. The opening date for schools in the district may not be
 26 earlier than August 10 of each year.

27 2. By July 1, 2026, the instructional day for middle
 28
 29

Page 1 of 3

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23-01764-23

20231112__

30 schools may not begin earlier than 8 a.m. and the instructional
 31 day for high schools may not begin earlier than 8:30 a.m. Each
 32 district school board must inform its community, including
 33 parents, students, teachers, school administrators, athletic
 34 coaches, and other stakeholders, about the health, safety, and
 35 academic impacts of sleep deprivation on middle school and high
 36 school students and the benefits of a later school start time
 37 and discuss local strategies to successfully implement the later
 38 school start times.

39 Section 2. Paragraph (b) of subsection (16) of section
 40 1002.33, Florida Statutes, is amended to read:

41 1002.33 Charter schools.—

42 (16) EXEMPTION FROM STATUTES.—

43 (b) Additionally, a charter school shall be in compliance
 44 with the following statutes:

45 1. Section 286.011, relating to public meetings and
 46 records, public inspection, and criminal and civil penalties.

47 2. Chapter 119, relating to public records.

48 3. Section 1003.03, relating to the maximum class size,
 49 except that the calculation for compliance pursuant to s.
 50 1003.03 shall be the average at the school level.

51 4. Section 1012.22(1)(c), relating to compensation and
 52 salary schedules.

53 5. Section 1012.33(5), relating to workforce reductions.

54 6. Section 1012.335, relating to contracts with
 55 instructional personnel hired on or after July 1, 2011.

56 7. Section 1012.34, relating to the substantive
 57 requirements for performance evaluations for instructional
 58 personnel and school administrators.

Page 2 of 3

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23-01764-23

20231112__

- 59 8. Section 1006.12, relating to safe-school officers.
- 60 9. Section 1006.07(7), relating to threat assessment teams.
- 61 10. Section 1006.07(9), relating to School Environmental
- 62 Safety Incident Reporting.
- 63 11. Section 1006.07(10), relating to reporting of
- 64 involuntary examinations.
- 65 12. Section 1006.1493, relating to the Florida Safe Schools
- 66 Assessment Tool.
- 67 13. Section 1006.07(6)(d), relating to adopting an active
- 68 assailant response plan.
- 69 14. Section 943.082(4)(b), relating to the mobile
- 70 suspicious activity reporting tool.
- 71 15. Section 1012.584, relating to youth mental health
- 72 awareness and assistance training.
- 73 16. Section 1001.42(4)(f)2., relating to middle school and
- 74 high school start times.
- 75 Section 3. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

1112

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Doug Bell

Phone

850 510 7146

Address

119 S. Monroe St.

Email

doug.bell@mhdfirm.com

Street

TLH

FL

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Chapter of the American Academy of Pediatrics

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

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4/20/23 Meeting Date

Fiscal Policy Committee

SB 1112 Bill Number or Topic

Amendment Barcode (if applicable)

Name Nancy Hawthorn, Ph.D. (Florida PTA)

Phone 407 855-7604

Address 1747 Orlando Central Pkwy

Email legislator@floridapta.org

Orlando FL 32809 City State Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1140

INTRODUCER: Appropriations Committee on Criminal and Civil Justice and Senator Ingoglia

SUBJECT: Rapid DNA Grant Program

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Cellon</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Kolich</u>	<u>Harkness</u>	<u>ACJ</u>	Fav/CS
3.	<u>Cellon</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1140 creates s. 943.324, F.S., to establish the Rapid DNA Grant Program within the Florida Department of Law Enforcement (FDLE) to award grants to county jails or sheriffs' offices to procure Rapid DNA machines and other necessary supplies required to rapidly process DNA samples in support of the statewide DNA database under s. 943.325, F.S.

The bill requires the FDLE to annually award funds specifically appropriated for the grant program to county jails and sheriffs' offices. The FDLE may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

The total amount of grants awarded may not exceed funding appropriated for the grant program.

The cost associated with procuring the technology varies. The cost for future years is subject to appropriation. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

The FDLE is the administrator of Florida's statewide DNA database.¹ The database is an automated personal identification system capable, in part, of classifying, matching, and storing analyses of DNA and other biological molecules and related data.² All accredited local government crime laboratories within the state have access through CODIS to the statewide DNA database in accordance with the rules and agreements established by FDLE.³

“CODIS” means the Federal Bureau of Investigation’s (FBI) Combined DNA Index System that allows the storage and exchange of DNA records submitted by federal, state, and local forensic DNA laboratories.⁴ CODIS blends forensic science and computer technology into a tool that enables federal, state, and local forensic laboratories to exchange and compare DNA profiles electronically, thereby linking serial violent crimes to each other and to known offenders.⁵

Rapid DNA is the fully automated (hands free) process of generating a DNA profile from a person’s cheek swab in less than two hours.⁶ States with laws that allow DNA analysis upon arrest will be able to submit a qualifying arrestee DNA profile to the CODIS database from the booking station at a county jail.⁷ Florida law requires all persons arrested for a felony or attempted felony in this state to submit a DNA sample at the time they are booked into a jail.⁸

The qualifying arrestee DNA profile will be immediately enrolled and searched in CODIS against DNA profiles from unsolved crimes of special concern.⁹ The “Wants and Warrants” system will immediately send a message involving any exact DNA matches to the booking and investigating agencies.¹⁰ The Rapid DNA system has the ability to provide information on any “hits” on the arrestee’s DNA sample, likely while the arrestee is still in the booking station.¹¹

The FDLE and the Leon County Sheriff’s Office implemented the country’s first fully automated Rapid DNA collection process in 2020.¹² Florida is one of five states selected by the FBI to participate in the Rapid DNA project and the only one to use a fully automated process.¹³ The

¹ Section 943.325(4), F.S.

² *Id.*

³ *Id.*

⁴ Section 943.325(2)(b), F.S.

⁵ FBI Law Enforcement Resources, Biometrics and Fingerprints, Combined DNA Index System (CODIS), available at <https://le.fbi.gov/science-and-lab-resources/biometrics-and-fingerprints/codis>, (last visited March 21, 2023).

⁶ FBI’s Vision of Rapid DNA, September 20, 2017, available at <http://www.fbi.gov/services/laboratory/biometric-analysis/codis/rapid-dna-analysis>, (last visited March 21, 2023).

⁷ *Id.*

⁸ Section 943.325(7)(b), F.S.

⁹ Unsolved crimes of special concern are crimes involving a significant public safety threat and are determined by state-wide policies. *Id.*

¹⁰ *Id.*

¹¹ FDLE News, FDLE, LCSO unveil nation’s first automated rapid DNA collection, February 26, 2020, available at <https://www.fdle.state.fl.us/News/2020/February/FDLE,-LCSO-unveils-nation%E2%80%99s-first-automated-rapid>, (last visited March 21, 2023).

¹² *Id.*

¹³ Forensic, Nation’s First Automated Rapid DNA Collection, March 18, 2023, available at <https://www.forensicmag.com/561947-Nation-s-First-Automated-Rapid-DNA-Collection/>, (last visited March 21, 2023).

FDLE's technology was approved by the FBI in March 2020.¹⁴ The FBI will use data from the pilots to establish national standards for Rapid DNA.¹⁵

III. Effect of Proposed Changes:

The bill creates s. 943.324, F.S., to establish the Rapid DNA Grant Program within FDLE to award grants to county jails or sheriffs' offices to cover expenses, including the procurement of Rapid DNA testing machines and other necessary supplies required to rapidly process DNA samples in support of the statewide DNA database under s. 943.325, F.S.

The bill requires FDLE to annually award funds received from appropriations specific to the grant program to county jails and sheriffs' offices. The total amount of grants awarded may not exceed funding appropriated for the grant program. The FDLE may establish criteria and set specific time periods for the acceptance of applications and for the selection process for awarding grant funds.

The bill provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

¹⁴ *Id.*

¹⁵ *Id.*

B. Private Sector Impact:

None.

C. Government Sector Impact:

According to the Florida Sheriffs Association, the cost of the new technology varies by vendor as well as the number of samples an agency collects. In short, the cost of a Rapid DNA machine can range from \$150,000 to \$250,000 and the cost per sample can range from approximately \$140 per sample to \$250 per sample. There are also additional one-time expenses such as installation, IT integration, training, and shipping, and the on-going expense of a service contract. These vary considerably depending on the vendor.

While there may be some opportunities available for federal grant money for the Rapid DNA roll-out, the opportunities tend to vary each year, and so are unpredictable.¹⁶ FDLE's ability to award grants using state funds in future years is subject to appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 943.324 of the Florida Statutes.

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

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

CS by Appropriations Committee on Criminal and Civil Justice on April 12, 2023:

- Deletes the appropriation in Section 2 of the bill designated for the Florida Department of Law Enforcement for implementing the Rapid DNA Grant Program under s. 943.324, F.S.
- Provides that the Florida Department of Law Enforcement will annually award county jails or sheriffs' offices funds specifically appropriated for the Rapid DNA Grant Program to cover expenses related to purchasing DNA testing machines and supplies.

¹⁶ E-mail from the Florida Sheriffs Association, received March 22, 2023, on file with the Senate Criminal Justice Committee.

B. Amendments:

None.

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

By the Appropriations Committee on Criminal and Civil Justice;
and Senator Ingoglia

604-03776-23

20231140c1

1 A bill to be entitled
2 An act relating to the Rapid DNA Grant Program;
3 creating s. 943.324, F.S.; creating the Rapid DNA
4 Grant Program within the Department of Law Enforcement
5 for county jails or sheriffs' offices; requiring the
6 department to annually award grant funds to county
7 jails or sheriffs' offices; providing funding
8 requirements; authorizing the department to establish
9 criteria and set specific time periods for the
10 acceptance of applications and the selection process
11 for awarding grant funds; providing an effective date.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

15 Section 1. Section 943.324, Florida Statutes, is created to
16 read:

17 943.324 Rapid DNA Grant Program for county jails or
18 sheriffs' offices.-

19 (1) There is created within the department the Rapid DNA
20 Grant Program to award grants to county jails or sheriffs'
21 offices to support local law enforcement agencies in the
22 processing and expediting of DNA samples as defined in, and in
23 support of the statewide DNA database under, s. 943.325.

24 (2) The department shall annually award to county jails or
25 sheriffs' offices any funds specifically appropriated for the
26 grant program to cover expenses related to the purchasing of DNA
27 testing machines and other necessary supplies. Grants must be
28 provided to county jails or sheriffs' offices if funds are
29 appropriated for that purpose by law. The total amount of grants

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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30 awarded may not exceed funding appropriated for the grant
31 program.

32 (3) The department may establish criteria and set specific
33 time periods for the acceptance of applications and for the
34 selection process for awarding grant funds.

35 Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/CS/SB 1158

INTRODUCER: Fiscal Policy Committee, Appropriations Committee on Agriculture, Environment, and General Government, Banking and Insurance Committee and Senator DiCeglie

SUBJECT: Department of Financial Services

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Thomas</u>	<u>Knudson</u>	<u>BI</u>	<u>Fav/CS</u>
2.	<u>Sanders</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>Thomas</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1158 revises provisions of multiple programs within the Department of Financial Services (DFS) to:

- Amend provisions regarding investigations and prosecutions within the regulatory authority of the DFS;
- Add the State College System to the State Deferred Compensation Program;
- Revise provisions relating to the Workers' Compensation Three Member Panel;
- Ratify three DFS rules relating to the Florida Workers' Compensation Law;
- Revises definitions relating to the regulation of funeral, cemetery, and consumer services;
- Establish guidelines for board member requirements where the Chief Financial Officer (CFO) has sole appointment authority;
- Provide that insurers pay for mediation of motor vehicle mediation claims;
- Create a Direct Support Organization to facilitate and promote firefighter safety;
- Revise financial requirements for warranty associations;
- Revise the role of reinsurance intermediaries to an appointment instead of a license; and
- Revise provisions relating to bail bond agents and agencies; remove authority for temporary bail bond agents.

The bill has an indeterminate, yet insignificant impact on state government revenues and expenditures. *See* Section V. Fiscal Impact Statement.

The bill becomes effective upon becoming a law, except as otherwise provided.

II. Present Situation:

Powers and Duties of the Department of Financial Services

The organizational structure of the Department of Financial Services (DFS) is set forth in s. 20.121, F.S. The DFS is statutorily responsible for:

- Carrying out the state's accounting and auditing functions, including preparing the state's Comprehensive Annual Financial Report; monitoring state contracts; and making payment for state expenditures.
- Implementing state fire prevention and control measures, including the investigation of arson and other suspicious fires; training and certification of firefighter candidates; and regulation of explosive storage and use.
- Operating the state's risk management program and securing insurance and reinsurance for covered state liabilities.
- Managing the state Treasury and directing safekeeping and the investment of all state funds.
- Managing the deferred compensation program for state employees.
- Investigating fraud, including insurance fraud, public assistance fraud, and false claims against the state.
- Regulating cemeteries and funeral homes.
- Licensing and oversight of insurance agents and agencies.
- Ensuring that Florida employers provide workers' compensation coverage for their employees in a cost effective manner.
- Assisting consumers in the resolution of issues pertaining to insurance and funeral services.
- Collecting and returning unclaimed property belonging to Florida residents.¹

The DFS is composed of the following thirteen divisions:

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

¹ Florida Department of Financial Services, *Statement of Agency Organization and Operation*, <https://www.myfloridacfo.com/required/agency-org> (last visited March 28, 2023).

- Workers' Compensation.²

Division of Investigative and Forensic Services

The Division of Investigative and Forensic Services (DIFS) functions as a criminal justice agency for purposes of ss. 943.045-943.08, F.S., and is authorized to conduct investigations within or outside of Florida, as necessary. The DIFS includes the following office and bureaus:

- The Bureau of Forensic Services;
- The Bureau of Fire, Arson, and Explosives Investigations;
- The Office of Fiscal Integrity;
- The Bureau of Insurance Fraud; and
- The Bureau of Workers' Compensation Fraud.

DIFS encompasses all enforcement and forensic components within the DFS, investigating a wide range of fraudulent and criminal acts including:

- Insurance fraud investigations;
- Workers' compensation fraud investigations;
- Fire, arson, and explosives investigations;
- Theft/misuse of state funds; and
- Fire and explosives sample analysis.³

Strategic Markets Research and Assessments Unit

Subsection 20.121(6), F.S., establishes the Strategic Markets Research and Assessments Unit and charges the Chief Financial Officer (CFO), or designee, with reporting quarterly to the Cabinet, President of the Senate, and Speaker of the House of Representatives on the status of the state's financial services markets. The report must include a summary of the issues, trends, and threats that broadly impact the condition of the financial services industries and institutions. The CFO is also responsible for submitting findings and recommendations regarding regulatory and policy changes with the report.

Florida Deferred Compensation Program

Section 112.215, F.S., requires the CFO to create a deferred compensation plan (plan) for employees of state agencies, the State University System, the State Board of Administration, and other special district employers (subject to employer election). The plan allows state employees to defer a portion of their income and place it in an investment account. The employee does not pay taxes on the deferred amount or any investment gains until the employee withdraws the money.⁴

² Florida Department of Financial Services, *Divisions and Offices* <https://www.myfloridacfo.com/> (last visited March 28, 2023).

³ Department of Financial Services, Investigative and Forensic Services, *About the Division*, <https://myfloridacfo.com/Division/DIFS/> (last visited March 28, 2023).

⁴ See <https://www.myfloridacfo.com/DeferredComp/> (last visited March 28, 2023).

The Deferred Compensation Advisory Council (Council) provides assistance and recommendations to the CFO relating to the provisions of the plan, the insurance or investment options to be offered under the plan, and any other contracts or appointments deemed necessary. The Council is composed of seven members.

- One member appointed by the Speaker of the House of Representatives and the President of the Senate jointly, who is an employee of the legislative branch;
- One member appointed by the Chief Justice of the Supreme Court, who is an employee of the judicial branch;
- One member appointed by the chair of the Public Employees Relations Commission, who is a nonexempt public employee;
- One member appointed by the Chancellor of the State University System, who is an employee of the university system;
- One member appointed by the CFO, who is an employee of the CFO;
- One member appointed by the Governor, who is an employee of the executive branch; and
- One member appointed by the Executive Director of the State Board of Administration, who is an employee of the State Board of Administration.

Annual Report on Economic Impact of a 1-in-100-Year Hurricane

In 2008, the Legislature created section 215.55952, F.S., requiring the DFS to provide a report on the economic impact on the state of a 1-in-100-year hurricane to the Governor, the President of the Senate, and the Speaker of the House of Representatives by March 1 of each year.⁵ The report is to include:

- An estimate of the short-term and long-term fiscal impacts of such a storm on Citizens Property Insurance Corporation, the Florida Hurricane Catastrophe Fund, the private insurance and reinsurance markets, the state economy, and the state debt;
- An analysis of the average premium increase to fund a 1-in-100-year hurricane event and list the average cost, in both a percentage and dollar amount, impact to consumers on a county-level basis; and
- Recommendations for preparing for such a hurricane and reducing the economic impact of such a hurricane on the state.

In preparing the report, the DFS is charged with coordinating with OIR, Citizens Property Insurance Corporation, the Florida Hurricane Catastrophe Fund, the Florida Commission on Hurricane Loss Projection Methodology, the State Board of Administration, the Office of Economic and Demographic Research, and other state agencies.

The DFS has reported difficulty in obtaining the expertise to develop the report and the high cost to prepare the report.

Tangible Personal Property Owned by Local Governments

Chapter 274, F.S., governs tangible personal property owned by local governments. The CFO is charged with establishing by rule the requirements for the recording and periodic review of such property for inventory purposes. Tangible personal property includes all goods of value capable

⁵ Section 21, ch. 2008-66, L.O.F.

of manual possession and whose chief value is intrinsic to the article itself.⁶ “Governmental unit” means the governing board, commission or authority of a county or taxing district of the state or the sheriff of the county.⁷

Workers’ Compensation

Workers’ Compensation Maximum Reimbursement Allowances

The Division of Workers’ Compensation within the DFS provides regulatory oversight of Florida’s workers’ compensation system, which includes the enforcement of coverage requirements,⁸ administration of workers’ compensation health care delivery system,⁹ data collection,¹⁰ and assisting injured workers, employers, insurers, and providers in fulfilling their responsibilities under ch. 440, F.S.¹¹ Whether an employer is required to have workers’ compensation insurance depends upon the employer’s industry and the number of employees. Employers may secure coverage by purchasing a workers’ compensation insurance policy or qualifying as a self-insurer.¹² Individuals who elect an exemption are not considered “employees,” for premium calculation purposes, and are not eligible to receive workers’ compensation benefits if they suffer a workplace injury. Florida’s workers’ compensation law provides for medically necessary treatment and care of injured employees, including medications. The law provides reimbursement formulas and methodologies to compensate providers of health services, subject to maximum reimbursement allowances (MRAs).

A three-member panel (panel), consisting of the CFO or the CFO’s designee and two Governor’s appointees, sets the MRAs.¹³ The DFS incorporates the statewide schedules of the MRAs by rule in reimbursement manuals. In establishing the MRA manuals, the panel considers the usual and customary levels of reimbursement for treatment, services, and care;¹⁴ the cost impact to employers for providing reimbursement that ensures that injured workers have access to necessary medical care;¹⁵ and the financial impact of the MRAs on healthcare providers and facilities; Florida law requires the panel to develop MRA manuals that are reasonable, promote the workers’ compensation system’s healthcare cost containment and efficiency, and are sufficient to ensure that medically necessary treatment is available for injured workers.¹⁶

The panel develops four different reimbursement manuals to determine statewide schedules of maximum reimbursement allowances. The healthcare provider manual limits the maximum reimbursement for licensed physicians to 110 percent of Medicare reimbursement,¹⁷ while reimbursement for surgical procedures is limited to 140 percent of Medicare.¹⁸ The hospital

⁶ Section 192.001(11)(d), F.S.

⁷ Section 274.01(1), F.S.

⁸ Section 440.107(3), F.S.

⁹ Section 440.13, F.S.

¹⁰ Section 440.185 and 440.593, F.S.

¹¹ Section 440.191, F.S.

¹² Section 440.38, F.S.

¹³ Section 440.13(12)(a), F.S.

¹⁴ Section 440.13(12)(d)1., F.S.

¹⁵ Section 440.13(12)(d)2., F.S.

¹⁶ Section 440.13(12)(d)3., F.S.

¹⁷ Section 440.13(12)(b)4., F.S.

¹⁸ Section 440.13(12)(b)5., F.S.

manual sets maximum reimbursement for outpatient scheduled surgeries at 60 percent of usual and customary charges,¹⁹ while other outpatient services are limited to 75 percent of usual and customary charges.²⁰ Reimbursement of inpatient hospital care is limited based on a schedule of per diem rates approved by the panel.²¹ The ambulatory surgical centers manual limits reimbursement to 60 percent of usual and customary charge as such services are generally scheduled outpatient surgeries. The prescription drug reimbursement manual limits reimbursement to the average wholesale price plus a \$4.18 dispensing fee.²² Repackaged or relabeled prescription medication dispensed by a dispensing practitioner has a maximum reimbursement of 112.5 percent of the average wholesale price plus an \$8.00 dispensing fee.²³ Fees may not exceed the schedules adopted under ch. 440, F.S., and DFS rule.²⁴

Rulemaking Authority and Legislative Ratification

A rule is an “agency statement of general applicability that implements, interprets, or prescribes law or policy.”²⁵ Rulemaking authority is delegated by the Legislature in law to an agency, and authorizes an agency to adopt, develop, establish, or otherwise create a rule.²⁶ An agency may not engage in rulemaking unless it has a legislative grant of authority to do so.²⁷ The statutory authority for rulemaking must be specific enough to guide an agency’s rulemaking and an agency rule must not exceed the bounds of authority granted by the Legislature.²⁸

Prior to the adoption, amendment, or repeal of any rule, an agency must file a notice of the proposed rule in the Florida Administrative Register.²⁹ The notice of the proposed rule must include:

- An explanation of the purpose and effect;
- The specific legal authority for the rule;
- The full text of the rule; and
- A summary of the agency’s statement of estimated regulatory costs (SERC), if one is prepared.³⁰

Within 21 days of the notice, the public may provide an agency with information regarding the SERC or provide proposals for a lower cost alternative to the rule.³¹

¹⁹ Section 440.13(12)(b)3., F.S.

²⁰ Section 440.13(12)(a), F.S.

²¹ Section 440.13(12)(a), F.S.

²² Section 440.13(12)(c), F.S.

²³ *Id.*

²⁴ Section 440.13(13)(b), F.S. The DFS also has broad rulemaking authority under s. 440.591, F.S.

²⁵ Section 120.52(16), F.S.

²⁶ Section 120.52(17), F.S.

²⁷ See ss. 120.52(8) and 120.536, F.S.

²⁸ See *Sloban v. Florida Board of Pharmacy*, 982 So.2d 26 (Fla. 1st DCA 2008) and *Southwest Florida Water Management District v. Save the Manatee Club, Inc.*, 773 So.2d 594 (Fla 1st DCA 2000).

²⁹ See ss. 120.54(3)(a)1., F.S.

³⁰ *Id.*

³¹ See ss. 120.54(3)(a)1., and 120.541(1)(a), F.S.

SERC Requirements

Agencies must prepare the SERC for a rule that has an adverse impact on small businesses or that increases regulatory costs more than \$200,000 within one year after implementation of the rule.³²

A SERC must include estimates of:

- The number of people and entities effected by the proposed rule;
- The cost to the agency and other governmental entities to implement the proposed rule;
- Transactional costs likely to be incurred by people, entities, and governmental agencies for compliance; and
- An analysis of the proposed rule's impact on small businesses, counties, and cities.³³

The SERC must also include an economic analysis on the likelihood that the proposed rule will have an adverse impact in excess of one million dollars within the first five years of implementation on:

- Economic growth, private-sector job creation or employment, or private-sector investment;
- Business competitiveness,³⁴ productivity, or innovation; or
- Regulatory costs, including any transactional costs.³⁵

If the economic analysis results in an adverse impact or regulatory costs in excess of one million dollars within five years after implementation of the rule, then the Legislature must ratify the rule in order for it to take effect.³⁶

The Legislature previously ratified Rule 69L-7.020, Florida Administrative Code, which incorporates by reference the 2016 Edition of the Florida Workers' Compensation Health Care Provider Manual, providing for reimbursement of healthcare providers under the increased MRAs approved by the panel.³⁷ The DFS has subsequently adopted amended versions of the rule, incorporating by reference the manual. The National Council on Compensation Insurance, Inc., (NCCI) estimates that the manual will increase workers' compensation system costs by 0.2 percent (eight million dollars).³⁸ According to the SERC, the revisions to the MRAs in the updated manual are projected to result in increased costs to the workers' compensation system of eight million dollars over the next five years.³⁹

³² Section 120.541(1)(a), F.S.

³³ Section 120.541(2)(b)-(e), F.S. A small city has an unincarcerated population of 10,000 or less. A small county has an unincarcerated population of 75,000 or less. A small business employs less than 200 people, and has a net worth of \$5 million or less.

³⁴ Business competitiveness includes the ability of those doing business in Florida to compete with those doing business in other states or domestic markets.

³⁵ Section 120.541(2)(a), F.S.

³⁶ Section 120.541(3), F.S. Legislative ratification is not required for adoption of federal standards, amendments to the Florida Building Code, or amendments to the Florida Fire Prevention Code. *See s. 120.541(4), F.S.*

³⁷ Chapter 2019-139, L.O.F.

³⁸ National Council on Compensation Insurance, Inc., *Analysis of Florida Medical Fee Schedule Changes Proposed to be Effective July 1, 2021* (Nov. 16, 2020) (on file with the Senate Committee on Banking and Insurance).

³⁹ Florida Department of Financial Services, *Statement of Estimated Regulatory Costs Rule 69L-7.020, F.A.C.* (Nov. 2021) (on file with the Senate Committee on Banking and Insurance).

The DFS has also promulgated two additional rules that meet the threshold for legislative ratification. These are:

- Rule 69L-7.730, Florida Administrative Code, titled “Health Care Provider Medical Billing and Reporting Responsibilities”; and
- Rule 7.740, Florida Administrative Code, titled “Insurer Authorization and Medical Bill Review Responsibilities”.

According to the SERC for these rules, the impact is projected to result in increased costs to the workers’ compensation system of \$8.6 million over each of the next five years.⁴⁰

Because the SERC for these rules exceeds one million dollars within five years of adoption, legislative ratification is required for these rules to become effective, pursuant to s. 120.541(3), F.S.

Funeral, Cemetery, and Consumer Services

Chapter 497, F.S., known as the Florida Funeral, Cemetery, and Consumer Services Act (the Act), generally regulates funeral and cemetery services.⁴¹ The Act authorizes the Board of Funeral, Cemetery, and Consumer Services within the Department of Financial Services to regulate cemeteries, columbaria, cremation services and practices, cemetery companies, dealers and monument builders, funeral directors, and funeral establishments.⁴²

Section 497.005(9), F.S., defines the term “burial service” or “service” to mean “any service offered or provided in connection with the final disposition, memorialization, interment, entombment, or inurnment of human remains or cremated remains.

Section 497.005(61), F.S., defines the term “preneed contract” to mean “any arrangement or method, of which the provider of funeral merchandise or services has actual knowledge, whereby any person agrees to furnish funeral merchandise or service in the future.

The terms “preneed” and “transportation protection agreement” are not defined.

Health Care Ministry

A health care sharing ministry is an alternative to health insurance through which people of similar ethical or religious beliefs assist each other in paying for health care. Some health care sharing ministries act as a clearinghouse to allow one or more members to directly pay the medical expenses of another member. Other health care sharing ministries receive funds from members and use those funds to pay authorized medical expenses when members request payment. The first health care sharing ministry was established in 1981.⁴³

⁴⁰ Florida Department of Financial Services, *Statement of Estimated Regulatory Costs Rule 69L-7.730 and 69L-7.740, F.A.C.* (Feb. 2018) (on file with the Senate Committee on Banking and Insurance).

⁴¹ See Section 497.001, F.S.

⁴² Sections 497.101 and 497.103, F.S.

⁴³ See Benjamin Boyd, *Health Care Sharing Ministries: Scam or Solution*, 26 J.L. & Health 219, 229 (2013).

The Florida Insurance Code exempts such a ministry, referred to as a “nonprofit religious organization,”⁴⁴ from the code’s provisions governing health insurers if the ministry meets several criteria set forth in the code. Since 2008, Florida law has expressly exempted health care sharing ministries that meet statutory criteria from being regulated as insurers. Specifically, a health care sharing ministry qualifies as a “nonprofit religious organization” that is exempt from the requirements of Florida’s insurance code if it:

- Qualifies under federal law as tax-exempt;
- Limits its participants to members who share a common set of ethical or religious beliefs;
- Acts as an organizational clearinghouse for information between participants who have financial, physical, or medical needs and participants who have the ability to pay for the benefit of those participants who have financial, physical, or medical needs;
- Provides for the financial or medical needs of a participant through payments directly from one participant to another participant; and
- Suggests amounts that participants may voluntarily give with no assumption of risk or promise to pay among the participants or between the participants.⁴⁵

Though the code exempts qualified ministries from its requirements of insurers, it nonetheless regulates these ministries in a limited sense. Particularly, the code requires each ministry to give prospective participants notice that it is not an insurer and that it is not subject to regulation under the insurance code.⁴⁶ Moreover, the code expressly states that it “does not prevent” an organization from limiting the financial or medical needs that may be eligible for payment or from canceling the membership of a participant when such participant indicates his or her unwillingness to participate by failing to meet the conditions of membership for a period in excess of 60 days.⁴⁷

Division of Insurance Agents and Agencies

Chapter 626, F.S., governs the regulation of insurance field representatives, navigators, insurance administrators, unauthorized insurers and surplus lines, viatical settlements, structured settlements, and operations.⁴⁸ The powers and duties of the CFO and the DFS in part I of ch. 626, F.S., apply only with respect to insurance agents, insurance agencies, managing general agents, insurance adjusters, reinsurance intermediaries, viatical settlement brokers, customer representatives, service representatives, and agencies.⁴⁹ Further, the DFS has jurisdiction to enforce provisions of parts VIII and IX of ch. 626, F.S., with respect to persons engaged in actions for which a license issued by the DFS is required.⁵⁰ The powers and duties of the

⁴⁴ The more descriptive and widely used term “health care sharing ministry” will continue to be used generally throughout this analysis for continuity and to avoid confusion.

⁴⁵ See s. 624.1265(1), F.S.

⁴⁶ Section 624.1265(3), F.S.

⁴⁷ Section 624.1265(2), F.S.

⁴⁸ This includes licensing and other requirements (part I), general lines agents (part II), life insurance agents (part III), health insurance agents (part IV), title insurance agents (part V), insurance adjusters (part VI), insurance administrators (part VII), and viatical settlements (part X).

⁴⁹ Section 626.016(1), F.S.

⁵⁰ Section 626.016(3), F.S.

Financial Service Commission and the Office of Insurance Regulation (OIR)⁵¹ specified in part I apply only with respect to service companies, insurance administrators, and viatical settlement providers and contracts.⁵² The OIR has jurisdiction to enforce provisions of parts VIII and IX of ch. 626, F.S., with respect to persons who engage in actions for which a license or certificate of authority issued by the OIR is required.⁵³ However, s. 626.016, F.S., is not intended to limit the authority of the DFS and the Division of Investigative and Forensic Services within the DFS, as specified in s. 626.989, F.S.

The Division of Insurance Agent and Agency Services licenses and appoints individuals and entities authorized to transact insurance in Florida as provided in s. 626.016, F.S. Further, the Division receives and reviews applications for insurance licenses and oversees the examination, licensing, and continuing education of licensees. The Division also conducts investigations of alleged violations of the Florida Insurance Code and refers suspected criminal violations of the Florida Insurance Code to the Division's Bureau of Insurance Fraud within the DFS or other law enforcement agencies as appropriate.⁵⁴

Insurance Field Representatives and Operations

For purposes of part I of ch. 626, F.S.,⁵⁵ “association” is defined to include 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).⁵⁶

Fingerprints for Background Checks

The Florida Insurance Code authorizes the DFS to investigate any applicant or licensee, and further states that licensing statutes, which require an evaluation of an applicant’s character or fitness must include the submission of fingerprints for a national criminal records check.⁵⁷ Applicants and licensees submit fingerprints to the Florida Department of Law Enforcement (FDLE), which forwards the fingerprints to the Federal Bureau of Investigations (FBI) for a federal background check.⁵⁸ The federal check is conducted through the FBI, which manages a criminal history record information (CHRI) system, through which this information can be obtained. The purpose of the CHRI system is to assure criminal history record information, wherever it appears, is collected, stored, and disseminated in a manner to ensure the accuracy, completeness, currency, integrity, and security of such information and to protect individual privacy.⁵⁹

⁵¹ Pursuant to s. 20.121(3), F.S., the Office of Insurance Regulation is an office within the Financial Services Commission (FSC). The FSC is composed of the Governor, the Attorney General, the CFO, and the Commissioner of Agriculture. The FSC members serve as the agency head for purposes of rulemaking under ss. 120.536-120.565, F.S.

⁵² Section 626.016(2), F.S.

⁵³ Sections 626.016(3), F.S.

⁵⁴ Sections 624.307, 624.317, and 624.321, F.S.

⁵⁵ Referred to as the “Licensing Procedures Law.” Section 626.011, F.S.

⁵⁶ Section 626.015(5), F.S.

⁵⁷ Section 626.201, F.S.

⁵⁸ Section 624.34, F.S.

⁵⁹ 28 C.F.R. s. 20.1

Federal law authorizes the exchange of CHRI with officials of state and local governmental agencies for licensing and employment purposes.⁶⁰ However, this access can only be authorized by a state statute, which has been subsequently approved by the Attorney General of the United States. The FBI processes fingerprints only if the criteria established by the U.S. Department of Justice has been satisfied. To satisfy federal law, a state licensing statute must identify the specific categories of licenses that require the submission of fingerprints as part of an application and expressly state the applicant's fingerprints will be submitted to the FBI or submitted for a national criminal records background check.

Insurance Agency Closure

Section 626.173, F.S., provides for the closure of an insurance agency and related responsibilities of the insurance agency when closing or ceasing to transact business for more than 30 days. Within 35 days after the agency first ceases to transact insurance, the agency owner or an officer listed on the original application for licensure must:

- Cancel the insurance agency's license by notifying the DFS by the submission of completed form prescribed by the DFS;
- Notify all insurers with whom the agency or agent in charge are appointed, that the agency operations have ceased, the date operations ceased, the identity of any agent or agency to whom the agency's current book of business has been transferred, and the method by which the agency records may be obtained during the time stipulated in ss. 626.748 and 626.561, F.S.;
- Notify all policyholders currently insured by a policy written, produced, or serviced by the agency that the agency has ceased operations, the date the operations ceased and the identity of the agency or agent to whom the agency's current book of business was transferred. If no transfer has occurred, notification should direct the policyholder to contact the insurance company that will assist the policyholder in locating a licensed agent to service the policy;
- Notify all premium finance companies through which active policies are financed, that the agency has ceased operations, the date operations ceased and the identity of the agent or agency to whom the agency's current book of business has been transferred; and
- Ensure all funds held in a fiduciary capacity are distributed to the rightful owners.

The section provides that in a proceeding initiated pursuant to ch. 120, F.S., the DFS may impose an administrative fine against the agent in charge or director or officer found in the proceeding to have violated any provision of this section. A proceeding may not be initiated and a fine may not accrue until after the person has been notified in writing of the nature of the violation, has been afforded 10 business days to correct the violation, and has failed to do so. Fines imposed pursuant to this section may not exceed the amounts specified in s. 626.681, F.S., per violation. Further, the DFS may also suspend or revoke the license of a licensee fined pursuant to this section. The section provides factors for the DFS to consider when determining the appropriateness of the penalty.

⁶⁰ Pub. L. 92-544.

Penalties Against Licensees; Rulemaking Authority

Section 626.207, F.S., provides for the disqualification of applicants and licensees, penalties against licensees, rulemaking authority for the DFS. The DFS must adopt rules that establish specific penalties against licensees for violations of the licensure laws under the DFS. The purpose of any revocation or suspension is to provide a sufficient penalty to deter future violations of the Florida Insurance Code and must be based on the type of conduct and the probability that likelihood to commit further illegal conduct. The length of a suspension may be adjusted based on aggravating or mitigating factors.

Insurance Adjuster Licensure Examination

An adjuster is an individual employed by an insurer to evaluate losses and settle policyholder claims.⁶¹ An adjuster may be licensed as either an “all-lines adjuster” or a “public adjuster.”⁶² An all-lines adjuster “is a person who, for money, commission, or any other thing of value, directly or indirectly undertakes on behalf of a public adjuster or an insurer to ascertain and determine the amount of any claim, loss, or damage payable under an insurance contract or undertakes to effect settlement of such claim, loss, or damage.”⁶³ Subject to certain exceptions, a public adjuster is someone that is paid by an insured to prepare and file a claim against his or her insurer.⁶⁴

Among other requirements, an applicant must pass an examination to obtain an adjuster’s license; however, the examination requirement is waived if the applicant has attained certain professional designations that document their successful completion of professional education coursework. An examination is not required for all-lines adjuster applicants that obtains certain specified professional designations.⁶⁵ The DFS must approve the curriculum, which must include comprehensive analysis of basic property and casualty lines of insurance and testing at least equal to that of standard the DFS testing for the all-lines adjuster license.⁶⁶

Continuing Education Requirements

Pursuant to s. 626.2815, F.S., individuals licensed to engage in the sale of insurance or adjustment of insurance claims in Florida are required to fulfill certain continuing education requirements. Currently, licensees, except title insurance agents, are required to complete a four-hour update course every two years, specific to the license they hold.⁶⁷ Unless otherwise provided, licensees must also complete 20 hours of elective continuing education courses every two years.⁶⁸ If a licensee has been licensed for six years or more, this requirement drops to 16 hours.⁶⁹ For a licensee licensed 25 years or more, and is a chartered life underwriter, is a chartered property and casualty underwriter, or has a Bachelor of Science degree in risk

⁶¹ Insurance Information Institute. *III. Glossary* (defining “adjuster”), <https://www.iii.org/resource-center/iii-glossary/A> (last visited March 28, 2023).

⁶² Section 626.864, F.S.

⁶³ Sections 626.015 and 626.8548, F.S.

⁶⁴ Section 626.854(1), F.S.

⁶⁵ Section 626.221, F.S.

⁶⁶ Section 626.221(2)(j), F.S.

⁶⁷ Section 626.2815(3), F.S.

⁶⁸ Section 626.2815(3)(a), F.S.

⁶⁹ Section 626.2815(3)(b), F.S.

management or insurance with evidence of 18 or more semester hours in insurance-related courses, the elective continuing education course requirement is six hours every two years.⁷⁰ For those individuals holding a license as a customer representative, and not a licensed life or health agent, the elective continuing education course requirement is also six hours every two years.⁷¹ An individual subject to ch. 648, F.S., relating to bail bond agents, is required to complete a four-hour update course and a minimum of ten hours of elective continuing education courses every two years.⁷²

If continuing education requirements are not met, the DFS has the authority to immediately terminate or refuse to renew the appointment of an agent or adjuster, following notification from the DFS, unless an extension or waiver has been granted.⁷³

Limited Licenses and Registration

The DFS is charged with issuing a license to a qualified applicant as an agent authorized to transact a limited class of business in any of the following categories of limited lines insurance:

- Motor vehicle physical damage and mechanical breakdown insurance.
- Industrial fire insurance or burglary insurance.
- Travel insurance.
- Motor vehicle rental insurance.
- Credit insurance.
- Crop hail and multiple-peril crop insurance.
- In-transit and storage personal property insurance.
- Portable electronics insurance.

Grounds for Refusal, Suspension, or Revocation

Section 626.611, F.S., provides grounds for the mandatory denial of an application for, suspension, revocation, or refusal to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent. One of these grounds is for having been found guilty of or having pleaded guilty or nolo contendere to a felony or a crime punishable by imprisonment of one year or more under the law of another state, country, or territory.

Section 626.621, F.S., provides grounds for the discretionary denial of an application for, suspension, revocation, or refusal to renew or continue the license or appointment of any applicant, agent, title agency, adjuster, customer representative, service representative, or managing general agent. These grounds do not include a finding that the applicant, licensee, or appointee had a resident license cancelled in another state.

Reinsurance Intermediary - Fees

Section 626.7492, F.S., referred to as the Reinsurance Intermediary Act, provides for the licensure of reinsurance intermediaries. A “reinsurance intermediary” is defined to include a

⁷⁰ Section 626.2815(3)(c), F.S.

⁷¹ Section 626.2815(3)(d), F.S.

⁷² Section 626.2815(3)(e), F.S.

⁷³ Section 626.2815(9), F.S.

reinsurance intermediary broker or a reinsurance intermediary manager.⁷⁴ A “reinsurance intermediary broker” is defined to include “any person, other than an officer or employee of the ceding insurer, who solicits, negotiates, or places reinsurance cessions or retrocessions on behalf of a ceding insurer without the authority or power to bind reinsurance on behalf of the ceding insurer.”⁷⁵ A “reinsurance intermediary manager” is defined as “any person who has authority to bind, or manages all or part of, the assumed reinsurance business of a reinsurer, including the management of a separate division, department, or underwriting office, and acts as an agent for the reinsurer whether known as a reinsurance intermediary manager, manager, or other similar term.”⁷⁶ The following persons are excluded from the definition of “reinsurance intermediary manager” with respect to the reinsurer:

- An employee of the reinsurer;
- A manager of the United States branch of an alien reinsurer;
- An underwriting manager which, pursuant to contract, manages all the reinsurance operations of the reinsurer, is under common control with the reinsurer, subject to the holding company act, and whose compensation is not based on the volume of premiums written;
- The manager of a group, association, pool, or organization of insurers which engage in joint underwriting or joint reinsurance and who are subject to examination by the insurance regulatory authority of the state in which the manager’s principal business office is located.⁷⁷

The reinsurer intermediary application and license fee is \$50.⁷⁸ A reinsurance intermediary is subject to examination by the DFS. The DFS shall have access to all books, bank accounts, and records of the reinsurance intermediary in a form usable to the DFS.⁷⁹ A reinsurance intermediary found by the DFS, or an insurer or reinsurer found by the office, to be in violation of any provision of the licensure law must:

- For each separate violation pay a penalty in an amount not to exceed \$5,000;
- Be subject to revocation or suspension of its license; and
- If a violation was committed by the reinsurance intermediary, the reinsurance intermediary must make restitution to the insurer, reinsurer, rehabilitator, or liquidator of the insurer or reinsurer for the net losses incurred by the insurer or reinsurer attributable to the violation.⁸⁰

Appointment Requirements for Agents, Adjusters, and Customer Representatives

Section 626.112(1)(a), F.S., states that a person may not be, act as, or advertise or hold himself or herself out to be an insurance agent, insurance adjuster, or customer representative unless he or she is currently licensed by the DFS and appointed by an appropriate appointing entity or person to represent an insurer. Section 626.371(1), F.S., requires all initial appointments be submitted to the DFS no later than 45 days after the date of appointment. Where it appears to the DFS that a formerly or currently licensed person has been, or is, actively engaged as an appointee without being appointed as required, the DFS still may issue an appointment submitted upon finding that such failure was an inadvertent error on the part of the insurer. The DFS may

⁷⁴ Section 626.7492(2)(e), F.S.

⁷⁵ Section 626.7492(2)(f), F.S.

⁷⁶ Section 626.7492(2)(g), F.S.

⁷⁷ Section 626.7492(2)(g)1.-4., F.S.

⁷⁸ Section 624.501(25)(a), F.S.

⁷⁹ Section 626.7492(10)(a), F.S.

⁸⁰ Section 626.7492(11)(a), F.S.

condition such approval on the payment of all fees and taxes that would have been due, had the person been properly appointed.

Title Insurance Agents and Agencies

Title insurance insures property owners against claims related to the ownership of an insured property, liability for back taxes, and liens or other encumbrances.

Section 626.844, F.S., authorizes the DFS to suspend or revoke the license or appointment of any title insurance agent or agency, and it may suspend or revoke the eligibility to hold a license or appointment of any such title insurance agent or agency, upon certain specified grounds. However, an order may not suspend such license or appointment for more than one year.⁸¹

Section 626.8473, F.S., provides all funds received by a title insurance agent considered trust funds received in a fiduciary capacity by the title insurance agent and such funds are the property of the person or persons entitled thereto.

Insurance Adjusters

Part VI, ch. 626, F.S., regulates insurance adjusters, which includes public adjusters, independent adjusters, and company employee adjusters. A “public adjuster” is any person, other than a licensed attorney, who, for compensation, prepares, completes, or files an insurance claim form for an insured or third-party claimant in negotiating or settling an insurance claim on behalf of an insured or third party.⁸² An “independent adjuster” is any person who is self-employed or employed by an independent adjusting firm and who works for an insurer to ascertain and determine the amount of an insurance claim, loss, or damage, or to settle an insurance claim under an insurance contract. A “company employee adjuster” is any person employed in-house by an insurer who ascertains and determines the amount of an insurance claim, loss, or damage, or settles an insurance claim under an insurance contract.

Public adjusters are licensed by the DFS and are required to meet pre-licensing requirements, which include submitting an application, paying required fees, complying with requirements as to knowledge, experience, or instruction, and submitting fingerprints. A policyholder who has sustained an insured loss may hire a public adjuster. The public adjuster will inspect the loss site, analyze the damages, assemble claim support data, review the insured’s coverage, determine current replacement costs, and confer with the insurer’s representatives to adjust the claim. Public adjuster fees are capped at ten to 20 percent of the insurance claim payments.⁸³

Anti-Fraud Reward Program

The Anti-Fraud Reward Program was established in October 1999⁸⁴ and allows the DFS to award up to \$25,000 to individuals who provide information leading to the arrest and conviction

⁸¹ Section 626.8443(1), F.S.

⁸² Section 626.854(1), F.S.

⁸³ Section 626.854 (10), F.S.

⁸⁴ Department of Financial Services, Fraud Free Florida, *\$25,000 Florida Fraud Fighter Reward Program*, <https://myfloridacfo.com/fraudfreeflorida#:~:text=The%20anti%2Dfraud%20reward%20program,to%20an%20arrest%20and%20conviction> (last visited March 28, 2023).

of persons convicted of certain enumerated crimes investigated by the Division of Insurance Fraud.⁸⁵ The awards are funded from the Insurance Regulatory Trust Fund.⁸⁶

Navigators

Part XIII, F.S., provides for the registration of navigators with the DFS. The purpose of registration is to authorize an individual to facilitate the selection of a qualified health plan (QHP) through an Exchange⁸⁷ by providing fair, accurate, and impartial information regarding QHPs and the availability of tax credits and cost sharing reductions, and to prohibit specified activities or conduct.⁸⁸ To be registered, an individual must certify that he or she has completed all training for a navigator required by the federal government or the Exchange and must submit fingerprints for a criminal background check.⁸⁹

Medical Malpractice Risk Apportionment

Section 627.351(4), F.S., requires the OIR to adopt a joint underwriting plan and creates the Joint Underwriting Association (Association). The Association operates subject to the supervision and approval of a board of governors (Board). The Board consists of representatives of five of the insurers participating in the Joint Underwriting Association, an attorney named by The Florida Bar, a physician named by the Florida Medical Association, a dentist named by the Florida Dental Association, and a hospital representative named by the Florida Hospital Association. The CFO selects the representatives of the five insurers. One insurer representative must be chosen from recommendations of the American Insurance Association; one from recommendations of the Property Casualty Insurers Association of America; one from recommendations of the Florida Insurance Council. Two insurer representatives must be selected to represent insurers that are not affiliated with those associations.⁹⁰

Disclosures to Policyholders

Section 627.4215(1), F.S., requires a health insurer to make the following information available on its website:

- Federal and state requirements for coverage of behavioral health care services; and
- Contact information for the Division of Consumer Services of the DFS, including a hyperlink in order for consumers to submit inquiries or complaints relating to health insurer products or services regulated by the DFS or the OIR.

A health insurer is required to provide a notice directly to insureds that includes a description of the federal and state requirements for coverage of behavioral health care services. The notice

⁸⁵ Section 626.9892, F.S.; the applicable crimes arise from violations of ss. 440.105, 624.15, 626.9541, 626.989, 790.164, 790.165, 790.166, 806.01, 806.031, 806.10, 806.111, 817.233, and 817.234, F.S.

⁸⁶ *Id.*

⁸⁷ Exchanges are created under the Patient Protection and Affordable Care Act, Pub. L. No. 111-148, as amended by the Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152.

⁸⁸ Section 626.9952(2), F.S.

⁸⁹ Section 626.9953, F.S.

⁹⁰ Section 627.351(4)(c), F.S.

must include the website address and statewide toll-free telephone number of the Division of Consumer Services of the DFS for receiving complaints.⁹¹

The DFS Property Insurance Mediation Program

Section 627.7015, F.S., provides for a property insurance mediation program through the DFS. It is available for claims under personal lines and commercial residential policies before commencing the appraisal process or before commencing litigation.⁹² An insurer must notify the policyholder of the right to participate in mediation at the time of the claim.⁹³ Mediation is nonbinding. However, if a written settlement is reached, the policyholder has three business days within which the policyholder may rescind the settlement unless the policyholder has cashed or deposited any check or draft disbursed to the policyholder for the disputed matters as a result of the conference. If a settlement agreement is reached and is not rescinded, it is binding and acts as a release of all specific claims that were presented in that mediation conference.⁹⁴

Alternative Procedure for the Resolution of Disputed Sinkhole Insurance Claims

Sections 627.707-627.7074, F.S., create requirements for the investigation of sinkhole claims and a neutral evaluation program to help resolve sinkhole claims. Section 627.707, F.S., requires an insurer, upon receipt of a sinkhole claim, to inspect the policyholder's premises to determine if there is structural damage that may be the result of sinkhole activity. If the insurer confirms that structural damage exists but is unable to identify the cause or discovers that such damage is consistent with sinkhole loss, the insurer shall engage a professional engineer or a professional geologist to conduct testing⁹⁵ to determine the cause of the loss if sinkhole loss is covered under the policy.⁹⁶ If the insurer determines that there is no sinkhole loss, the insurer may deny the claim.⁹⁷

Neutral evaluation is available to either party if a sinkhole report has been issued.⁹⁸ Neutral evaluation must determine causation, all methods of stabilization and repair both above and below ground, and the costs of stabilization and all repairs.⁹⁹ Following the receipt of the sinkhole report or the denial of a claim for a sinkhole loss, the insurer notifies the policyholder of the right to participate in the neutral evaluation program.¹⁰⁰

Neutral evaluation is nonbinding, but mandatory if requested by either the insurer or the insured.¹⁰¹ A request for neutral evaluation is filed with the DFS. The request for neutral evaluation must state the reason for the request and must include an explanation of all the issues

⁹¹ Section 627.4215, F.S.

⁹² Section 627.7015(1), F.S.

⁹³ Section 627.7015(2), F.S.

⁹⁴ Section 627.7015(6), F.S.

⁹⁵ Section 627.7072, F.S., contains testing standards in sinkhole claims.

⁹⁶ Section 627.707(2), F.S.

⁹⁷ Section 627.707(4)(a), F.S.

⁹⁸ Section 627.7073, F.S., requires that a report be issued if testing required under s. 627.707-7074, F.S., is performed.

⁹⁹ Section 627.7074(2), F.S.

¹⁰⁰ Section 627.7074(3), F.S.

¹⁰¹ Section 627.7074(4), F.S.

in dispute at the time of the request.¹⁰² The neutral evaluator receives information from the parties and may have access to the structure. The neutral evaluator evaluates the claim and prepares a report describing whether a sinkhole loss occurred and, if necessary, the costs of repairs or stabilization.¹⁰³ The report is admissible in subsequent court proceedings.¹⁰⁴ Section 627.7074(6), F.S., requires the insurer to pay reasonable costs associated with the neutral evaluation.

Mediation of Automobile Insurance Claims

The DFS administers a mediation program for automobile insurance claims.¹⁰⁵ The claimant or the insurer may demand mediation of a claim in an amount of \$10,000 or less arising out of the ownership, operation, use, or maintenance of a motor vehicle. A request for mediation must be filed with the DFS on an approved form.¹⁰⁶ Costs of the mediation are borne equally by both parties unless the mediator determines that one party has not mediated in good faith.¹⁰⁷ The DFS approves mediators used in the program.¹⁰⁸ To qualify as a mediator for the property or automobile mediation programs, a person must possess an active certification as a Florida Supreme Court certified circuit court mediator or be an approved DFS mediator as of July 1, 2014, and have conducted at least one mediation on behalf of the DFS within four years immediately preceding that date.¹⁰⁹

Insurer Insolvency – Rehabilitation and Liquidation

Rehabilitation and Liquidation

Chapter 631, F.S., provides direction for the handling of insurers that have become insolvent. Part I of the Chapter provides specifically for the rehabilitation and liquidation of insolvent insurers. Receivership is a judicial proceeding in which the DFS is placed in control of the insurer for the purpose of rehabilitating or liquidating the insurer. The DFS may seek to be appointed receiver¹¹⁰ through a delinquency proceeding in court for the purpose of rehabilitating an impaired insurer or, if appropriate, liquidating the insolvent company. The primary goal of rehabilitation is to restore the financial solvency of the insurer¹¹¹ while the primary goal of liquidation is to secure and maximize the assets of the insolvent company for the benefit of its policyholders.¹¹² Section 631.141, F.S., provides for the conduct of delinquency proceedings.

¹⁰² Section 627.7074, F.S. The statute also requires the Department of Financial Services to maintain a list of neutral evaluators and provides for disqualification of neutral evaluators in specified circumstances.

¹⁰³ Sections 627.7074(5), (12), F.S.

¹⁰⁴ Section 627.7074(13), F.S.

¹⁰⁵ Section 626.745, F.S.

¹⁰⁶ Section 627.745(1)(b), F.S.

¹⁰⁷ Section 627.745(1)(f), F.S.

¹⁰⁸ Section 627.745(3)(a), F.S.

¹⁰⁹ Section 627.745(3)(b), F.S.

¹¹⁰ The DFS Division of Rehabilitation and Liquidation acts as receiver when the DFS is appointed. *See* <http://www.myfloridacfo.com/Division/Receiver/> (last visited March 28, 2023).

¹¹¹ The DFS Division of Rehabilitation and Liquidation, *Guide to Receivership Process*, <https://www.myfloridacfo.com/division/receiver/guide-to-the-receivership-process> (last visited March 28, 2023).

¹¹² *See* [Overview of Liquidation under Chapter 631, Florida Statutes \(myfloridacfo.com\)](https://www.myfloridacfo.com/division/receiver/guide-to-the-receivership-process) (last visited March 28, 2023).

Section 631.252(1), F.S., requires policies of the insolvent insurer be canceled upon the earliest of:

- The date of entry of the liquidation or, if the court so provides in its order, the expiration of 30 days from the date of entry of the liquidation order;
- The normal expiration of the policy or contract coverage;
- The replacement of the coverage by the insured, or the replacement of the policy or contract of coverage, with a policy or contract acceptable to the insured by the receiver with another insurer; or
- The termination of the coverage by the insured.

Other than for certain life or health insurance coverages, claims made during the 30-day period under paragraph (1)(a) are handled as if the claim was made prior to the date of the insurer's liquidation.¹¹³ The 30-day coverage period may not be extended.¹¹⁴

Guaranty of Payment

A guaranty association generally is a nonprofit corporation created by law directed to protect policyholders from financial losses and delays in claim payment and settlement due to the insolvency of an insurance company. Section 631.55, F.S., provides for the creation of the Florida Insurance Guaranty Association, Inc. (FIGA). When a property and casualty insurance company becomes insolvent, FIGA is required by law to assume the claims of the insurer and pay the claims of the company's policyholders.¹¹⁵ All insurers licensed to sell property and casualty insurance in the state are required to participate in the FIGA as a condition of transacting business in Florida. The FIGA operates under a board of directors as a nonprofit corporation. The board consists of five to nine members appointed by the DFS to serve four-year terms.¹¹⁶

Section 631.715, F.S., provides for the creation of the Florida Life and Health Insurance Guaranty Association (FLHIGA). All insurers licensed to sell direct life insurance policies, health insurance policies, annuity contracts, and supplemental contracts with or without life contingencies in the state are required to participate in the FLHIGA as a condition of transacting business in Florida. The FLHIGA operates under a board of directors as a nonprofit corporation. The board consists of nine to eleven members appointed by member insurers.¹¹⁷

Section 631.815, F.S., provides for the creation of the Florida Health Maintenance Organization Consumer Assistance Plan (FHMOCAP). All health maintenance organizations possessing a valid certificate of authority in the state are required to participate in the FHMOCAP as a condition of transacting business in Florida. The FHMOCAP operates under a board of directors as a nonprofit corporation. The board consists of five to nine members appointed by the DFS to serve four-year terms.¹¹⁸

¹¹³ Section 631.252(2), F.S.

¹¹⁴ Section 631.252(3), F.S.

¹¹⁵ Section 631.57, F.S.

¹¹⁶ Section 631.56(1), F.S.

¹¹⁷ Section 631.716(1), F.S.

¹¹⁸ Section 631.816(1), F.S.

Section 631.911, F.S., provides the creation of the Florida Workers' Compensation Insurance Guaranty Association, Incorporated (FWCIGA). All insurers authorized to provide workers' compensation insurance in the state are required to participate in the FWCIGA as a condition of transacting business in Florida. The FWCIGA operates under a board of directors as a nonprofit corporation. The board consists of eleven members appointed to serve four-year terms.¹¹⁹

State Fire Marshal

The CFO is designated under Florida law as the State Fire Marshal.¹²⁰ This law provides "it is the intent of the Legislature that the State Fire Marshal shall have the responsibility to minimize the loss of life and property in this state due to fire."¹²¹ The State Fire Marshal, by rule, adopts the Florida Fire Prevention Code (fire code), which contains all fire safety laws and rules that pertain to the design, construction, erection, alteration, modification, repair, and demolition of public and private buildings, structures, and facilities, and the enforcement of such fire safety laws and rules.¹²²

Direct-Support Organizations

Citizen support organizations (CSOs) and direct-support organizations (DSOs) are statutorily-created private entities that are generally required to be non-profit corporations and are authorized to carry out specific tasks in support of public entities or public causes. The purpose and functions of a CSO or DSO are prescribed by its enacting statute and, for most, by a written contract with the agency the CSO or DSO was created to support.

Section 20.058, F.S., establishes the rules and procedures that a CSO or DSO must follow to remain in compliance. By August 1 of each year, a CSO or DSO must submit the following information to the agency it was created, approved, or is administered by:

- The name, mailing address, phone number, and website of the organization;
- The statutory authority or executive order pursuant to which the organization was created;
- A brief description of the mission of, and results obtained by, the organization;
- A brief description of the plans of the organization for the next three fiscal years;
- A copy of the organization's code of ethics; and
- A copy of the organization's most recent tax exemption form.¹²³

Each agency receiving such information from a CSO or DSO must make it available to the public through the agency's website. By August 15 of each year, each agency must submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability with the information provided and must include a recommendation to continue, terminate, or modify the agency's association with each CSO or DSO in the report. Furthermore, any contract between an agency and a CSO or DSO must be contingent upon the timely submission and posting of the information listed above. The contract must also provide for the cessation of operations and the

¹¹⁹ Section 631.912(1), F.S.

¹²⁰ Section 633.104(1).

¹²¹ Section 633.104(2).

¹²² Section 633.208(1); ch. 69A-60, F.A.C.

¹²³ Section 20.058(1)(a)-(f), F.S.

reversion of state funds held by the CSO or DSO in the event that the statute authorizing the creation of the CSO or DSO is repealed, the contract is terminated, or the organization is dissolved. If an organization fails to submit the required information for two consecutive years, the agency head must terminate any contract between the agency and the CSO or DSO.¹²⁴

Additionally, each CSO or DSO with annual expenditures in excess of \$100,000, created or authorized pursuant to law, and created, approved, or administered by a state agency, must provide for an annual financial audit of its accounts and records to be conducted by an independent certified public accountant. The audit must be submitted within nine months after the end of the fiscal year to the Auditor General and to the state agency responsible for the creation, administration, or approval of the CSO or DSO.¹²⁵

Laws creating or authorizing a CSO or DSO repeal on October 1 of the fifth year after enactment, unless reviewed and saved from repeal by the Legislature.¹²⁶

Warranty Associations

Chapter 634, F.S., provides for the regulation of warranty associations. There are three parts to the chapter; Part I for motor vehicle service agreement companies; Part II for home warranty associations; and Part III for service warranty associations.

Motor Vehicle Service Agreement Companies

A motor vehicle service agreement includes any agreement indemnifying the agreement holder against loss caused by failure of any mechanical or other component of the covered motor vehicle that does not operate as originally intended.¹²⁷ It does not include or prohibit the giving, free of charge, of the usual performance guarantees by manufacturers or dealers in connection with the sale of a motor vehicle.¹²⁸ The regulation is administered by the OIR.¹²⁹

Home Warranty Associations

A home warranty association is any business other than an authorized insurer that issues home warranties.¹³⁰ A home warranty includes any agreement whereby a business indemnifies the warranty holder against the cost of repair or replacement of any structural component or appliance of a home, necessitated by wear and tear or an inherent defect of any such structural component or appliance.¹³¹ It does not include or prohibit the giving, at no charge, of usual performance guarantees by either the builder of a home or the manufacturer or seller.¹³² The regulation is administered by the OIR.¹³³

¹²⁴ Section 20.058(2)-(4), F.S.

¹²⁵ Section 215.981(1), F.S.

¹²⁶ Section 20.058(5), F.S.

¹²⁷ Section 634.011(8), F.S.

¹²⁸ *Id.*

¹²⁹ Section 634.021, F.S.

¹³⁰ Section 634.301(3), F.S.

¹³¹ Section 634.301(2), F.S.

¹³² *Id.*

¹³³ Section 634.302, F.S.

Service Warranty Associations

A service warranty association is any business other than an authorized insurer that issues service warranties.¹³⁴ A service warranty includes, in return for the payment of a segregated charge by the consumer, any warranty, guaranty, or maintenance service contract equal to or greater than one year in length; an agreement for a specific duration to perform the repair, replacement, or maintenance of a consumer product; for indemnification for repair, replacement, or maintenance, for failure due to a defect in materials or workmanship, normal wear and tear, power surge, or accidental damage from handling.¹³⁵ The regulation of the association and the warranties is administered by the OIR; the regulation of the sales representatives is by the DFS.¹³⁶

Bail Bonds

A bail bond is a guarantee by a third-party that a defendant in a criminal case will appear in court at all scheduled proceedings. A bail bond agent posts a surety bond to secure the defendant's release from custody; the defendant provides money or other collateral to secure the bail bond and forfeits the premium (10 percent of the amount of bail set by the court) if he or she fails to appear in court or comply with other conditions of the bond. Bail bond agents must be licensed by the DFS and appointed by insurance carriers to execute bail bonds. If a defendant fails to appear in court, the bail bond agent may apprehend and detain the defendant until the defendant is surrendered to the authorities.¹³⁷

Bail bond agents may execute or sign bonds, handle collateral receipts, deliver bonds to appropriate authorities, or operate an agency or branch agency at a separate location from the supervising bail bond agent, managing general agent, or insurer that employs the bail bond agent.¹³⁸

Licensure as a Bail Bond Agent

The DFS issues a temporary license effective for 18 months and permits a licensee to work under the direct supervision of a licensed and appointed bail bond agent; a limited surety license that allows a bail bond agent to execute bail bonds; and a professional bail bond agent that allows the agent to obtain collateral from a criminal defendant in return for the execution of a bail bond with the court.

To become a temporary bail bond agent, an applicant must have completed a 120-hour basic certification course during the four years prior to application and have an offer of employment from a supervising bail bond agent. A temporary bail bond agent must be accompanied by a supervising bail bond agent when apprehending, arresting, or surrendering defendants to the authorities. After one year of work under a temporary license (which must include at least 1,540 hours of paid employment under the supervision of a supervising bail bond agent), the

¹³⁴ Section 634.401(14), F.S.

¹³⁵ Section 634.401(13), F.S.

¹³⁶ Section 634.402, F.S.

¹³⁷ Sections 648.24 and 624.26, F.S. *Also see* Department of Financial Services, Division of Consumer Services, *Bail Bonds Overview*, <https://www.myfloridacfo.com/division/consumers/understanding-insurance/bail-bonds-overview> (last visited March 28, 2023).

¹³⁸ Section 648.355, F.S.

temporary licensee may apply for a regular bail bond agent's license and take the required licensing examination.¹³⁹

After completing the one-year apprenticeship, a temporary licensee who passes a licensing exam and criminal background check may become a:

- Bail bond agent (also known as limited surety agent) who may execute or countersign bail bonds in connection with judicial proceedings; or
- Professional Bail Bond Agent, who may pledge U.S. currency, postal money orders, or cashier's check as security for a bail bond in connection with a judicial proceeding and receives or is promised money or things of value in return.¹⁴⁰

All applicants for bail bond licenses must submit fingerprints for a national criminal background check and pay an application fee. Bail bond agents may not have been convicted of a felony, must be age 18 or older, and must be eligible to work in the United States. A bail bond agent must be appointed by a licensed insurer and the insurer must report the appointment to the DFS. A bail bond agent may not charge a premium other than the rate that has been approved by the OIR, and must retain records related to any bail bonds the agent has executed or countersigned for at least three years after the liability of the surety has been terminated. Additionally, bail bond agents must register with the sheriff and the clerk of the circuit court in the county where the bail bond agent resides. Bail bond agents may not solicit clients at a jail, prison, or courthouse, and may not pay fees for referrals from any person working in the law enforcement community.¹⁴¹

Ownership of a Bail Bond Agency

The owner of a bail bond agency must be a licensed and appointed bail bond agent.¹⁴² The owner or operator of a bail bond agency must designate a primary bail bond agent who is responsible for the overall operation and management of a bail bond agency location and file the name and license number of the primary bail bond agent and the address of the bail bond agency with the DFS. A primary bail bond agent may supervise only one location, is responsible for hiring employees and may not employ or contract with any person who has been found guilty of a felony.¹⁴³

Continuing Education

Bail bond agents must complete at least 14 hours of continuing education every two years.¹⁴⁴ Schools that offer continuing education must be approved and certified by the DFS, and must offer a minimum of three classroom-instruction continuing education classes per calendar year. Continuing education classes must consist of at least two hours of approved coursework and be taught by a supervising instructor who is approved by the DFS.¹⁴⁵

¹³⁹ *Id.* and Rule 69B-221.051, F.A.C.

¹⁴⁰ Section 648.25, F.S.

¹⁴¹ Sections 648.355, 648.33, 648.34, 648.35, 648.36, 648.382, 648.42, and 648.44, F.S.

¹⁴² Section 648.285, F.S.

¹⁴³ Sections 648.25(6) and 648.387, F.S.

¹⁴⁴ Section 648.385, F.S.

¹⁴⁵ Section 648.386, F.S.

Florida Disposition of Unclaimed Property Act

As part of the DFS' statutory responsibilities, the DFS is to collect and return unclaimed property belonging to Florida residents.¹⁴⁶ Chapter 717, F.S., is entitled the Florida Disposition of Unclaimed Property Act, over which the DFS is responsible to administer. Unclaimed property is any funds or other property, tangible or intangible, that has remained unclaimed by the owner for a certain number of years. Unclaimed property may include savings and checking accounts, money orders, travelers' checks, uncashed payroll or cashiers' checks, stocks, bonds, other securities, insurance policy payments, refunds, security and utility deposits, and contents of safe deposit boxes.¹⁴⁷ Until claimed, unclaimed money is deposited into the state school fund to be used for public education.

Pursuant to s. 717.124, F.S. a claimant representative must be a Florida-licensed attorney, a licensed Florida-certified public accountant (CPA), or a private investigator licensed under ch. 493, F.S. A claimant representative must register with the DFS on a form designated by the DFS and provide certain documentation (including tax identification number, identification, electronic funds transfer information, business address, and employees and agents) and credentials as to their status as an attorney, CPA, or private investigator.¹⁴⁸ In order to move forward in obtaining unclaimed property on a potential client's behalf, the representative must first obtain that client's authorization.

III. Effect of Proposed Changes:

Powers and Duties of the Department of Financial Services

Section 1 amends s. 20.121, F.S., to clarify and expand the powers and duties of the Division of Investigative and Forensic Services (DIFS) relating to investigations including the authority to initiate investigations if it has reason to believe any criminal law of Florida or the United States has or may have been violated. The bill allows the Department of Financial Services to initiate, not just conduct, investigations under the jurisdiction of the Chief Financial Officer (CFO), including the CFO's role as State Fire Marshal. This section also expands DIFS authority to refer suspected criminal violations for prosecution to include criminal violation of federal law, in addition to state law criminal violations.

The bill repeals subsection (6) which establishes the Strategic Markets Research and Assessments Unit and charges the CFO, or designee, with reporting quarterly on the status of the state's financial services markets.

Florida Deferred Compensation Program

Section 2 amends s. 112.215, F.S., to redefine the term "employee" as "government employee" and revise eligibility for plans of deferred compensation to include employees of municipalities,

¹⁴⁶ Florida Department of Financial Services, *Statement of Agency Organization and Operation*, <https://www.myfloridacfo.com/sitepages/required/agencyorg.aspx> (last visited March 26, 2021).

¹⁴⁷ Sections 717.104-717.116, F.S.

¹⁴⁸ Section 717.1400, F.S.

special districts, water management districts, and the Florida College System. Revises membership of the Deferred Compensation Advisory Council from seven members to eight members to include an employee of the Florida College System appointed by the Chancellor of the Florida College System.

Annual Report on Economic Impact of a 1-in-100 Year Hurricane

Section 3 amends s. 215.55952, F.S., to require the Department of Financial Services (DFS) to report on the economic impact of a 1-in-100 year hurricane once every three years.

Tangible Personal Property Owned by Local Governments

Section 4 amends s. 274.01, F.S., to revise the definition of the term “governmental unit” for purposes of ch. 274, F.S., to include a county agency, a municipality, and a special district.

Workers’ Compensation

Section 5 amends s. 440.13, F.S., to:

- Provide if there is disagreement in the opinions of health care providers, the judge of compensation claims may, rather than shall, order the injured employee to be evaluated by an expert medical advisor.
- Remove determination of statewide schedules of maximum reimbursement allowances for medically necessary treatment, care, and attendance provided by physicians, work-hardening programs, pain programs, and durable medical equipment from the three-member panel.
- Provide that a hospital or ambulatory surgical center will be reimbursed the agreed-upon contract price or the maximum reimbursement allowance in the appropriate schedule.
- Remove obsolete implementing language and obsolete language relating to practice parameters.
- Provide by July 1 of each year, the DFS must notify carriers and self-insurers of the physician and nonhospital services schedule of maximum reimbursement allowances. The notice must include publication of the schedule on the division’s website. The schedule is not subject to approval by the three-member panel and does not include reimbursement for prescription medication.

Section 6 amends s. 440.385, F.S., to provide the CFO may appoint directors to the Florida Self-Insurers Guaranty Association from recommendations of members of the association or from other persons with experience in self-insurance. Provides the CFO may remove a director for misconduct, malfeasance, misfeasance, or neglect of duty. Provides directors are subject to the code of ethics under part III of ch. 112, F.S.

Section 75 ratifies Rule 69L-7.020, Florida Administrative Code, relating to the Florida Workers’ Compensation Health Care Provider Reimbursement Manual, Rule 69L-7.730, Florida Administrative Code, titled “Health Care Provider Medical Billing and Reporting Responsibilities”; and Rule 7.740, Florida Administrative Code, titled “Insurer Authorization and Medical Bill Review Responsibilities”. The bill meets the condition for effectiveness imposed by s. 120.541(3), F.S. The bill expressly limits ratification to the effectiveness of the

rule. The bill provides this section will not be codified in the Florida Statutes but only noted in the historical comments to each rule by the Department of State.

Funeral and Cemetery Services

Section 7 amends s. 497.005, F.S., to revise definitions relating to funeral, cemetery, and consumer services. Specifically, the bill defines “Preneed contract” to mean any arrangement or method for which the provider of funeral merchandise or services receives any payment in advance for funeral or burial merchandise and services after the death of a contract beneficiary. The term excludes a transportation protection agreement and any payments received on a transportation protection agreement.

Section 7 also defines “transportation protection agreement” to mean an agreement that exclusively provides or arranges for services related to the preparation for the purpose of transportation and subsequent transportation of human remains or cremated remains. The bill expressly states the Florida Insurance Code, as defined in s. 624.01, F.S., does not apply to any transportation protection agreement sold by any licensee under this chapter.

Health Care Ministry

Section 8 amends s. 624.1265, F.S., to provide a nonprofit religious organization may not market or sell health plans by agents licensed by the DFS.

Division of Insurance Agents and Agencies

Section 9 amends s. 624.501, F.S., to delete the application filing and license fee for reinsurance intermediaries.

Section 10 amends s. 626.015, F.S., to revise the definition of the term “association” for purposes of part I of ch. 626, F.S. Reference to the “Florida Association of Health Underwriters” is changed to the “National Association of Benefits and Insurance Professionals Florida Chapter.”

Section 11 amends s. 626.171, F.S., to delete the authority of designated examination centers to take fingerprints of applicants for a license as an agent, customer representative, adjuster, service representative, or reinsurance intermediary.

Section 12 amends s. 626.173, F.S., to provide an insurance agency closure notice requirement provision does not apply to title insurance, life insurance, or annuity contracts.

Section 13 amends s. 626.207, F.S., to authorize the DFS to adopt rules establishing specific penalties against licensees for violations of:

- Section 626.112(7) or (9), F.S., regarding trade names of insurance agencies and adjusting firms;
- Section 626.6115, F.S., regarding compulsory refusal, suspension or revocation of insurance agency licensure;

- Section 626.6215, F.S., regarding discretionary refusal, suspension, or revocation of insurance agency licensure;
- Section 626.7451, F.S., regarding managing general agent contract provisions;
- Section 626.8695, F.S., regarding designation of primary adjusters at each business location;
- Section 626.8697, F.S., regarding mandatory refusal, suspension, or revocation of an adjusting firm license; and
- Section 626.8698, F.S., regarding disciplinary guidelines for public adjusters and public adjuster apprentices.

Section 14 amends s. 626.221, F.S., to add a certification from Professional in Claims (PIC) from 2021 Training, LLC, exempts an applicant for license as an all-lines adjuster from an examination requirement.

Section 15 amends s. 626.2815, F.S., to provide any course related to commercial and residential property coverages, claim adjusting practices, and any other adjuster elective courses approved by the DFS, qualify as elective continuing education for certain insurance representatives.

Section 16 amends s. 626.321, F.S., to delete requirements prohibiting limited lines agents from holding a license as an agent for any other or additional kind or class of insurance coverage and creates a limited license for preneed funeral agreement insurance coverage.

Section 17 amends s. 626.611, F.S., to add having been found guilty of or having pleaded guilty or nolo contendere to a misdemeanor directly related to the financial services business as grounds for compulsory disciplinary actions taken by the DFS against insurance representatives.

Section 18 amends s. 626.621, F.S., to add having had the cancellation of the applicant's, licensee's or appointee's resident license in a state other than Florida as grounds for discretionary disciplinary actions taken by the DFS against insurance representatives.

Section 19 amends s. 626.7492, F.S., to revise the definitions of the terms "producer" and "reinsurance intermediary manager" in order to change the Reinsurance Intermediary Manager and Reinsurance Intermediary Broker licenses to an appointment.

Section 20 amends s. 626.752, F.S., to require the DFS to suspend the insurer's or employer's ability to appoint licensees if the insurer fails to pay the exchange of business fee within 21 days after notice by the DFS.

Section 21 amends s. 626.785, F.S., to authorize a funeral director, a direct disposer, or an employee of a funeral establishment that holds a preneed license to obtain a limited license to sell only policies of life insurance covering the expense of a prearrangement for funeral services or merchandise.

Sections 22 and 23 amend ss. 626.793 and 626.837, F.S., respectively, to require the DFS to suspend the authority of an insurer or employer to appoint licensees if the insurer or employer does not pay the fees and taxes due within 21 days after notice by the DFS.

Title Insurance Agents and Agencies

Section 24 amends s. 626.8411, F.S., to provide the notice requirements of s. 626.173(1)(c), F.S., relating to notifying policyholders of the agency closure, do not apply to title insurance agents or title insurance agencies.

Section 25 amends s. 626.8437, F.S., to add grounds for compulsory disciplinary actions taken by the DFS against a title insurance agent or agency to include misappropriation, conversion, or improper withholding of funds received in a fiduciary capacity and held as part of an escrow agreement, real estate sales contract, or as provided on a settlement statement in a real estate transaction and revocation or cancellation of a licensee's resident license in a jurisdiction other Florida.

Section 26 amends s. 626.844, F.S., to add grounds for discretionary disciplinary actions taken by the DFS against a title insurance agent or agency for having been the subject of a violation of any federal or state securities or commodities law or having a licensee's resident license in a jurisdiction other than Florida revoked or cancelled.

Section 27 amends s. 626.8473, F.S., to transfer the duties as an escrow agent from the title agent to the title agency.

Section 28 amends s. 626.854, F.S., to provide the applicability of the prohibition of taking a thing of value for certain prohibited acts applies to a licensed "and appointed" public insurance adjuster.

Section 29 amends s. 626.874, F.S., to provide a catastrophe or emergency adjuster must adjust claims, losses, or damages under policies or contracts of insurance issued by an authorized insurer or by a licensed independent adjusting firm contracted with an authorized insurer.

Anti-Fraud Reward Program

Section 30 amends s. 626.9892, F.S., to add violations for which the DFS may pay up to \$25,000 in reward under the Anti-Fraud Reward Program. The list of investigable insurance fraud violations under the Anti-Fraud Reward Program is expanded to include, but is not limited to, nursing home and related health care facilities noncompliance; forgery and counterfeiting public records; racketeering and illegal debts; burning to defraud an insurer; theft, robbery and related crimes; false and fraudulent insurance claims; patient brokering; criminal use of personal identification; and money laundering,

The bill removes the requirement for a conviction in order for the person providing information leading to an arrest of a person committing crimes to receive a reward under the Anti-Fraud Reward Program.

Navigators

Section 31 amends s. 626.9957, F.S., to provide for the expiration of a health coverage navigator's registration if the navigator fails to maintain an active, valid navigator's registration

status with the Federal Government or an exchange. Furthermore, a navigator with an expired registration may be not granted subsequent registration until the navigator qualifies as a first-time applicant.

Medical Malpractice Risk Apportionment

Section 32 amends s. 627.351, F.S., to provide the CFO may select the representatives of the Joint Underwriting Association from persons with experience in medical malpractice insurance. The bill also provides the CFO may remove a member for misconduct, malfeasance, misfeasance, or neglect of duty; and provide that members are subject to the code of ethics under part III of ch. 112, F.S. The bill specifies vacancies on the board of governors shall be filled for the remaining period of the term in the same manner as the initial appointments.

Disclosures to Policyholders

Section 33 amends s. 627.4215, F.S., to provide the disclosure requirement to policyholders applies only to health insurers that offer mental health benefits.

DFS Property Insurance Mediation Program

Section 34 amends s. 627.7015, F.S., to provide a disputed property insurance claim is not eligible for mediation until an insurer has made a claim determination or elected to repair pursuant to s. 627.70131, F.S. The bill provides fees for a rescheduled mediation conference can be assessed by the DFS and authorizes the DFS to suspend an insurer's authority to appoint licensees if the insurer does not timely pay the required fees.

Alternative Procedure for the Resolution of Disputed Sinkhole Insurance Claims

Section 35 amends s. 627.7074, F.S., to allow the DFS to designate an administrator to carry out the alternative procedure for resolution of disputed sinkhole insurance claims.

Mediation of Automobile Insurance Claims

Section 36 amends s. 627.745, F.S., to revise the requirements and procedures for the mediation of personal injury claims under a motor vehicle insurance policy; require the costs of mediation to be reasonable and paid by the insurer; provide for consequences of failure to appear; authorize the DFS to designate an administrator by means of a written contract or agreement; and allow for mediation to litigants referred to the DFS by a county or circuit court. This section requires the DFS to adopt, by rules, a motor vehicle claims insurance mediation program to be administered by the DFS or its designee, rules applicable in cases of an emergency within the state and modeled after practices and procedures set forth in mediation rules of procedure adopted by the Supreme Court to include:

- Reasonable requirements for processing and scheduling of requests for mediation;
- Provisions governing who may attend mediation conferences;
- Selection of mediators;
- Criteria for this conduct of mediation conferences;
- Right to legal counsel; and

- Controls of costs and expenses of mediation.

Insurer Insolvency – Rehabilitation and Liquidation

Section 37 amends s. 631.141, F.S., to authorize the DFS in receivership proceedings to use the property of the estate of the insolvent insurer to transfer the insurer's book of business to a solvent assuming insurer or insurers and to share records of the insolvent insurer with the prospective assuming insurer.

Section 38 amends s. 631.252, F.S., to provide policies of the insolvent insurer do not have to be cancelled if there is a carrier willing to take on policies of an insolvent company.

Section 39 amends s. 631.56, F.S., to provide the CFO with the authority to appoint three representative from domestic insurers to the board of directors for the Florida Guaranty Association.

Sections 39 through 42 amend ss. 631.56, 631.716, 631.816, and 631.912, F.S., respectively, to revise membership eligibility requirements for the Florida Insurance Guaranty Association, the Florida Life and Health Insurance Guaranty Association, the Florida Health Maintenance Organization Consumer Assistance Plan, and the Florida Workers' Compensation Insurance Guaranty Association, Incorporated. These sections provide the CFO may remove a member for misconduct, malfeasance, misfeasance, or neglect of duty; and provide that members are subject to the code of ethics under part III of ch. 112, F.S., and as such, provides for penalties for failure to comply with provisions within ch. 112, F.S. The bill specifies board members of the Florida Life and Health Insurance Guaranty Association serve four-year term and may be reappointed, which is current law for board members of the other associations and plans affected by these sections.

Furthermore, **Sections 39 through 42** broaden the recommendation of appointees to the various boards to include recommendations from other persons with experience in property and casualty insurance or motor vehicle insurance, life and annuity or accident and health insurance, health insurance, or workers' compensation insurance, as determined by the CFO.

State Fire Marshal

Section 43 creates s. 633.1423, F.S., to create a direct support organization (DSO) for the State Fire Marshal to be known as the "State Fire Marshal Safety and Training Force," whose purpose is to support the safety and training of firefighters and to recognize exemplary service. The bill provides the DSO must be a non-for-profit corporation incorporated under ch. 617, F.S., and approved by the Department of State; be organized to raise funds; request and receive grants; gifts and bequests of money; conduct program and activities; acquire, receive, hold, invest and administer, in its own name, securities, funds or property; and make grants and expenditures to or for the direct or indirect benefit of the division. The bill provides funds may include the cost of education and training of firefighters, or the recognition of exemplary service of firefighters. Under the bill, the DSO must operate under a written contract with the Division of State Fire Marshal (division).

The section provides for a board of directors; provides requirements for the use of property, annual budgets and reports, an annual audit, and the division's receipt of proceeds; and authorizes moneys received to be held in a depository account.

The bill provides a repeal date of October 1, 2028.

Warranty Associations

Section 44 amends s. 634.181, F.S., to add grounds for compulsory disciplinary actions against motor vehicle service agreement salespersons; provide for the immediate temporarily suspension of a license if the licensee is charged with certain felonies; and authorize the DFS to adopt rules.

Section 45 amends s. 634.191, F.S., to add an additional discretionary ground for refusal, suspension, or revocation of a license or appointment of a motor vehicle service agreement salesperson for failure to report the final disposition of an action taken against the salesperson by a regulatory agency relating to the business of insurance, the sale of securities, or an activity involving fraud, dishonesty, trustworthiness, or breach of a fiduciary duty.

Section 46 amends s. 634.320, F.S., to add grounds for discretionary disciplinary actions taken against a home warranty association sales representative for having been the subject of a violation of any federal or state securities or commodities law; provide for the immediate temporarily suspension of a license if the licensee is charged with certain felonies; and authorize the DFS to adopt rules.

Section 47 amends s. 634.321, F.S., to add grounds for discretionary disciplinary actions against a home warranty association sales representative; require a sales representative to report any action taken against the sales representative relating to the business of insurance; and authorize the DFS to adopt rules.

Section 48 amends s. 634.419, F.S., to provide that specified home solicitation sale requirements, ss. 501.021-501.055, F.S., do not apply to persons or entities licensed and appointed, or their affiliates, which solicit the sale of a service warranty or related service or product in connection with a prearranged appointment at the request of the consumer.

Section 49 amends s. 634.422, F.S., to revise grounds for compulsory disciplinary actions by the DFS against service warranty association sales representatives; require the DFS to immediately temporarily suspend a license or appointment under certain circumstances; prohibit a person from transacting insurance business after such suspension; and authorize the DFS to adopt rules.

Section 50 amends s. 634.423, F.S., to add grounds for discretionary disciplinary actions taken against a service warranty association sales representative for having been the subject of a violation of any federal or state securities or commodities law; provide for the immediate temporarily suspension of a license if the licensee is charged with certain felonies; and authorize the DFS to adopt rules.

Bail Bonds

Section 51 amends and reorders s. 648.25, F.S., to provide a definition of “Appointment”; provides that a “Temporary bail bond agent” means a person licensed before January 1, 2024; provides that a temporary bail bond agent license expires 18 months after issuance and is no longer valid on or after June 30, 2025.

Section 52 amends s. 648.26, F.S., to provide DFS has the authority to disclose the nature of a complaint to a licensee if the investigating officer deems such disclosure necessary to conduct the investigation. Additionally, the bill permits the DFS to update the complainant about the status and outcome of a complaint, and to share information with law enforcement and regulatory agencies, as needed.

Section 53 amends s. 648.27, F.S., to delete a provision relating to the continuance of a temporary bail bond agent license.

Section 54 amends s. 648.285, F.S., to provide bail bond agencies be licensed rather than registered; a person may not control or manage a bail bond agency unless the person has been engaged as a bail bond agent for the preceding 24 months; provides application requirements for bail bond agency licenses; a bail bond agency that holds a current valid registration will have its registration automatically converted to a license on July 1, 2024; and provides s. 112.011, F.S., relating to disqualification from licensing and public employment based on criminal conviction, does not apply to bail bond agencies or to applicants for licensure as bail bond agencies.

Section 55 amends s. 648.30, F.S., to provide a bail bond agent may not sell a bail bond issued by an insurer for which the agent and the agent’s bail bond agency do not hold a current appointment. The bill prohibits the performance of any of the functions of a bail bond agency without a bail bond agency license.

Section 56 amends s. 648.31, F.S., to conform to changes made by the bill and to provide there is no fee for the issuance of any appointment to a bail bond agency.

Section 57 amends s. 648.34, F.S., to conform to changes made by the bill and to revise qualifications for a bail bond agent license to require, within two years immediately before applying for the license, the completion of a basic criminal justice certification course which consists of at least 120 hours of classroom instruction with a passing grade of at least 80 percent and has successfully completed a correspondence course for bail bond agents approved by the DFS.

Section 58 amends s. 648.355, F.S., to delete provisions relating to temporary bail bond agents and preserve the rights of persons who currently hold the temporary bail bond agent license; effective July 1, 2023, such persons would be eligible to take the bail bond agent’s licensure exam and apply for licensure as a bail bond agent or professional bail bond agent. A temporary bail bond agent license that expires, or is terminated or suspended or revoked, would not be renewed or reinstated.

Section 59 amends s. 648.382, F.S., to provide, effective July 1, 2025, each insurer or managing general agent appointing a bail bond agency in this state must file the appointment with the DFS; an appointed entity must hold a valid bail bond agency's license. The bill requires the appointing entity to certify it obtained a sworn attestation of compliance from the appointed agency.

Section 60 amends s. 648.386, F.S., to add the words "classroom instruction" to the continuing education requirements, to ensure bail bond agents are taking the required hours of continuing education in the presence of a supervising instructor. Instruction must be provided in real time, but the bill states that students may attend continuing education classes through video, webcast, or other virtual means. Revises schools and curriculum for continuing education schools to require three classroom-instruction continuing education classes per calendar year.

Section 61 amends s. 648.387, F.S., to rename primary bail bond agents as bail bond agents in charge; requires the bail bond agency to designate another bail bond agent in charge within 10 days of a vacancy.

Section 62 creates s. 648.3875, F.S., to provide requirements for applying for designation as a bail bond agent in charge.

Sections 63, 65, 66, 67, 69, 70 and 71, amend ss. 648.39, 648.42, 648.44, 648.441, 648.50, and 843.021, F.S., respectively, to make conforming and technical changes relating to bail bonds.

Section 64 repeals s. 648.41, F.S., relating to the termination of appointment of temporary bail bond agents.

Section 68 amends s. 648.46(3), F.S., to provide the subsection does not prevent the DFS or the OIR from disclosing the complaint or such information as it deems necessary to conduct the investigation or to update the complainant or to share such information with any law enforcement agency or other regulatory body.

Section 76 amends s. 903.28, F.S., relating to the conditions for remission of forfeiture to provide within two years after the date of forfeiture, if the state is unwilling to seek extradition of the defendant after a request by the surety agent or the surety company, and provided the agent or company consents to pay all costs incurred in returning the defendant to the jurisdiction of the court up to the penal amount of the bond, the court shall direct remission of 100 percent of the forfeiture.

Florida Disposition of Unclaimed Property Act

Section 70 amends s. 717.135, F.S., within the Florida Disposition of Unclaimed Property Act, relating to recovery agreements and purchase agreements for claims filed by a claimant's representative to provide that the section does not prohibit lawful nonagreement, noncontractual, or advertising communications between or among the parties.

Conforming Provisions

Sections 72 through 74 amend ss. 631.152, 631.398, and 903.09, F.S., respectively, to make conforming and technical changes.

Rule Ratification

Section 75 ratifies Rule 69L-7.020, Florida Administrative Code, relating to the Florida Workers' Compensation Health Care Provider Reimbursement Manual, Rule 69L-7.730, Florida Administrative Code, titled "Health Care Provider Medical Billing and Reporting Responsibilities"; and Rule 7.740, Florida Administrative Code, titled "Insurer Authorization and Medical Bill Review Responsibilities". The bill meets the condition for effectiveness imposed by s. 120.541(3), F.S. The bill expressly limits ratification to the effectiveness of the rule. The bill provides this section will not be codified in the Florida Statutes but only noted in the historical comments to each rule by the Department of State.

Effective Date

Section 76 provides except as otherwise expressed in the bill, the bill takes effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill eliminates certain fees related to application and license fees, which may reduce revenues an indeterminate, but likely insignificant, amount.

B. Private Sector Impact:

The rule ratification of the Florida Workers' Compensation Health Care Provider Manual is estimated to increase workers' compensation system costs by 0.2 percent (eight million dollars).¹⁴⁹ However, these monies will be in the form of higher reimbursements to health care providers.¹⁵⁰

The rule ratification relating to "Health Care Provider Medical Billing and Reporting Responsibilities" and "Insurer Authorization and Medical Bill Review Responsibilities", is estimated to increase workers' compensation system costs by \$8.6 million over each of the next five years.

The bill requires motor vehicle insurers to bear the entire cost of mediation. It makes various other changes that have an indeterminate, negative fiscal impact.

C. Government Sector Impact:

The bill makes numerous changes that will require systems and process changes in the Department of Financial Services (DFS) and other agencies.

The bill eliminates certain application and license fees that may reduce revenues an indeterminate, but likely insignificant, amount.

In its analysis of SB 1274 (2022), relating to ratification of Rule 69L-7.020, F.A.C., "Florida Workers' Compensation Health Care Provider Reimbursement Manual" (Manual), the DFS estimates the adoption of the Manual will have the following recurring financial impact on the workers' compensation expenses of the Division of Risk Management:

- \$232,400 in Fiscal Year 2022-2023;
- \$235,000 in Fiscal Year 2023-2024; and
- \$235,800 in Fiscal Year 2024-2025.¹⁵¹

The DFS has also promulgated two additional rules that meet the threshold for legislative ratification. These are:

- Rule 69L-7.730, Florida Administrative Code, titled "Health Care Provider Medical Billing and Reporting Responsibilities"; and
- Rule 7.740, Florida Administrative Code, titled "Insurer Authorization and Medical Bill Review Responsibilities".

According to the SERC relating to the ratification of Rule 69L-7.730, Florida Administrative Code, titled "Health Care Provider Medical Billing and Reporting Responsibilities" and Rule 7.740, Florida Administrative Code, titled "Insurer

¹⁴⁹ Florida Department of Financial Services, *Statement of Estimated Regulatory Costs Rule 69L-7.020, F.A.C.* (Nov. 2021) (on file with the Senate Committee on Agriculture, Environment, and General Government).

¹⁵⁰ *Id.*

¹⁵¹ Department of Financial Services, *Bill Analysis for SB 1274* (Jan. 11, 2022) (on file with Senate Appropriations Committee on Agriculture, Environment, and General Government).

Authorization and Medical Bill Review Responsibilities”, the impact is projected to result in increased costs to the workers’ compensation system of \$8.6 million over each of the next five years.

Inasmuch as the DFS expands the scope of reportable and investigable acts under the Anti-Fraud Reward Program, the DFS may see an increase in reward payouts; particularly with the removal of the provision requiring a conviction in order for the informant to receive a reward.

In order to carry out the provisions of **Section 36**, the DFS may designate an entity or person to serve as an administrator by means of a written contract or agreement. In the event the DFS contracts with a private sector provider, the DFS may incur expenses related to administration of the Motor Vehicle Mediation Claims Insurance Program.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 20.121, 112.215, 215.55952, 274.01, 440.13, 440.385, 497.005, 624.1265, 624.501, 626.015, 626.171, 626.173, 626.207, 626.221, 626.2815, 626.321, 626.611, 626.621, 626.7492, 626.752, 626.785, 626.793, 626.837, 626.8411, 626.8437, 626.844, 626.8473, 626.854, 626.874, 626.9892, 626.9957, 627.351, 627.4215, 627.7015, 627.7074, 627.745, 631.141, 631.252, 631.56, 631.716, 631.816, 631.912, 634.181, 634.191, 634.320, 634.321, 634.419, 634.422, 634.423, 648.25, 648.26, 648.27, 648.285, 648.30, 648.31, 648.34, 648.355, 648.382, 648.386, 648.387, 648.39, 648.42, 648.44, 648.441, 648.46, 648.50, 717.135, 843.021, 631.152, 631.398, and 903.09.

This bill creates the following sections of the Florida Statutes: 633.1423 and 648.3875.

This bill repeals section 648.41 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Fiscal Policy Committee on April 20, 2023:

The committee substitute amendment clarifies that a claim is eligible for mediation once the insurer complies with the requirement to pay or deny the claim within 90 days after the insurer receives the claim or elects to reinspect. If the insurer has not complied or elected to reinspect within 90 days, the insurer may not require mediation.

CS by Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:

The committee substitute:

- Removes the following sections from the bill:
 - Section 2 – Financial Literacy, s. 39.6035, F.S.;
 - Section 4 – Prompt Pay, s. 215.422, F.S.;
 - Section 6 – Financial Literacy, s. 409.1451, F.S.;
 - Section 8 – Certificate of Insurance change, s. 440.38, F.S.;
 - Section 36 – Loss Assessment, s. 627.70132, F.S.;
 - Section 39 – Loss Assessment, s. 627.714, F.S.;
 - Section 76 – Bail Bonds two years/deceased, s. 903.28, F.S.;
 - Section 77 – cross-reference update, s. 28.2221, F.S.; and
 - Section 78 – cross-reference update, s. 119.071, F.S.
- Repeals s. 215.55952, F.S., relating to a required annual report on the economic impact of a 1-in-100-year hurricane;
- Provides the appointments made by the Chief Financial Officer are deemed to be within the scope of the exemption provided in s. 112.313(7)(b), F.S., which allows a public officer or employee to practice in a particular profession or occupation when such practice is required or permitted by law;
- Revises definitions relating to the regulation of funeral, cemetery, and consumer services; and
- Adds two rules for ratification:
 - Rule 69L-7.730, Florida Administrative Code, titled “Health Care Provider Medical Billing and Reporting Responsibilities”; and
 - Rule 7.740, Florida Administrative Code, titled “Insurer Authorization and Medical Bill Review Responsibilities”.

CS by Banking and Insurance Committee on March 22, 2023:

The committee substitute makes the following changes:

- Provides that in Workers’ Compensation cases, if there is disagreement in the opinions of health care providers, the judge of compensation claims may, rather than shall, order the injured employee to be evaluated by an expert medical advisor.
- Provides that any form used by the DFS to show proof of Workers’ Compensation coverage must contain:
 - The governing class code or codes;
 - Payroll information; and
 - The total number of employees covered by the workers’ compensation insurance policy.
- Removes provisions from the bill limiting members of various appointed entities to terms of no more than eight consecutive years.
- Removes section 25 of the bill defining the term “real estate closing transaction” for title agents.
- Removes the requirement for a conviction in order to receive a reward under the Anti-Fraud Reward Program.

- Allows the Department of Financial Services (DFS) to designate an administrator to carry out the alternative procedure for resolution of disputed sinkhole insurance claims.
- Adds a Sunset repeal date to the State Fire Marshall Direct Support Organization created in the bill.
- Removes provisions authorizing the DFS to issue a home warranty sales representative license or a service warranty sales representative license to a nonresident applicant if the applicant is licensed as such in the applicant's home state.
- Removes provisions relating to a service warranty association's outstanding debt obligation.
- Removes the proposed revision to the definition of the term "manufacturer" for service warranty associations.
- Provides there is no fee for the issuance of any appointment to a bail bond agency.
- Provides that the provisions restricting recovery agreements and purchase agreements for claims filed by a claimant's representative do not prohibit lawful nonagreement, noncontractual, or advertising communications between or among the parties.
- Revises remission of forfeiture provisions.
- Revises wording in several sections of the bill for greater clarity.

B. Amendments:

None.



538574

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete lines 1520 - 1522
and insert:
program under this section. A claim becomes eligible for mediation after the insurer complies with s. 627.70131(7) or elects to reinspect pursuant to s. 627.70152(4)(a)3. If the insurer has not complied with s. 627.70131(7) or elected to reinspect pursuant to s. 627.70152(4)(a)3. within 90 days after notice of the loss, the insurer may not require mediation under



538574

11 this section. However, this subsection does not impair the right
12 of an insurer to request mediation after a determination of
13 coverage pursuant to this section or require appraisal or
14 another method of alternative dispute resolution pursuant to s.
15 627.70152(4)(b). The department shall

16
17 ===== T I T L E A M E N D M E N T =====

18 And the title is amended as follows:

19 Delete lines 134 - 136

20 and insert:

21 amending s. 627.7015, F.S.; specifying when a disputed
22 property insurance claim becomes eligible for
23 mediation; prohibiting an insurer from requiring
24 mediation under certain circumstances; providing
25 construction; providing that fees

By the Appropriations Committee on Agriculture, Environment, and General Government; the Committee on Banking and Insurance; and Senator DiCeglie

601-03769-23

20231158c2

1 A bill to be entitled
 2 An act relating to the Department of Financial
 3 Services; amending s. 20.121, F.S.; revising powers
 4 and duties of the department's Division of
 5 Investigative and Forensic Services; deleting the
 6 department's Strategic Markets Research and Assessment
 7 Unit; amending s. 112.215, F.S.; redefining the term
 8 "employee" as "government employee" and revising the
 9 definition of the term; revising eligibility for plans
 10 of deferred compensation established by the Chief
 11 Financial Officer; revising the membership of the
 12 Deferred Compensation Advisory Council; making
 13 technical changes; amending s. 215.55952, F.S.;
 14 revising the initial date and subsequent intervals in
 15 which the Chief Financial Officer must provide the
 16 Governor and the Legislature with a report on the
 17 economic impact of certain hurricanes; amending s.
 18 274.01, F.S.; revising the definition of the term
 19 "governmental unit" for purposes of ch. 274, F.S.;
 20 amending s. 440.13, F.S.; authorizing, rather than
 21 requiring, a judge of compensation claims to order an
 22 injured employee's evaluation by an expert medical
 23 advisor under certain circumstances; revising the
 24 schedules of maximum reimbursement allowances
 25 determined by the three-member panel under the
 26 Workers' Compensation Law; revising reimbursement
 27 requirements for certain providers; requiring the
 28 department to annually notify carriers and self-
 29 insurers of certain schedules; requiring the

Page 1 of 114

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601-03769-23

20231158c2

30 publication of a schedule in a certain manner;
 31 providing construction; revising factors the panel
 32 must consider in establishing the uniform schedule of
 33 maximum reimbursement allowances; deleting certain
 34 standards for practice parameters; amending s.
 35 440.385, F.S.; revising eligibility requirements for
 36 the board of directors of the Florida Self-Insurers
 37 Guaranty Association, Incorporated; providing
 38 construction; authorizing the Chief Financial Officer
 39 to remove a director under certain circumstances;
 40 specifying requirements for, and restrictions on,
 41 directors; prohibiting directors and employees of the
 42 association from knowingly accepting certain gifts or
 43 expenditures; providing penalties; amending s.
 44 497.005, F.S.; adding and revising definitions for
 45 purposes of the Florida Funeral, Cemetery, and
 46 Consumer Services Act; amending s. 624.1265, F.S.;
 47 revising conditions for a nonprofit religious
 48 organization to be exempt from requirements of the
 49 Florida Insurance Code; amending s. 624.501, F.S.;
 50 deleting an application filing and license fee for
 51 reinsurance intermediaries; amending s. 626.015, F.S.;
 52 revising the definition of the term "association" for
 53 purposes of part I of ch. 626, F.S.; amending s.
 54 626.171, F.S.; deleting the authority of designated
 55 examination centers to take fingerprints of applicants
 56 for a license as an agent, customer representative,
 57 adjuster, service representative, or reinsurance
 58 intermediary; amending s. 626.173, F.S.; providing

Page 2 of 114

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601-03769-23

20231158c2

59 that a certain notice requirement for certain licensed
60 insurance agencies ceasing the transacting of
61 insurance does not apply to certain kinds of
62 insurance; amending s. 626.207, F.S.; revising
63 violations for which the department must adopt rules
64 establishing specific penalties; amending s. 626.221,
65 F.S.; adding a certification that exempts an applicant
66 for license as an all-lines adjuster from an
67 examination requirement; amending s. 626.2815, F.S.;
68 revising continuing education requirements for certain
69 insurance representatives; amending s. 626.321, F.S.;
70 deleting certain requirements for, and restrictions
71 on, licensees of specified limited licenses; adding a
72 limited license for transacting preneed funeral
73 agreement insurance; specifying conditions for issuing
74 such license without an examination; amending s.
75 626.611, F.S.; revising specified grounds for
76 compulsory disciplinary actions taken by the
77 department against insurance representatives; amending
78 s. 626.621, F.S.; adding grounds for discretionary
79 disciplinary actions taken by the department against
80 insurance representatives; amending s. 626.7492, F.S.;
81 revising definitions of the terms "producer" and
82 "reinsurance intermediary manager"; revising licensure
83 requirements for reinsurance intermediary brokers and
84 reinsurance intermediary managers; deleting the
85 authority of the department to refuse to issue a
86 reinsurance intermediary license under certain
87 circumstances; amending s. 626.752, F.S.; requiring

Page 3 of 114

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601-03769-23

20231158c2

88 the department to suspend the authority of an insurer
89 or employer to appoint licensees under certain
90 circumstances relating to the exchange of insurance
91 business; amending s. 626.785, F.S.; authorizing
92 certain persons to obtain a limited license to sell
93 only policies of life insurance covering the expense
94 of a prearrangement for funeral services or
95 merchandise; amending ss. 626.793 and 626.837, F.S.;
96 requiring the department to suspend the authority of
97 an insurer or employer to appoint licensees under
98 certain circumstances relating to the acceptance of
99 excess or rejected insurance business; amending s.
100 626.8411, F.S.; providing that certain notice
101 requirements do not apply to title insurance agents or
102 title insurance agencies; amending s. 626.8437, F.S.;
103 adding grounds for compulsory disciplinary actions
104 taken by the department against a title insurance
105 agent or agency; amending s. 626.844, F.S.; adding
106 grounds for discretionary disciplinary actions taken
107 by the department against a title insurance agent or
108 agency; amending s. 626.8473, F.S.; revising
109 requirements for engaging in the business as an escrow
110 agent in connection with real estate closing
111 transactions; amending s. 626.854, F.S.; revising
112 applicability of a prohibited act relating to public
113 insurance adjusters; amending s. 626.874, F.S.;
114 revising eligibility requirements for the department's
115 issuance of licenses to catastrophe or emergency
116 adjusters; revising grounds on which the department

Page 4 of 114

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601-03769-23

20231158c2

117 may deny such license; amending s. 626.9892, F.S.;

118 revising a condition and adding violations for which

119 the department may pay rewards under the Anti-Fraud

120 Reward Program; amending s. 626.9957, F.S.; providing

121 for the expiration of a health coverage navigator's

122 registration under certain circumstances; specifying a

123 restriction on expired registrations; amending s.

124 627.351, F.S.; revising requirements for membership of

125 the Florida Medical Malpractice Joint Underwriting

126 Association; providing construction; specifying a

127 requirement for filling vacancies; authorizing the

128 Chief Financial Officer to remove board members under

129 certain circumstances; providing requirements for, and

130 restrictions on, board members; providing penalties;

131 amending s. 627.4215, F.S.; revising the applicability

132 of disclosure requirements for health insurers

133 relating to behavioral health insurance coverage;

134 amending s. 627.7015, F.S.; providing that a disputed

135 property insurance claim is not eligible for mediation

136 until certain conditions are met; providing that fees

137 for a rescheduled mediation conference be assessed by

138 the department rather than the administrator;

139 authorizing the department to suspend an insurer's

140 authority to appoint licensees under certain

141 circumstances; amending s. 627.7074, F.S.; authorizing

142 the department to designate, by written contract or

143 agreement, an entity or a person to administer the

144 alternative dispute resolution process for sinkhole

145 insurance claims; amending s. 627.745, F.S.; revising

Page 5 of 114

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601-03769-23

20231158c2

146 requirements and procedures for the mediation of

147 personal injury claims under a motor vehicle insurance

148 policy; requiring the department to adopt specified

149 rules relating to a motor vehicle claims insurance

150 mediation program; authorizing the department to

151 designate a person or entity to serve as

152 administrator; amending s. 631.141, F.S.; authorizing

153 the department in receivership proceedings to take

154 certain actions as a domiciliary receiver; amending s.

155 631.252, F.S.; revising conditions under which

156 policies and contracts of insolvent insurers are

157 canceled; amending ss. 631.56, 631.716, 631.816, and

158 631.912, F.S.; revising membership eligibility

159 requirements for the Florida Insurance Guaranty

160 Association, the Florida Life and Health Insurance

161 Guaranty Association, the Florida Health Maintenance

162 Organization Consumer Assistance Plan, and the Florida

163 Workers' Compensation Insurance Guaranty Association,

164 Incorporated, respectively; providing construction;

165 authorizing the Chief Financial Officer to remove a

166 board member under certain circumstances; specifying

167 requirements for, and restrictions on, board members;

168 providing penalties; creating s. 633.1423, F.S.;

169 defining the term "organization"; authorizing the

170 Division of State Fire Marshal to establish a direct-

171 support organization; specifying the purpose of and

172 requirements for the organization; specifying

173 requirements for the organization's written contract

174 and board of directors; providing requirements for the

Page 6 of 114

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601-03769-23

20231158c2

175 use of property, annual budgets and reports, an annual
 176 audit, and the division's receipt of proceeds;
 177 authorizing moneys received to be held in a depository
 178 account; providing for future repeal; amending s.
 179 634.181, F.S.; adding grounds for compulsory
 180 disciplinary actions by the department against motor
 181 vehicle service agreement salespersons; requiring the
 182 department to immediately temporarily suspend a
 183 license or appointment under certain circumstances;
 184 prohibiting a person from transacting insurance
 185 business after such suspension; authorizing the
 186 department to adopt rules; amending s. 634.191, F.S.;
 187 revising grounds for discretionary disciplinary
 188 actions by the department against motor vehicle
 189 service agreement salespersons; requiring salespersons
 190 to submit certain documents to the department;
 191 authorizing the department to adopt rules; amending s.
 192 634.320, F.S.; revising grounds for compulsory
 193 disciplinary actions by the department against home
 194 warranty association sales representatives; requiring
 195 the department to immediately temporarily suspend a
 196 license or appointment under certain circumstances;
 197 prohibiting a person from transacting insurance
 198 business after such suspension; authorizing the
 199 department to adopt rules; amending s. 634.321, F.S.;
 200 revising grounds for discretionary disciplinary
 201 actions by the department against home warranty
 202 association sales representatives; authorizing the
 203 department to adopt rules; amending s. 634.419, F.S.;

Page 7 of 114

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601-03769-23

20231158c2

204 providing that specified home solicitation sale
 205 requirements do not apply to certain persons relating
 206 to the solicitation of service warranty or related
 207 service or product sales; amending s. 634.422, F.S.;
 208 revising grounds for compulsory disciplinary actions
 209 by the department against service warranty association
 210 sales representatives; requiring the department to
 211 immediately temporarily suspend a license or
 212 appointment under certain circumstances; prohibiting a
 213 person from transacting insurance business after such
 214 suspension; authorizing the department to adopt rules;
 215 amending s. 634.423, F.S.; revising grounds for
 216 discretionary disciplinary actions by the department
 217 against service warranty association sales
 218 representatives; authorizing the department to adopt
 219 rules; reordering and amending s. 648.25, F.S.;
 220 defining and redefining terms; amending s. 648.26,
 221 F.S.; authorizing certain actions by the department or
 222 the Office of Insurance Regulation relating to certain
 223 confidential records relating to bail bond agents;
 224 amending s. 648.27, F.S.; deleting a provision
 225 relating to the continuance of a temporary bail bond
 226 agent license; amending s. 648.285, F.S.; revising
 227 requirements, conditions, and procedures for a bail
 228 bond agency license; providing applicability;
 229 conforming a provision to changes made by the act;
 230 amending s. 648.30, F.S.; revising requirements and
 231 conditions for the licensure and appointment as a bail
 232 bond agent or bail bond agency; conforming a provision

Page 8 of 114

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601-03769-23

20231158c2

233 to changes made by the act; amending s. 648.31, F.S.;

234 specifying that there is no fee for the issuance of

235 any appointment to a bail bond agency; conforming a

236 provision to changes made by the act; amending s.

237 648.34, F.S.; revising qualifications for a bail bond

238 agent license; conforming a provision to changes made

239 by the act; amending s. 648.355, F.S.; deleting

240 provisions relating to temporary licenses as a limited

241 surety agent or professional bail bond agent;

242 specifying requirements for an individual licensed as

243 a temporary bail bond agent to qualify for bail bond

244 agent license; prohibiting the department from issuing

245 a temporary bail bond agent license beginning on a

246 specified date; providing construction relating to

247 existing temporary licenses; amending s. 648.382,

248 F.S.; revising requirements for the appointment of

249 bail bond agents or bail bond agencies; conforming a

250 provision to changes made by the act; amending s.

251 648.386, F.S.; defining the term "classroom

252 instruction"; revising requirements for approval and

253 certification as an approved limited surety agent and

254 professional bail bond agent continuing education

255 school; amending s. 648.387, F.S.; renaming primary

256 bail bond agents as bail bond agents in charge;

257 revising the department's disciplinary authority;

258 revising prohibited actions and the applicability of

259 such prohibitions; providing for the automatic

260 expiration of a bail bond agency's license under

261 certain circumstances; creating s. 648.3875, F.S.;

Page 9 of 114

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601-03769-23

20231158c2

262 providing requirements for applying for designation as

263 a bail bond agent in charge; amending s. 648.39, F.S.;

264 revising applicability of provisions relating to

265 termination of appointments of certain agents and

266 agencies; repealing s. 648.41, F.S., relating to

267 termination of appointment of temporary bail bond

268 agents; amending s. 648.42, F.S.; conforming a

269 provision to changes made by the act; making a

270 technical change; amending s. 648.44, F.S.; revising

271 applicability of prohibited acts; revising and

272 specifying prohibited acts of bail bond agents and

273 bail bond agencies; conforming provisions to changes

274 made by the act; amending s. 648.441, F.S.; revising

275 applicability of a prohibition against furnishing

276 supplies to an unlicensed bail bond agent; amending s.

277 648.46, F.S.; authorizing certain actions by the

278 department or the office relating to certain

279 confidential records relating to bail bond agents;

280 amending s. 648.50, F.S.; revising applicability of

281 provisions relating to disciplinary actions taken by

282 the department; conforming provisions to changes made

283 by the act; amending s. 717.135, F.S.; revising a

284 requirement for, and a prohibition on, claimants'

285 representatives relating to unclaimed property

286 recovery agreements and purchase agreements; providing

287 construction; amending s. 843.021, F.S.; revising a

288 defense to an unlawful possession of a concealed

289 handcuff key; amending ss. 631.152, 631.398, and

290 903.09, F.S.; conforming cross-references; ratifying

Page 10 of 114

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601-03769-23 20231158c2

291 specified rules of the department; providing
 292 construction; providing effective dates.

293
 294 Be It Enacted by the Legislature of the State of Florida:

295
 296 Section 1. Paragraph (e) of subsection (2) and subsection
 297 (6) of section 20.121, Florida Statutes, are amended to read:
 298 20.121 Department of Financial Services.—There is created a
 299 Department of Financial Services.

300 (2) DIVISIONS.—The Department of Financial Services shall
 301 consist of the following divisions and office:

302 (e) The Division of Investigative and Forensic Services,
 303 which shall function as a criminal justice agency for purposes
 304 of ss. 943.045-943.08. The division may initiate and conduct
 305 investigations into any matter under the jurisdiction of the
 306 Chief Financial Officer and Fire Marshal within or outside of
 307 this state as it deems necessary. If, during an investigation,
 308 the division has reason to believe that any criminal law of this
 309 state or the United States has or may have been violated, it
 310 shall refer any records tending to show such violation to state
 311 ~~or federal~~ law enforcement and, if applicable, federal ~~or~~
 312 prosecutorial agencies and shall provide investigative
 313 assistance to those agencies as appropriate ~~required~~. The
 314 division shall include the following bureaus and office:
 315 1. The Bureau of Forensic Services;
 316 2. The Bureau of Fire, Arson, and Explosives
 317 Investigations;
 318 3. The Office of Fiscal Integrity, which shall have a
 319 separate budget;

Page 11 of 114

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601-03769-23 20231158c2

320 4. The Bureau of Insurance Fraud; and

321 5. The Bureau of Workers' Compensation Fraud.

322 ~~(6) STRATEGIC MARKETS RESEARCH AND ASSESSMENT UNIT. The~~
 323 ~~Strategic Markets Research and Assessment Unit is established~~
 324 ~~within the Department of Financial Services. The Chief Financial~~
 325 ~~Officer or his or her designee shall report on September 1,~~
 326 ~~2008, and quarterly thereafter, to the Cabinet, the President of~~
 327 ~~the Senate, and the Speaker of the House of Representatives on~~
 328 ~~the status of the state's financial services markets. At a~~
 329 ~~minimum, the report must include a summary of issues, trends,~~
 330 ~~and threats that broadly impact the condition of the financial~~
 331 ~~services industries, along with the effect of such conditions on~~
 332 ~~financial institutions, the securities industries, other~~
 333 ~~financial entities, and the credit market. The Chief Financial~~
 334 ~~Officer shall also provide findings and recommendations~~
 335 ~~regarding regulatory and policy changes to the Cabinet, the~~
 336 ~~President of the Senate, and the Speaker of the House of~~
 337 ~~Representatives.~~

338 Section 2. Subsections (2) and (4), paragraph (a) of
 339 subsection (8), and subsection (12) of section 112.215, Florida
 340 Statutes, are amended to read:

341 112.215 Government employees; deferred compensation
 342 program.—

343 (2) For the purposes of this section, the term "government
 344 employee" means any person employed, whether appointed, elected,
 345 or under contract, ~~by providing services for~~ the state or any
 346 governmental unit of the state, including, but not limited to,
 347 any state agency; any ~~or~~ county, municipality, or other
 348 political subdivision of the state; any special district or

Page 12 of 114

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601-03769-23 20231158c2

349 water management district, as the terms are defined in s.
 350 189.012 municipality; any state university or Florida College
 351 System institution, as the terms are defined in s. 1000.21(6)
 352 and (3), respectively board of trustees; or any constitutional
 353 county officer under s. 1(d), Art. VIII of the State
 354 Constitution for which compensation or statutory fees are paid.

355 (4) (a) The Chief Financial Officer, with the approval of
 356 the State Board of Administration, shall establish a state such
 357 plan or plans of deferred compensation for government state
 358 employees and may include persons employed by a state university
 359 as defined in s. 1000.21, a special district as defined in s.
 360 189.012, or a water management district as defined in s.
 361 189.012, including all such investment vehicles or products
 362 incident thereto, as may be available through, or offered by,
 363 qualified companies or persons, and may approve one or more such
 364 plans for implementation by and on behalf of the state and its
 365 agencies and employees.

366 (b) If the Chief Financial Officer deems it advisable, he
 367 or she shall have the power, with the approval of the State
 368 Board of Administration, to create a trust or other special
 369 funds for the segregation of funds or assets resulting from
 370 compensation deferred at the request of government employees
 371 participating in of the state plan or its agencies and for the
 372 administration of such program.

373 (c) The Chief Financial Officer, with the approval of the
 374 State Board of Administration, may delegate responsibility for
 375 administration of the state plan to a person the Chief Financial
 376 Officer determines to be qualified, compensate such person, and,
 377 directly or through such person or pursuant to a collective

Page 13 of 114

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601-03769-23 20231158c2

378 bargaining agreement, contract with a private corporation or
 379 institution to provide such services as may be part of any such
 380 plan or as may be deemed necessary or proper by the Chief
 381 Financial Officer or such person, including, but not limited to,
 382 providing consolidated billing, individual and collective
 383 recordkeeping and accountings, asset purchase, control, and
 384 safekeeping, and direct disbursement of funds to employees or
 385 other beneficiaries. The Chief Financial Officer may authorize a
 386 person, private corporation, or institution to make direct
 387 disbursement of funds under the state plan to an employee or
 388 other beneficiary.

389 (d) In accordance with such approved plan, and upon
 390 contract or agreement with an eligible government employee,
 391 deferrals of compensation may be accomplished by payroll
 392 deductions made by the appropriate officer or officers of the
 393 state, with such funds being thereafter held and administered in
 394 accordance with the plan.

395 (e) The administrative costs of the deferred compensation
 396 plan must be wholly or partially self-funded. Fees for such
 397 self-funding of the plan shall be paid by investment providers
 398 and may be recouped from their respective plan participants.
 399 Such fees shall be deposited in the Deferred Compensation Trust
 400 Fund.

401 (8) (a) There is created a Deferred Compensation Advisory
 402 Council composed of eight ~~seven~~ members.

403 1. One member shall be appointed by the Speaker of the
 404 House of Representatives and the President of the Senate jointly
 405 and shall be an employee of the legislative branch.

406 2. One member shall be appointed by the Chief Justice of

Page 14 of 114

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601-03769-23 20231158c2

407 the Supreme Court and shall be an employee of the judicial
408 branch.

409 3. One member shall be appointed by the chair of the Public
410 Employees Relations Commission and shall be a nonexempt public
411 employee.

412 4. The remaining five ~~four~~ members shall be employed by the
413 executive branch and shall be appointed as follows:

414 a. One member shall be appointed by the Chancellor of the
415 State University System and shall be an employee of the
416 university system.

417 b. One member shall be appointed by the Chief Financial
418 Officer and shall be an employee of the Chief Financial Officer.

419 c. One member shall be appointed by the Governor and shall
420 be an employee of the executive branch.

421 d. One member shall be appointed by the Executive Director
422 of the State Board of Administration and shall be an employee of
423 the State Board of Administration.

424 e. One member shall be appointed by the Chancellor of the
425 Florida College System and shall be an employee of the Florida
426 College System.

427 (12) The Chief Financial Officer may adopt any rule
428 necessary to administer and implement this act with respect to
429 the state deferred compensation plan or plans ~~for state~~
430 ~~employees and persons employed by a state university as defined~~
431 ~~in s. 1000.21, a special district as defined in s. 189.012, or a~~
432 ~~water management district as defined in s. 189.012.~~

433 Section 3. Section 215.55952, Florida Statutes, is amended
434 to read:

435 215.55952 Triennial ~~Annual~~ report on economic impact of a

601-03769-23 20231158c2

436 1-in-100-year hurricane.—The Chief Financial Officer shall
437 provide a report on the economic impact on the state of a 1-in-
438 100-year hurricane to the Governor, the President of the Senate,
439 and the Speaker of the House of Representatives by March 1,
440 2025, and of each triennial year thereafter. The report shall
441 include an estimate of the short-term and long-term fiscal
442 impacts of such a storm on Citizens Property Insurance
443 Corporation, the Florida Hurricane Catastrophe Fund, the private
444 insurance and reinsurance markets, the state economy, and the
445 state debt. The report shall also include an analysis of the
446 average premium increase to fund a 1-in-100-year hurricane event
447 and list the average cost, in both a percentage and dollar
448 amount, impact to consumers on a county-level basis. The report
449 may also include recommendations by the Chief Financial Officer
450 for preparing for such a hurricane and reducing the economic
451 impact of such a hurricane on the state. In preparing the
452 analysis, the Chief Financial Officer shall coordinate with and
453 obtain data from the Office of Insurance Regulation, Citizens
454 Property Insurance Corporation, the Florida Hurricane
455 Catastrophe Fund, the Florida Commission on Hurricane Loss
456 Projection Methodology, the State Board of Administration, the
457 Office of Economic and Demographic Research, and other state
458 agencies.

459 Section 4. Subsection (1) of section 274.01, Florida
460 Statutes, is amended to read:

461 274.01 Definitions.—The following words as used in this act
462 have the meanings set forth in the below subsections, unless a
463 different meaning is required by the context:

464 (1) "Governmental unit" means the governing board,

601-03769-23 20231158c2

465 commission, or authority of a county, a county agency, a
 466 municipality, a special district as defined in s. 189.012 or
 467 taxing district of the state, or the sheriff of the county.

468 Section 5. Paragraph (c) of subsection (9) and subsections
 469 (12) and (14) of section 440.13, Florida Statutes, are amended
 470 to read:

471 440.13 Medical services and supplies; penalty for
 472 violations; limitations.—

473 (9) EXPERT MEDICAL ADVISORS.—

474 (c) If there is disagreement in the opinions of the health
 475 care providers, if two health care providers disagree on medical
 476 evidence supporting the employee's complaints or the need for
 477 additional medical treatment, or if two health care providers
 478 disagree that the employee is able to return to work, the
 479 department may, and the judge of compensation claims may shall,
 480 upon his or her own motion or within 15 days after receipt of a
 481 written request by either the injured employee, the employer, or
 482 the carrier, order the injured employee to be evaluated by an
 483 expert medical advisor. The injured employee and the employer or
 484 carrier may agree on the health care provider to serve as an
 485 expert medical advisor. If the parties do not agree, the judge
 486 of compensation claims shall select an expert medical advisor
 487 from the department's list of certified expert medical advisors.
 488 If a certified medical advisor within the relevant medical
 489 specialty is unavailable, the judge of compensation claims shall
 490 appoint any otherwise qualified health care provider to serve as
 491 an expert medical advisor without obtaining the department's
 492 certification. The opinion of the expert medical advisor is
 493 presumed to be correct unless there is clear and convincing

Page 17 of 114

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601-03769-23 20231158c2

494 evidence to the contrary as determined by the judge of
 495 compensation claims. The expert medical advisor appointed to
 496 conduct the evaluation shall have free and complete access to
 497 the medical records of the employee. An employee who fails to
 498 report to and cooperate with such evaluation forfeits
 499 entitlement to compensation during the period of failure to
 500 report or cooperate.

501 (12) CREATION OF THREE-MEMBER PANEL; GUIDES OF MAXIMUM
 502 REIMBURSEMENT ALLOWANCES.—

503 (a) A three-member panel is created, consisting of the
 504 Chief Financial Officer, or the Chief Financial Officer's
 505 designee, and two members to be appointed by the Governor,
 506 subject to confirmation by the Senate, one member who, on
 507 account of present or previous vocation, employment, or
 508 affiliation, shall be classified as a representative of
 509 employers, the other member who, on account of previous
 510 vocation, employment, or affiliation, shall be classified as a
 511 representative of employees. The panel shall determine statewide
 512 schedules of maximum reimbursement allowances for medically
 513 necessary treatment, care, and attendance provided by
 514 ~~physicians, hospitals and, ambulatory surgical centers, work-~~
 515 ~~hardening programs, pain programs, and durable medical~~
 516 ~~equipment~~. The maximum reimbursement allowances for inpatient
 517 hospital care shall be based on a schedule of per diem rates, to
 518 be approved by the three-member panel no later than March 1,
 519 1994, to be used in conjunction with a precertification manual
 520 as determined by the department, including maximum hours in
 521 which an outpatient may remain in observation status, which
 522 shall not exceed 23 hours. All compensable charges for hospital

Page 18 of 114

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601-03769-23

20231158c2

523 outpatient care shall be reimbursed at 75 percent of usual and
 524 customary charges, except as otherwise provided by this
 525 subsection. Annually, the three-member panel shall adopt
 526 schedules of maximum reimbursement allowances for ~~physicians,~~
 527 hospital inpatient care, hospital outpatient care, and
 528 ambulatory surgical centers, ~~work-hardening programs, and pain~~
 529 ~~programs. A An individual physician, hospital or an~~ ambulatory
 530 surgical center, ~~pain program, or work-hardening program~~ shall
 531 be reimbursed either the agreed-upon contract price or the
 532 maximum reimbursement allowance in the appropriate schedule.

533 (b) ~~It is the intent of the Legislature to increase the~~
 534 ~~schedule of maximum reimbursement allowances for selected~~
 535 ~~physicians effective January 1, 2004, and to pay for the~~
 536 ~~increases through reductions in payments to hospitals. Revisions~~
 537 ~~developed pursuant to this subsection are limited to the~~
 538 ~~following:~~

539 ~~1.~~ Payments for outpatient physical, occupational, and
 540 speech therapy provided by hospitals shall be ~~reduced to~~ the
 541 schedule of maximum reimbursement allowances for these services
 542 which applies to nonhospital providers.

543 ~~(c)2.~~ Payments for scheduled outpatient nonemergency
 544 radiological and clinical laboratory services that are not
 545 provided in conjunction with a surgical procedure shall be
 546 ~~reduced to~~ the schedule of maximum reimbursement allowances for
 547 these services which applies to nonhospital providers.

548 ~~(d)3.~~ Outpatient reimbursement for scheduled surgeries
 549 shall be ~~reduced from 75 percent of charges to~~ 60 percent of
 550 charges.

551 (e)1. By July 1 of each year, the department shall notify

601-03769-23

20231158c2

552 carriers and self-insurers of the physician and nonhospital
 553 services schedule of maximum reimbursement allowances. The
 554 notice must include publication of this schedule of maximum
 555 reimbursement allowances on the division's website. This
 556 schedule is not subject to approval by the three-member panel
 557 and does not include reimbursement for prescription medication.

558 2. Subparagraph 1. shall take effect January 1, following
 559 the July 1, 2024, notice of the physician and nonhospital
 560 services schedule of maximum reimbursement allowances which the
 561 department provides to carriers and self-insurers.

562 ~~(f)4.~~ Maximum reimbursement for a physician licensed under
 563 chapter 458 or chapter 459 shall be ~~increased to~~ 110 percent of
 564 the reimbursement allowed by Medicare, using appropriate codes
 565 and modifiers or the medical reimbursement level adopted by the
 566 three-member panel as of January 1, 2003, whichever is greater.

567 ~~(g)5.~~ Maximum reimbursement for surgical procedures shall
 568 be ~~increased to~~ 140 percent of the reimbursement allowed by
 569 Medicare or the medical reimbursement level adopted by the
 570 three-member panel as of January 1, 2003, whichever is greater.

571 ~~(h)4.~~ As to reimbursement for a prescription medication,
 572 the reimbursement amount for a prescription shall be the average
 573 wholesale price plus \$4.18 for the dispensing fee. For
 574 repackaged or relabeled prescription medications dispensed by a
 575 dispensing practitioner as provided in s. 465.0276, the fee
 576 schedule for reimbursement shall be 112.5 percent of the average
 577 wholesale price, plus \$8.00 for the dispensing fee. For purposes
 578 of this subsection, the average wholesale price shall be
 579 calculated by multiplying the number of units dispensed times
 580 the per-unit average wholesale price set by the original

601-03769-23

20231158c2

581 manufacturer of the underlying drug dispensed by the
 582 practitioner, based upon the published manufacturer's average
 583 wholesale price published in the Medi-Span Master Drug Database
 584 as of the date of dispensing. All pharmaceutical claims
 585 submitted for repackaged or relabeled prescription medications
 586 must include the National Drug Code of the original
 587 manufacturer. Fees for pharmaceuticals and pharmaceutical
 588 services shall be reimbursable at the applicable fee schedule
 589 amount except where the employer or carrier, or a service
 590 company, third party administrator, or any entity acting on
 591 behalf of the employer or carrier directly contracts with the
 592 provider seeking reimbursement for a lower amount.

593 (i)~~(d)~~ Reimbursement for all fees and other charges for
 594 such treatment, care, and attendance, including treatment, care,
 595 and attendance provided by any hospital or other health care
 596 provider, ambulatory surgical center, work-hardening program, or
 597 pain program, must not exceed the amounts provided by the
 598 uniform schedule of maximum reimbursement allowances as
 599 determined by the panel or as otherwise provided in this
 600 section. This subsection also applies to independent medical
 601 examinations performed by health care providers under this
 602 chapter. In determining the uniform schedule, the panel shall
 603 first approve the data which it finds representative of
 604 prevailing charges in the state for similar treatment, care, and
 605 attendance of injured persons. Each health care provider, health
 606 care facility, ambulatory surgical center, work-hardening
 607 program, or pain program receiving workers' compensation
 608 payments shall maintain records verifying their usual charges.
 609 In establishing the uniform schedule of maximum reimbursement

Page 21 of 114

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601-03769-23

20231158c2

610 allowances, the panel must consider:

611 1. The levels of reimbursement for similar treatment, care,
 612 and attendance made by other health care programs or third-party
 613 providers;

614 2. The impact upon cost to employers for providing a level
 615 of reimbursement for treatment, care, and attendance which will
 616 ensure the availability of treatment, care, and attendance
 617 required by injured workers; and

618 3. The financial impact of the reimbursement allowances
 619 upon health care providers and health care facilities, including
 620 trauma centers as defined in s. 395.4001, and its effect upon
 621 their ability to make available to injured workers such
 622 medically necessary remedial treatment, care, and attendance.
 623 The uniform schedule of maximum reimbursement allowances must be
 624 reasonable, must promote health care cost containment and
 625 efficiency with respect to the workers' compensation health care
 626 delivery system, and must be sufficient to ensure availability
 627 of such medically necessary remedial treatment, care, and
 628 attendance to injured workers; ~~and~~

629 ~~4. The most recent average maximum allowable rate of~~
 630 ~~increase for hospitals determined by the Health Care Board under~~
 631 ~~chapter 408.~~

632 (j)~~(e)~~ In addition to establishing the uniform schedule of
 633 maximum reimbursement allowances, the panel shall:

634 1. Take testimony, receive records, and collect data to
 635 evaluate the adequacy of the workers' compensation fee schedule,
 636 nationally recognized fee schedules and alternative methods of
 637 reimbursement to health care providers and health care
 638 facilities for inpatient and outpatient treatment and care.

Page 22 of 114

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601-03769-23

20231158c2

639 2. Survey health care providers and health care facilities
 640 to determine the availability and accessibility of workers'
 641 compensation health care delivery systems for injured workers.
 642 3. Survey carriers to determine the estimated impact on
 643 carrier costs and workers' compensation premium rates by
 644 implementing changes to the carrier reimbursement schedule or
 645 implementing alternative reimbursement methods.
 646 4. Submit recommendations on or before January 15, 2017,
 647 and biennially thereafter, to the President of the Senate and
 648 the Speaker of the House of Representatives on methods to
 649 improve the workers' compensation health care delivery system.
 650
 651 The department, as requested, shall provide data to the panel,
 652 including, but not limited to, utilization trends in the
 653 workers' compensation health care delivery system. The
 654 department shall provide the panel with an annual report
 655 regarding the resolution of medical reimbursement disputes and
 656 any actions pursuant to subsection (8). The department shall
 657 provide administrative support and service to the panel to the
 658 extent requested by the panel. For prescription medication
 659 purchased under the requirements of this subsection, a
 660 dispensing practitioner shall not possess such medication unless
 661 payment has been made by the practitioner, the practitioner's
 662 professional practice, or the practitioner's practice management
 663 company or employer to the supplying manufacturer, wholesaler,
 664 distributor, or drug repackager within 60 days of the dispensing
 665 practitioner taking possession of that medication.
 666 ~~(14) PRACTICE PARAMETERS. The practice parameters and~~
 667 ~~protocols mandated under this chapter shall be the practice~~

Page 23 of 114

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601-03769-23

20231158c2

668 ~~parameters and protocols adopted by the United States Agency for~~
 669 ~~Healthcare Research and Quality in effect on January 1, 2003.~~
 670 Section 6. Effective January 1, 2024, subsection (2) of
 671 section 440.385, Florida Statutes, is amended to read:
 672 440.385 Florida Self-Insurers Guaranty Association,
 673 Incorporated.—
 674 (2) BOARD OF DIRECTORS.—The board of directors of the
 675 association shall consist of nine persons and shall be organized
 676 as established in the plan of operation. Each director must ~~All~~
 677 ~~board members shall~~ be experienced in self-insurance in this
 678 state. Each director shall serve for a 4-year term and may be
 679 reappointed. Appointments after January 1, 2002, shall be made
 680 by the department upon recommendation of members of the
 681 association or other persons with experience in self-insurance
 682 as determined by the Chief Financial Officer. These appointments
 683 are deemed to be within the scope of the exemption provided in
 684 s. 112.313(7) (b). Any vacancy on the board shall be filled for
 685 the remaining period of the term in the same manner as
 686 appointments other than initial appointments are made. Each
 687 director shall be reimbursed for expenses incurred in carrying
 688 out the duties of the board on behalf of the association.
 689 (a) The Chief Financial Officer may remove a director from
 690 office for misconduct, malfeasance, misfeasance, or neglect of
 691 duty. Any vacancy so created shall be filled as provided in this
 692 subsection.
 693 (b) Directors are subject to the code of ethics under part
 694 III of chapter 112, including, but not limited to, the code of
 695 ethics and public disclosure and reporting of financial
 696 interests, pursuant to s. 112.3145. For purposes of applying

Page 24 of 114

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601-03769-23 20231158c2

697 part III of chapter 112 to activities of members of the board of
 698 directors, those persons are considered public officers and the
 699 association is considered their agency. Notwithstanding s.
 700 112.3143(2), a director may not vote on any measure that he or
 701 she knows would inure to his or her special private gain or
 702 loss; that he or she knows would inure to the special private
 703 gain or loss of any principal by which he or she is retained,
 704 other than an agency as defined in s. 112.312; or that he or she
 705 knows would inure to the special private gain or loss of a
 706 relative or business associate of the public officer. Before the
 707 vote is taken, such director shall publicly state to the board
 708 the nature of his or her interest in the matter from which he or
 709 she is abstaining from voting and, within 15 days after the vote
 710 occurs, disclose the nature of his or her interest as a public
 711 record in a memorandum filed with the person responsible for
 712 recording the minutes of the meeting, who shall incorporate the
 713 memorandum in the minutes.

714 (c) Notwithstanding s. 112.3148, s. 112.3149, or any other
 715 law, an employee of the association or a director may not
 716 knowingly accept, directly or indirectly, any gift or
 717 expenditure from a person or an entity, or an employee or a
 718 representative of such person or entity, which has a contractual
 719 relationship with the association or which is under
 720 consideration for a contract.

721 (d) A director who fails to comply with paragraph (b) or
 722 paragraph (c) is subject to the penalties provided under ss.
 723 112.317 and 112.3173.

724 Section 7. Present subsections (62) through (77) and (78)
 725 of section 497.005, Florida Statutes, are redesignated as

601-03769-23 20231158c2

726 subsections (63) through (78) and (80), respectively, a new
 727 subsection (62) and subsection (79) are added to that section,
 728 and subsections (9) and (61) of that section are amended, to
 729 read:

730 497.005 Definitions.—As used in this chapter, the term:

731 (9) "Burial service" or "service" means any service offered
 732 or provided in connection with the final disposition,
 733 memorialization, interment, entombment, or inurnment of human
 734 remains or cremated remains which is required to be offered or
 735 provided by an individual or entity licensed under this chapter.

736 (61) "Preneed ~~contract~~" means any arrangement or method, of
 737 which the provider of funeral merchandise or services has actual
 738 knowledge, whereby any person agrees to furnish funeral
 739 merchandise or service in the future.

740 (62) "Preneed contract" means any arrangement or method for
 741 which the provider of funeral merchandise or services receives
 742 any payment in advance for funeral or burial merchandise and
 743 services after the death of the contract beneficiary. The term
 744 excludes a transportation protection agreement and any payments
 745 received on a transportation protection agreement.

746 (79) "Transportation protection agreement" means an
 747 agreement that exclusively provides or arranges for services
 748 related to the preparation for the purpose of transportation and
 749 subsequent transportation of human remains or cremated remains.
 750 The Florida Insurance Code, as defined in s. 624.01, does not
 751 apply to any transportation protection agreement sold by any
 752 licensee under this chapter.

753 Section 8. Subsection (1) of section 624.1265, Florida
 754 Statutes, is amended to read:

601-03769-23 20231158c2

755 624.1265 Nonprofit religious organization exemption;
 756 authority; notice.—
 757 (1) A nonprofit religious organization is not subject to
 758 the requirements of the Florida Insurance Code if the nonprofit
 759 religious organization:
 760 (a) Qualifies under Title 26, s. 501 of the Internal
 761 Revenue Code of 1986, as amended;
 762 (b) Limits its participants to those members who share a
 763 common set of ethical or religious beliefs;
 764 (c) Acts as a facilitator among participants who have
 765 financial, physical, or medical needs to assist those with
 766 financial, physical, or medical needs in accordance with
 767 criteria established by the nonprofit religious organization;
 768 (d) Provides for the financial or medical needs of a
 769 participant through contributions from other participants, or
 770 through payments directly from one participant to another
 771 participant;
 772 (e) Provides amounts that participants may contribute, with
 773 no assumption of risk and no promise to pay:
 774 1. Among the participants; or
 775 2. By the nonprofit religious organization to the
 776 participants;
 777 (f) Provides a monthly accounting to the participants of
 778 the total dollar amount of qualified needs actually shared in
 779 the previous month in accordance with criteria established by
 780 the nonprofit religious organization; ~~and~~
 781 (g) Conducts an annual audit that is performed by an
 782 independent certified public accounting firm in accordance with
 783 generally accepted accounting principles and that is made

Page 27 of 114

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601-03769-23 20231158c2

784 available to the public by providing a copy upon request or by
 785 posting on the nonprofit religious organization's website; and
 786 (h) Does not market or sell health plans by agents licensed
 787 by the department under chapter 626.
 788 Section 9. Subsection (25) of section 624.501, Florida
 789 Statutes, is amended to read:
 790 624.501 Filing, license, appointment, and miscellaneous
 791 fees.—The department, commission, or office, as appropriate,
 792 shall collect in advance, and persons so served shall pay to it
 793 in advance, fees, licenses, and miscellaneous charges as
 794 follows:
 795 (25) Reinsurance intermediary:
 796 ~~(a) Application filing and license fee \$50.00~~
 797 ~~(b) Original appointment and biennial renewal or~~
 798 ~~continuation thereof, appointment fee \$60.00~~
 799 Section 10. Subsection (5) of section 626.015, Florida
 800 Statutes, is amended to read:
 801 626.015 Definitions.—As used in this part:
 802 (5) "Association" includes the Florida Association of
 803 Insurance Agents (FAIA), the National Association of Insurance
 804 and Financial Advisors (NAIFA), the National Association of
 805 Benefits and Insurance Professionals Florida Chapter (NABIP
 806 Florida) ~~Florida Association of Health Underwriters (FAHU)~~, the
 807 Latin American Association of Insurance Agencies (LAAIA), the
 808 Florida Association of Public Insurance Adjusters (FAPIA), the
 809 Florida Bail Agents Association (FBAA), or the Professional Bail
 810 Agents of the United States (PBUS).
 811 Section 11. Subsection (4) of section 626.171, Florida
 812 Statutes, is amended to read:

Page 28 of 114

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601-03769-23

20231158c2

813 626.171 Application for license as an agent, customer
814 representative, adjuster, service representative, or reinsurance
815 intermediary.-

816 (4) An applicant for a license issued by the department
817 under this chapter must submit a set of the individual
818 applicant's fingerprints, or, if the applicant is not an
819 individual, a set of the fingerprints of the sole proprietor,
820 majority owner, partners, officers, and directors, to the
821 department and must pay the fingerprint processing fee set forth
822 in s. 624.501. Fingerprints must be processed in accordance with
823 s. 624.34 and used to investigate the applicant's qualifications
824 pursuant to s. 626.201. The fingerprints must be taken by a law
825 enforcement agency, ~~designated examination center~~, or other
826 department-approved entity. ~~The department shall require all
827 designated examination centers to have fingerprinting equipment
828 and to take fingerprints from any applicant or prospective
829 applicant who pays the applicable fee.~~ The department may not
830 approve an application for licensure as an agent, customer
831 service representative, adjuster, service representative, or
832 reinsurance intermediary if fingerprints have not been
833 submitted.

834 Section 12. Paragraph (c) of subsection (1) of section
835 626.173, Florida Statutes, is amended to read:

836 626.173 Insurance agency closure; cancellation of
837 licenses.-

838 (1) If a licensed insurance agency permanently ceases the
839 transacting of insurance or ceases the transacting of insurance
840 for more than 30 days, the agent in charge, the director of the
841 agency, or other officer listed on the original application for

Page 29 of 114

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601-03769-23

20231158c2

842 licensure must, within 35 days after the agency first ceases the
843 transacting of insurance, do all of the following:

844 (c) Notify all policyholders currently insured by a policy
845 written, produced, or serviced by the agency of the agency's
846 cessation of operations; the date on which operations ceased;
847 and the identity of the agency or agent to which the agency's
848 current book of business has been transferred or, if no transfer
849 has occurred, a statement directing the policyholder to contact
850 the insurance company for assistance in locating a licensed
851 agent to service the policy. This paragraph does not apply to
852 title insurance, life insurance, or annuity contracts.

853 Section 13. Subsection (8) of section 626.207, Florida
854 Statutes, is amended to read:

855 626.207 Disqualification of applicants and licensees;
856 penalties against licensees; rulemaking authority.-

857 (8) The department shall adopt rules establishing specific
858 penalties against licensees in accordance with ss. 626.641 and
859 626.651 for violations of s. 626.112(7) or (9), s. 626.611, s.
860 626.6115, s. 626.621, s. 626.6215, s. 626.7451, s. 626.8437, s.
861 626.844, s. 626.8695, s. 626.8697, s. 626.8698, s. 626.935, s.
862 634.181, s. 634.191, s. 634.320, s. 634.321, s. 634.422, s.
863 634.423, s. 642.041, or s. 642.043. The purpose of the
864 revocation or suspension is to provide a sufficient penalty to
865 deter future violations of the Florida Insurance Code. The
866 imposition of a revocation or the length of suspension shall be
867 based on the type of conduct and the probability that the
868 propensity to commit further illegal conduct has been overcome
869 at the time of eligibility for relicensure. The length of
870 suspension may be adjusted based on aggravating or mitigating

Page 30 of 114

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601-03769-23 20231158c2

871 factors, established by rule and consistent with this purpose.

872 Section 14. Paragraph (j) of subsection (2) of section
873 626.221, Florida Statutes, is amended to read:

874 626.221 Examination requirement; exemptions.—

875 (2) However, an examination is not necessary for any of the
876 following:

877 (j) An applicant for license as an all-lines adjuster who
878 has the designation of Accredited Claims Adjuster (ACA) from a
879 regionally accredited postsecondary institution in this state;
880 Certified All Lines Adjuster (CALA) from Kaplan Financial
881 Education; Associate in Claims (AIC) from the Insurance
882 Institute of America; Professional Claims Adjuster (PCA) from
883 the Professional Career Institute; Professional Property
884 Insurance Adjuster (PPIA) from the HurriClaim Training Academy;
885 Certified Adjuster (CA) from ALL LINES Training; Certified
886 Claims Adjuster (CCA) from AE21 Incorporated; Claims Adjuster
887 Certified Professional (CACP) from WebCE, Inc.; Accredited
888 Insurance Claims Specialist (AICS) from Encore Claim Services;
889 Professional in Claims (PIC) from 2021 Training, LLC; or
890 Universal Claims Certification (UCC) from Claims and Litigation
891 Management Alliance (CLM) whose curriculum has been approved by
892 the department and which includes comprehensive analysis of
893 basic property and casualty lines of insurance and testing at
894 least equal to that of standard department testing for the all-
895 lines adjuster license. The department shall adopt rules
896 establishing standards for the approval of curriculum.

897 Section 15. Paragraphs (c) and (f) of subsection (3) of
898 section 626.2815, Florida Statutes, are amended to read:

899 626.2815 Continuing education requirements.—

601-03769-23 20231158c2

900 (3) Each licensee except a title insurance agent must
901 complete a 4-hour update course every 2 years which is specific
902 to the license held by the licensee. The course must be
903 developed and offered by providers and approved by the
904 department. The content of the course must address all lines of
905 insurance for which examination and licensure are required and
906 include the following subject areas: insurance law updates,
907 ethics for insurance professionals, disciplinary trends and case
908 studies, industry trends, premium discounts, determining
909 suitability of products and services, and other similar
910 insurance-related topics the department determines are relevant
911 to legally and ethically carrying out the responsibilities of
912 the license granted. A licensee who holds multiple insurance
913 licenses must complete an update course that is specific to at
914 least one of the licenses held. Except as otherwise specified,
915 any remaining required hours of continuing education are
916 elective and may consist of any continuing education course
917 approved by the department under this section.

918 (c) A licensee who has been licensed for 25 years or more
919 and is a CLU or a CPCU or has a Bachelor of Science degree or
920 higher in risk management or insurance with evidence of 18 or
921 more semester hours in insurance-related courses must also
922 complete a minimum of 6 hours of elective continuing education
923 courses every 2 years.

924 (f) Elective continuing education courses for public
925 adjusters ~~may must~~ be any course related to commercial and
926 residential property coverages, claim adjusting practices, and
927 any other adjuster elective courses specifically designed for
928 ~~public adjusters and~~ approved by the department. Notwithstanding

601-03769-23 20231158c2

929 this subsection, public adjusters for workers' compensation
 930 insurance or health insurance are not required to take
 931 continuing education courses pursuant to this section.

932 Section 16. Paragraphs (a), (b), and (e) of subsection (1)
 933 of section 626.321, Florida Statutes, are amended, and paragraph
 934 (i) is added to that subsection, to read:

935 626.321 Limited licenses and registration.—

936 (1) The department shall issue to a qualified applicant a
 937 license as agent authorized to transact a limited class of
 938 business in any of the following categories of limited lines
 939 insurance:

940 (a) *Motor vehicle physical damage and mechanical breakdown*
 941 *insurance.*—License covering insurance against only the loss of
 942 or damage to a motor vehicle that is designed for use upon a
 943 highway, including trailers and semitrailers designed for use
 944 with such vehicles. Such license also covers insurance against
 945 the failure of an original or replacement part to perform any
 946 function for which it was designed. ~~A licensee under this~~
 947 ~~paragraph may not hold a license as an agent for any other or~~
 948 ~~additional kind or class of insurance coverage except a limited~~
 949 ~~license for credit insurance as provided in paragraph (c).~~
 950 Effective October 1, 2012, all licensees holding such limited
 951 license and appointment may renew the license and appointment,
 952 but no new or additional licenses may be issued pursuant to this
 953 paragraph, and a licensee whose limited license under this
 954 paragraph has been terminated, suspended, or revoked may not
 955 have such license reinstated.

956 (b) *Industrial fire insurance or burglary insurance.*—
 957 License covering only industrial fire insurance or burglary

601-03769-23 20231158c2

958 insurance. ~~A licensee under this paragraph may not hold a~~
 959 ~~license as an agent for any other or additional kind or class of~~
 960 ~~insurance coverage except for life insurance and health~~
 961 ~~insurance.~~ Effective July 1, 2019, all licensees holding such
 962 limited license and appointment may renew the license and
 963 appointment, but no new or additional licenses may be issued
 964 pursuant to this paragraph, and a licensee whose limited license
 965 under this paragraph has been terminated, suspended, or revoked
 966 may not have such license reinstated.

967 (e) *Credit insurance.*—License covering credit life, credit
 968 disability, credit property, credit unemployment, involuntary
 969 unemployment, mortgage life, mortgage guaranty, mortgage
 970 disability, guaranteed automobile protection (GAP) insurance,
 971 and any other form of insurance offered in connection with an
 972 extension of credit which is limited to partially or wholly
 973 extinguishing a credit obligation that the department determines
 974 should be designated a form of limited line credit insurance.
 975 Effective October 1, 2012, all valid licenses held by persons
 976 for any of the lines of insurance listed in this paragraph shall
 977 be converted to a credit insurance license. ~~Licensees who wish~~
 978 ~~to obtain a new license reflecting such change must request a~~
 979 ~~duplicate license and pay a \$5 fee as specified in s.~~
 980 ~~624.501(15).~~ The license may be issued only to an individual
 981 employed by a life or health insurer as an officer or other
 982 salaried or commissioned representative, to an individual
 983 employed by or associated with a lending or financial
 984 institution or creditor, or to a lending or financial
 985 institution or creditor, and may authorize the sale of such
 986 insurance only with respect to borrowers or debtors of such

601-03769-23 20231158c2

987 lending or financing institution or creditor. However, only the
 988 individual or entity whose tax identification number is used in
 989 receiving or is credited with receiving the commission from the
 990 sale of such insurance shall be the licensed agent of the
 991 insurer. ~~No individual while so licensed shall hold a license as~~
 992 ~~an agent as to any other or additional kind or class of life or~~
 993 ~~health insurance coverage.~~

994 (i) Preneed funeral agreement insurance.—Limited license
 995 for insurance covering only prearranged funeral, cremation, or
 996 cemetery agreements, or any combination thereof, funded by
 997 insurance and offered in connection with an establishment that
 998 holds a preneed license pursuant to s. 497.452. Such license may
 999 be issued without examination only to an individual who has
 1000 filed with the department an application for a license in a form
 1001 and manner prescribed by the department, who currently holds a
 1002 valid preneed sales agent license pursuant to s. 497.466, who
 1003 paid the applicable fees for a license as prescribed in s.
 1004 624.501, who has been appointed under s. 626.112, and who paid
 1005 the prescribed appointment fee under s. 624.501.

1006 Section 17. Paragraph (n) of subsection (1) of section
 1007 626.611, Florida Statutes, is amended to read:

1008 626.611 Grounds for compulsory refusal, suspension, or
 1009 revocation of agent's, title agency's, adjuster's, customer
 1010 representative's, service representative's, or managing general
 1011 agent's license or appointment.—

1012 (1) The department shall deny an application for, suspend,
 1013 revoke, or refuse to renew or continue the license or
 1014 appointment of any applicant, agent, title agency, adjuster,
 1015 customer representative, service representative, or managing

Page 35 of 114

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601-03769-23 20231158c2

1016 general agent, and it shall suspend or revoke the eligibility to
 1017 hold a license or appointment of any such person, if it finds
 1018 that as to the applicant, licensee, or appointee any one or more
 1019 of the following applicable grounds exist:

1020 (n) Having been found guilty of or having pleaded guilty or
 1021 nolo contendere to a misdemeanor directly related to the
 1022 financial services business, any felony, or any a crime
 1023 punishable by imprisonment of 1 year or more under the law of
 1024 the United States of America or of any state thereof or under
 1025 the law of any other country, without regard to whether a
 1026 judgment of conviction has been entered by the court having
 1027 jurisdiction of such cases.

1028 Section 18. Subsection (18) is added to section 626.621,
 1029 Florida Statutes, to read:

1030 626.621 Grounds for discretionary refusal, suspension, or
 1031 revocation of agent's, adjuster's, customer representative's,
 1032 service representative's, or managing general agent's license or
 1033 appointment.—The department may, in its discretion, deny an
 1034 application for, suspend, revoke, or refuse to renew or continue
 1035 the license or appointment of any applicant, agent, adjuster,
 1036 customer representative, service representative, or managing
 1037 general agent, and it may suspend or revoke the eligibility to
 1038 hold a license or appointment of any such person, if it finds
 1039 that as to the applicant, licensee, or appointee any one or more
 1040 of the following applicable grounds exist under circumstances
 1041 for which such denial, suspension, revocation, or refusal is not
 1042 mandatory under s. 626.611:

1043 (18) Cancellation of the applicant's, licensee's, or
 1044 appointee's resident license in a state other than Florida.

Page 36 of 114

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601-03769-23 20231158c2

1045 Section 19. Paragraphs (d) and (g) of subsection (2) and
 1046 paragraphs (a), (b), and (e) through (j) of subsection (3) of
 1047 section 626.7492, Florida Statutes, are amended to read:

1048 626.7492 Reinsurance intermediaries.—

1049 (2) DEFINITIONS.—As used in this section:

1050 (d) "Producer" means a licensed ~~an~~ agent, broker, or
 1051 insurance agency that is appointed as a reinsurance intermediary
 1052 ~~licensed~~ pursuant to the applicable provision of the Florida
 1053 Insurance Code.

1054 (g) "Reinsurance intermediary manager" means any person who
 1055 has authority to bind, or manages all or part of, the assumed
 1056 reinsurance business of a reinsurer, including the management of
 1057 a separate division, department, or underwriting office, and
 1058 acts as a representative ~~an agent~~ for the reinsurer whether
 1059 known as a reinsurance intermediary manager, manager, or other
 1060 similar term. Notwithstanding the above, none of the following
 1061 persons is a reinsurance intermediary manager with respect to
 1062 the reinsurer for the purposes of this section:

1063 1. An employee of the reinsurer.~~;~~

1064 2. A manager of the United States branch of an alien
 1065 reinsurer.~~;~~

1066 3. An underwriting manager which, pursuant to contract,
 1067 manages all the reinsurance operations of the reinsurer, is
 1068 under common control with the reinsurer, subject to the holding
 1069 company act, and whose compensation is not based on the volume
 1070 of premiums written.

1071 4. The manager of a group, association, pool, or
 1072 organization of insurers which engage in joint underwriting or
 1073 joint reinsurance and who are subject to examination by the

601-03769-23 20231158c2

1074 insurance regulatory authority of the state in which the
 1075 manager's principal business office is located.

1076 (3) LICENSURE.—

1077 (a) No person shall act as a reinsurance intermediary
 1078 broker in this state if the reinsurance intermediary broker
 1079 maintains an office either directly or as a member or employee
 1080 of a firm or association, or an officer, director, or employee
 1081 of a corporation:

1082 1. In this state, unless the reinsurance intermediary
 1083 broker is a licensed producer in this state; or

1084 2. In another state, unless the reinsurance intermediary
 1085 broker is a licensed producer in this state or in another state
 1086 having a law substantially similar to this section or the
 1087 reinsurance intermediary broker is licensed in this state as an
 1088 insurance agency and appointed as a ~~nonresident~~ reinsurance
 1089 intermediary.

1090 (b) No person shall act as a reinsurance intermediary
 1091 manager:

1092 1. For a reinsurer domiciled in this state, unless the
 1093 reinsurance intermediary manager is a licensed producer in this
 1094 state;

1095 2. In this state, if the reinsurance intermediary manager
 1096 maintains an office either directly or as a member or employee
 1097 of a firm or association, or an officer, director, or employee
 1098 of a corporation in this state, unless the reinsurance
 1099 intermediary manager is a licensed producer in this state;

1100 3. In another state for a nondomestic insurer, unless the
 1101 reinsurance intermediary manager is a licensed producer in this
 1102 state or another state having a law substantially similar to

601-03769-23

20231158c2

1103 this section, or the person is licensed in this state as a
 1104 producer nonresident reinsurance intermediary.

1105 (e) If the applicant for a reinsurance intermediary
 1106 appointment license is a nonresident, the applicant, as a
 1107 condition precedent to receiving or holding an appointment a
 1108 license, must designate the Chief Financial Officer as agent for
 1109 service of process in the manner, and with the same legal
 1110 effect, provided for by this section for designation of service
 1111 of process upon unauthorized insurers. Such applicant shall also
 1112 furnish the department with the name and address of a resident
 1113 of this state upon whom notices or orders of the department or
 1114 process affecting the nonresident reinsurance intermediary may
 1115 be served. The licensee shall promptly notify the department in
 1116 writing of each change in its designated agent for service of
 1117 process, and the change shall not become effective until
 1118 acknowledged by the department.

1119 (f) ~~The department may refuse to issue a reinsurance~~
 1120 ~~intermediary license if, in its judgment, the applicant, anyone~~
 1121 ~~named on the application, or any member, principal, officer, or~~
 1122 ~~director of the applicant, has demonstrated a lack of fitness~~
 1123 ~~and trustworthiness, or that any controlling person of the~~
 1124 ~~applicant is not fit or trustworthy to act as a reinsurance~~
 1125 ~~intermediary, or that any of the foregoing has given cause for~~
 1126 ~~revocation or suspension of the license, or has failed to comply~~
 1127 ~~with any prerequisite for the issuance of the license.~~

1128 ~~(g) Reinsurance intermediaries shall be licensed,~~
 1129 appointed, renewed, continued, reinstated, or terminated as
 1130 prescribed in this chapter for insurance representatives in
 1131 general, ~~except that they shall be exempt from the photo,~~

Page 39 of 114

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601-03769-23

20231158c2

1132 ~~education, and examination provisions. License, Appointment, and~~
 1133 other fees shall be those prescribed in s. 624.501.

1134 (g) (h) The grounds and procedures for refusal of an a
 1135 ~~license or~~ appointment or suspension or revocation of a license
 1136 or appointment issued to a reinsurance intermediary under this
 1137 section are as set forth in ss. 626.611-626.691 for insurance
 1138 representatives in general.

1139 (h) (i) An attorney licensed in this state, when acting in a
 1140 professional capacity, is exempt from this subsection.

1141 (i) (j) The department may develop necessary rules to carry
 1142 out this section.

1143 Section 20. Subsection (5) of section 626.752, Florida
 1144 Statutes, is amended to read:

1145 626.752 Exchange of business.—

1146 (5) Within 15 days after the last day of each month, any
 1147 insurer accepting business under this section shall report to
 1148 the department the name, address, telephone number, and social
 1149 security number of each agent from which the insurer received
 1150 more than four personal lines risks during the calendar year,
 1151 except for risks being removed from the Citizens Property
 1152 Insurance Corporation and placed with that insurer by a
 1153 brokering agent. Once the insurer has reported pursuant to this
 1154 subsection an agent's name to the department, additional reports
 1155 on the same agent shall not be required. However, the fee set
 1156 forth in s. 624.501 must be paid for the agent by the insurer
 1157 for each year until the insurer notifies the department that the
 1158 insurer is no longer accepting business from the agent pursuant
 1159 to this section. The insurer may require that the agent
 1160 reimburse the insurer for the fee. If the insurer or employer

Page 40 of 114

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601-03769-23 20231158c2

1161 does not pay the fees and taxes due pursuant to this subsection
 1162 within 21 days after notice by the department, the department
 1163 must suspend the insurer's or employer's authority to appoint
 1164 licensees until all outstanding fees and taxes have been paid.

1165 Section 21. Subsection (3) of section 626.785, Florida
 1166 Statutes, is amended to read:

1167 626.785 Qualifications for license.—

1168 (3) Notwithstanding any other provisions of this chapter, a
 1169 funeral director, a direct disposer, or an employee of a funeral
 1170 establishment that holds a preneed license pursuant to s.
 1171 497.452 may obtain an agent's license or a limited license to
 1172 sell only policies of life insurance covering the expense of a
 1173 prearrangement for funeral services or merchandise so as to
 1174 provide funds at the time the services and merchandise are
 1175 needed. The face amount of insurance covered by any such policy
 1176 shall not exceed \$21,000, plus an annual percentage increase
 1177 based on the Annual Consumer Price Index compiled by the United
 1178 States Department of Labor, beginning with the Annual Consumer
 1179 Price Index announced by the United States Department of Labor
 1180 for 2016.

1181 Section 22. Subsection (4) of section 626.793, Florida
 1182 Statutes, is amended to read:

1183 626.793 Excess or rejected business.—

1184 (4) Within 15 days after the last day of each month, any
 1185 insurer accepting business under this section shall report to
 1186 the department the name, address, telephone number, and social
 1187 security number of each agent from which the insurer received
 1188 more than four risks during the calendar year. Once the insurer
 1189 has reported an agent's name to the department pursuant to this

601-03769-23 20231158c2

1190 subsection, additional reports on the same agent shall not be
 1191 required. However, the fee set forth in s. 624.501 must be paid
 1192 for the agent by the insurer for each year until the insurer
 1193 notifies the department that the insurer is no longer accepting
 1194 business from the agent pursuant to this section. The insurer
 1195 may require that the agent reimburse the insurer for the fee. If
 1196 the insurer or employer does not pay the fees and taxes due
 1197 pursuant to this subsection within 21 days after notice by the
 1198 department, the department must suspend the insurer's or
 1199 employer's authority to appoint licensees until all outstanding
 1200 fees and taxes have been paid.

1201 Section 23. Subsection (5) of section 626.837, Florida
 1202 Statutes, is amended to read:

1203 626.837 Excess or rejected business.—

1204 (5) Within 15 days after the last day of each month, any
 1205 insurer accepting business under this section shall report to
 1206 the department the name, address, telephone number, and social
 1207 security number of each agent from which the insurer received
 1208 more than four risks during the calendar year. Once the insurer
 1209 has reported pursuant to this subsection an agent's name to the
 1210 department, additional reports on the same agent shall not be
 1211 required. However, the fee set forth in s. 624.501 must be paid
 1212 for the agent by the insurer for each year until the insurer
 1213 notifies the department that the insurer is no longer accepting
 1214 business from the agent pursuant to this section. The insurer
 1215 may require that the agent reimburse the insurer for the fee. If
 1216 the insurer or employer does not pay the fees and taxes due
 1217 pursuant to this subsection within 21 days after notice by the
 1218 department, the department must suspend the insurer's or

601-03769-23 20231158c2

1219 employer's authority to appoint licensees until all outstanding
 1220 fees and taxes have been paid.

1221 Section 24. Paragraph (e) is added to subsection (2) of
 1222 section 626.8411, Florida Statutes, to read:

1223 626.8411 Application of Florida Insurance Code provisions
 1224 to title insurance agents or agencies.—

1225 (2) The following provisions of part I do not apply to
 1226 title insurance agents or title insurance agencies:

1227 (e) Section 626.173(1)(c), relating to notifying
 1228 policyholders of the agency closure.

1229 Section 25. Present subsections (8) through (11) of section
 1230 626.8437, Florida Statutes, are redesignated as subsections (9)
 1231 through (12), respectively, and a new subsection (8) and
 1232 subsection (13) are added to that section, to read:

1233 626.8437 Grounds for denial, suspension, revocation, or
 1234 refusal to renew license or appointment.—The department shall
 1235 deny, suspend, revoke, or refuse to renew or continue the
 1236 license or appointment of any title insurance agent or agency,
 1237 and it shall suspend or revoke the eligibility to hold a license
 1238 or appointment of such person, if it finds that as to the
 1239 applicant, licensee, appointee, or any principal thereof, any
 1240 one or more of the following grounds exist:

1241 (8) Misappropriation, conversion, or improper withholding
 1242 of funds not legally entitled thereto and which are received in
 1243 a fiduciary capacity and held as part of an escrow agreement,
 1244 real estate sales contract, or as provided on a settlement
 1245 statement in a real estate transaction.

1246 (13) Revocation or cancellation of a licensee's resident
 1247 license in a jurisdiction other than this state.

601-03769-23 20231158c2

1248 Section 26. Subsections (7) and (8) are added to section
 1249 626.844, Florida Statutes, to read:

1250 626.844 Grounds for discretionary refusal, suspension, or
 1251 revocation of license or appointment.—The department may, in its
 1252 discretion, deny, suspend, revoke, or refuse to renew or
 1253 continue the license or appointment of any title insurance agent
 1254 or agency, and it may suspend or revoke the eligibility to hold
 1255 a license or appointment of any such title insurance agent or
 1256 agency if it finds that as to the applicant or licensee or
 1257 appointee, or any principal thereof, any one or more of the
 1258 following grounds exist under circumstances for which such
 1259 denial, suspension, revocation, or refusal is not mandatory
 1260 under s. 626.8437:

1261 (7) Having been the subject of, or having had a license,
 1262 permit, appointment, registration, or other authority to conduct
 1263 business subject to, any decision, finding, injunction,
 1264 suspension, prohibition, revocation, denial, judgment, final
 1265 agency action, or administrative order by any court of competent
 1266 jurisdiction, administrative law proceeding, state agency,
 1267 federal agency, national securities, commodities, or option
 1268 exchange, or national securities, commodities, or option
 1269 association involving a violation of any federal or state
 1270 securities or commodities law or any rule or regulation adopted
 1271 thereunder, or a violation of any rule or regulation of any
 1272 national securities, commodities, or options exchange or
 1273 national securities, commodities, or options association.

1274 (8) Revocation or cancellation of a licensee's resident
 1275 license in a jurisdiction other than this state.

1276 Section 27. Section 626.8473, Florida Statutes, is amended

601-03769-23 20231158c2

1277 to read:

1278 626.8473 Escrow; trust fund.-

1279 (1) A title insurance agency agent may engage in business
 1280 as an escrow agent as to funds received from others to be
 1281 subsequently disbursed ~~by the title insurance agent~~ in
 1282 connection with real estate closing transactions involving the
 1283 issuance of title ~~insurance binders~~, commitments, policies of
 1284 title insurance, or guarantees of title, provided that a
 1285 licensed and appointed title insurance agency agent complies
 1286 with the requirements of s. 626.8419 ~~s. 626.8417~~, including such
 1287 requirements added after the initial licensure of the agency
 1288 agent.

1289 (2) All funds received by a title insurance agency agent as
 1290 described in subsection (1) shall be trust funds received in a
 1291 fiduciary capacity by the title insurance agency agent and shall
 1292 be the property of the person or persons entitled thereto.

1293 (3) All funds received by a title insurance agency agent to
 1294 be held in trust shall be immediately placed in a financial
 1295 institution that is located within this state and is a member of
 1296 the Federal Deposit Insurance Corporation or the National Credit
 1297 Union Share Insurance Fund. These funds shall be invested in an
 1298 escrow account in accordance with the investment requirements
 1299 and standards established for deposits and investments of state
 1300 funds in s. 17.57, where the funds shall be kept until
 1301 disbursement thereof is properly authorized.

1302 (4) Funds required to be maintained in escrow trust
 1303 accounts pursuant to this section shall not be subject to any
 1304 debts of the title insurance agency agent and shall be used only
 1305 in accordance with the terms of the individual, escrow,

Page 45 of 114

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601-03769-23 20231158c2

1306 settlement, or closing instructions under which the funds were
 1307 accepted.

1308 (5) The title insurance agency agents shall maintain
 1309 separate records of all receipts and disbursements of escrow,
 1310 settlement, or closing funds.

1311 (6) In the event that the department promulgates rules
 1312 necessary to implement the requirements of this section pursuant
 1313 to s. 624.308, the department shall consider reasonable
 1314 standards necessary for the protection of funds held in trust,
 1315 including, but not limited to, standards for accounting of
 1316 funds, standards for receipt and disbursement of funds, and
 1317 protection for the person or persons to whom the funds are to be
 1318 disbursed.

1319 (7) A title insurance agency agent, or any officer,
 1320 director, or employee thereof, or any person associated
 1321 therewith as an independent contractor for bookkeeping or
 1322 similar purposes, who converts or misappropriates funds received
 1323 or held in escrow or in trust by such title insurance agency
 1324 agent, or any person who knowingly receives or conspires to
 1325 receive such funds, commits:

1326 (a) If the funds converted or misappropriated are \$300 or
 1327 less, a misdemeanor of the first degree, punishable as provided
 1328 in s. 775.082 or s. 775.083.

1329 (b) If the funds converted or misappropriated are more than
 1330 \$300, but less than \$20,000, a felony of the third degree,
 1331 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1332 (c) If the funds converted or misappropriated are \$20,000
 1333 or more, but less than \$100,000, a felony of the second degree,
 1334 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Page 46 of 114

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601-03769-23 20231158c2

1335 (d) If the funds converted or misappropriated are \$100,000
 1336 or more, a felony of the first degree, punishable as provided in
 1337 s. 775.082, s. 775.083, or s. 775.084.

1338 (8) An attorney shall deposit and maintain all funds
 1339 received in connection with transactions in which the attorney
 1340 is serving as a title or real estate settlement agent into a
 1341 separate trust account that is maintained exclusively for funds
 1342 received in connection with such transactions and permit the
 1343 account to be audited by its title insurers, unless maintaining
 1344 funds in the separate account for a particular client would
 1345 violate applicable rules of The Florida Bar.

1346 Section 28. Subsection (19) of section 626.854, Florida
 1347 Statutes, is amended to read:

1348 626.854 "Public adjuster" defined; prohibitions.—The
 1349 Legislature finds that it is necessary for the protection of the
 1350 public to regulate public insurance adjusters and to prevent the
 1351 unauthorized practice of law.

1352 (19) Except as otherwise provided in this chapter, no
 1353 person, except an attorney at law or a licensed and appointed
 1354 public adjuster, may for money, commission, or any other thing
 1355 of value, directly or indirectly:

1356 (a) Prepare, complete, or file an insurance claim for an
 1357 insured or a third-party claimant;

1358 (b) Act on behalf of or aid an insured or a third-party
 1359 claimant in negotiating for or effecting the settlement of a
 1360 claim for loss or damage covered by an insurance contract;

1361 (c) Offer to initiate or negotiate a claim on behalf of an
 1362 insured;

1363 (d) Advertise services that require a license as a public

601-03769-23 20231158c2

1364 adjuster; or

1365 (e) Solicit, investigate, or adjust a claim on behalf of a
 1366 public adjuster, an insured, or a third-party claimant.

1367 Section 29. Section 626.874, Florida Statutes, is amended
 1368 to read:

1369 626.874 Catastrophe or emergency adjusters.—

1370 (1) In the event of a catastrophe or emergency, the
 1371 department may issue a license, for the purposes and under the
 1372 conditions and for the period of emergency as it shall
 1373 determine, to persons who are residents or nonresidents of this
 1374 state, who are at least 18 years of age, who are United States
 1375 citizens or legal aliens who possess work authorization from the
 1376 United States Bureau of Citizenship and Immigration Services,
 1377 and who are not licensed adjusters under this part but who have
 1378 been designated and certified to it as qualified to act as
 1379 adjusters by an authorized insurer to adjust claims, losses, or
 1380 damages under policies or contracts of insurance issued by such
 1381 insurers, or by a licensed ~~the primary adjuster of an~~
 1382 independent adjusting firm contracted with an authorized insurer
 1383 to adjust claims on behalf of the insurer. The fee for the
 1384 license is as provided in s. 624.501(12)(c).

1385 (2) If any person not a licensed adjuster who has been
 1386 permitted to adjust such losses, claims, or damages under the
 1387 conditions and circumstances set forth in subsection (1),
 1388 engages in any of the misconduct described in or contemplated by
 1389 chapter 626 ~~ss. 626.611 and 626.621~~, the department, without
 1390 notice and hearing, shall be authorized to issue its order
 1391 denying such person the privileges granted under this section;
 1392 and thereafter it shall be unlawful for any such person to

601-03769-23 20231158c2

1393 adjust any such losses, claims, or damages in this state.
 1394 Section 30. Subsection (2) of section 626.9892, Florida
 1395 Statutes, is amended to read:
 1396 626.9892 Anti-Fraud Reward Program; reporting of insurance
 1397 fraud.—
 1398 (2) The department may pay rewards of up to \$25,000 to
 1399 persons providing information leading to the arrest ~~and~~
 1400 ~~conviction~~ of persons committing crimes investigated by the
 1401 department arising from violations of s. 400.9935, s. 440.105,
 1402 s. 624.15, s. 626.112, s. 626.8473, s. 626.8738, s. 626.9541, s.
 1403 626.989, s. 790.164, s. 790.165, s. 790.166, s. 806.01, s.
 1404 806.031, s. 806.10, s. 806.111, s. 812.014, s. 817.034, s.
 1405 817.233, ~~s.~~ s. 817.234, s. 817.236, s. 817.2361, s. 817.505, s.
 1406 817.568, s. 831.01, s. 895.03, s. 895.04, or s. 896.101.
 1407 Section 31. Present subsections (7) through (12) of section
 1408 626.9957, Florida Statutes, are redesignated as subsections (8)
 1409 through (13), respectively, and a new subsection (7) is added to
 1410 that section, to read:
 1411 626.9957 Conduct prohibited; denial, revocation,
 1412 termination, expiration, or suspension of registration.—
 1413 (7) If a navigator registered under this part fails to
 1414 maintain an active, valid navigator's registration status with
 1415 the Federal Government or an exchange, the navigator's
 1416 registration issued under this part shall expire by operation of
 1417 law. A navigator with an expired registration may not be granted
 1418 subsequent registration until the navigator qualifies as a
 1419 first-time applicant.
 1420 Section 32. Paragraph (c) of subsection (4) of section
 1421 627.351, Florida Statutes, is amended to read:

Page 49 of 114

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601-03769-23 20231158c2

1422 627.351 Insurance risk apportionment plans.—
 1423 (4) MEDICAL MALPRACTICE RISK APPORTIONMENT.—
 1424 (c) The Joint Underwriting Association shall operate
 1425 subject to the supervision and approval of a board of governors
 1426 consisting of representatives of five of the insurers
 1427 participating in the Joint Underwriting Association, an attorney
 1428 named by The Florida Bar, a physician named by the Florida
 1429 Medical Association, a dentist named by the Florida Dental
 1430 Association, and a hospital representative named by the Florida
 1431 Hospital Association. The Chief Financial Officer shall select
 1432 the representatives of the five insurers or other persons with
 1433 experience in medical malpractice insurance as determined by the
 1434 Chief Financial Officer. These appointments are deemed to be
 1435 within the scope of the exemption provided in s. 112.313(7)(b).
 1436 One insurer representative shall be selected from
 1437 recommendations of the American Insurance Association. One
 1438 insurer representative shall be selected from recommendations of
 1439 the Property Casualty Insurers Association of America. One
 1440 insurer representative shall be selected from recommendations of
 1441 the Florida Insurance Council. Two insurer representatives shall
 1442 be selected to represent insurers that are not affiliated with
 1443 these associations. Vacancies on the board shall be filled for
 1444 the remaining period of the term in the same manner as the
 1445 initial appointments. During the first meeting of the board
 1446 after June 30 of each year, the board shall choose one of its
 1447 members to serve as chair of the board and another member to
 1448 serve as vice chair of the board. There is no liability on the
 1449 part of, and no cause of action shall arise against, any member
 1450 insurer, self-insurer, or its agents or employees, the Joint

Page 50 of 114

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601-03769-23

20231158c2

1451 Underwriting Association or its agents or employees, members of
 1452 the board of governors, or the office or its representatives for
 1453 any action taken by them in the performance of their powers and
 1454 duties under this subsection.

1455 1. The Chief Financial Officer may remove a board member
 1456 from office for misconduct, malfeasance, misfeasance, or neglect
 1457 of duty. Any vacancy so created shall be filled as provided in
 1458 this paragraph.

1459 2. Board members are subject to the code of ethics under
 1460 part III of chapter 112, including, but not limited to, the code
 1461 of ethics and public disclosure and reporting of financial
 1462 interests, pursuant to s. 112.3145. For purposes of applying
 1463 part III of chapter 112 to activities of members of the board of
 1464 governors, those persons are considered public officers and the
 1465 Joint Underwriting Association is considered their agency.
 1466 Notwithstanding s. 112.3143(2), a board member may not vote on
 1467 any measure that he or she knows would inure to his or her
 1468 special private gain or loss; that he or she knows would inure
 1469 to the special private gain or loss of any principal by which he
 1470 or she is retained, other than an agency as defined in s.
 1471 112.312; or that he or she knows would inure to the special
 1472 private gain or loss of a relative or business associate of the
 1473 public officer. Before the vote is taken, such board member
 1474 shall publicly state to the board the nature of his or her
 1475 interest in the matter from which he or she is abstaining from
 1476 voting and, within 15 days after the vote occurs, disclose the
 1477 nature of his or her interest as a public record in a memorandum
 1478 filed with the person responsible for recording the minutes of
 1479 the meeting, who shall incorporate the memorandum in the

Page 51 of 114

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601-03769-23

20231158c2

1480 minutes.

1481 3. Notwithstanding s. 112.3148, s. 112.3149, or any other
 1482 law, a board member may not knowingly accept, directly or
 1483 indirectly, any gift or expenditure from a person or entity, or
 1484 an employee or representative of such person or entity, which
 1485 has a contractual relationship with the Joint Underwriting
 1486 Association or which is under consideration for a contract.

1487 4. A board member who fails to comply with subparagraph 2.
 1488 or subparagraph 3. is subject to the penalties provided under
 1489 ss. 112.317 and 112.3173.

1490 Section 33. Section 627.4215, Florida Statutes, is amended
 1491 to read:

1492 627.4215 Disclosures to policyholders; coverage of
 1493 behavioral health care services.—

1494 (1) A health insurer that offers behavioral health
 1495 insurance coverages required by federal or state law shall make
 1496 all of the following information available on its website:

1497 (a) The federal and state requirements for coverage of
 1498 behavioral health care services.

1499 (b) Contact information for the Division of Consumer
 1500 Services of the department, including a hyperlink, for consumers
 1501 to submit inquiries or complaints relating to health insurer
 1502 products or services regulated by the department or the office.

1503 (2) On an annual basis, a health insurer that offers
 1504 behavioral health insurance coverage required by federal or
 1505 state law shall provide a direct notice to insureds with
 1506 behavioral health insurance coverages required by federal or
 1507 state law which must include a description of the federal and
 1508 state requirements for coverage of behavioral health care

Page 52 of 114

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601-03769-23 20231158c2

1509 services. Such notice must also include the website address and
 1510 statewide toll-free telephone number of the Division of Consumer
 1511 Services of the department for receiving and logging complaints.

1512 Section 34. Subsections (2) and (3) of section 627.7015,
 1513 Florida Statutes, are amended to read:

1514 627.7015 Alternative procedure for resolution of disputed
 1515 property insurance claims.—

1516 (2) At the time of issuance and renewal of a policy or at
 1517 the time a first-party claim within the scope of this section is
 1518 filed by the policyholder, the insurer shall notify the
 1519 policyholder of its right to participate in the mediation
 1520 program under this section. A claim is not eligible for
 1521 mediation until an insurer has made a claim determination or
 1522 elected to repair pursuant to s. 627.70131. The department shall
 1523 prepare a consumer information pamphlet for distribution to
 1524 persons participating in mediation.

1525 (3) The costs of mediation must be reasonable, and the
 1526 insurer must bear all of the cost of conducting mediation
 1527 conferences, except as otherwise provided in this section. If a
 1528 policyholder fails to appear at the conference, the conference
 1529 must be rescheduled upon the policyholder's payment of the costs
 1530 of a rescheduled conference. If the insurer fails to appear at
 1531 the conference, the insurer must pay the policyholder's actual
 1532 cash expenses incurred in attending the conference if the
 1533 insurer's failure to attend was not due to a good cause
 1534 acceptable to the department. An insurer will be deemed to have
 1535 failed to appear if the insurer's representative lacks authority
 1536 to settle the full value of the claim. The insurer shall incur
 1537 an additional fee for a rescheduled conference necessitated by

Page 53 of 114

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601-03769-23 20231158c2

1538 the insurer's failure to appear at a scheduled conference. The
 1539 fees assessed by the ~~department administrator~~ must include a
 1540 charge necessary to defray the expenses of the department
 1541 related to its duties under this section and must be deposited
 1542 in the Insurance Regulatory Trust Fund. The department may
 1543 suspend the insurer's authority to appoint licensees if the
 1544 insurer does not timely pay the required fees.

1545 Section 35. Subsection (18) is added to section 627.7074,
 1546 Florida Statutes, to read:

1547 627.7074 Alternative procedure for resolution of disputed
 1548 sinkhole insurance claims.—

1549 (18) The department may designate, by means of a written
 1550 contract or agreement, an entity or a person to serve as
 1551 administrator to carry out any of the provisions of this
 1552 section.

1553 Section 36. Section 627.745, Florida Statutes, is amended
 1554 to read:

1555 627.745 Mediation of claims.—

1556 (1) (a) In any claim filed with an insurer for personal
 1557 injury in an amount of \$10,000 or less or any claim for property
 1558 damage in any amount, arising out of the ownership, operation,
 1559 use, or maintenance of a motor vehicle, either party may demand
 1560 mediation of the claim prior to the institution of litigation.

1561 (b) The costs of mediation must be reasonable, and the
 1562 insurer must bear all of the cost of conducting mediation
 1563 conferences, except as otherwise provided in this section. If a
 1564 policyholder fails to appear at the conference, the conference
 1565 must be rescheduled upon the policyholder's payment of the costs
 1566 of a rescheduled conference. If the insurer fails to appear at

Page 54 of 114

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601-03769-23 20231158c2

1567 the conference, the insurer must pay the policyholder's actual
 1568 cash expenses incurred in attending the conference if the
 1569 insurer's failure to attend was not due to a good cause
 1570 acceptable to the department. An insurer is deemed to have
 1571 failed to appear if the insurer's representative lacks authority
 1572 to settle the full value of the claim. The insurer shall incur
 1573 an additional fee, paid to the mediator, for a rescheduled
 1574 conference necessitated by the insurer's failure to appear at a
 1575 scheduled conference. The fees assessed by the department or
 1576 administrator must include a charge necessary to defray the
 1577 expenses of the department related to its duties under this
 1578 section and must be deposited in the Insurance Regulatory Trust
 1579 Fund. The department or administrator may request that the
 1580 department suspend the insurer's authority to appoint licensees
 1581 if the insurer does not timely pay the per-mediation-event
 1582 administrative fee. Mediation under this section is also
 1583 available to litigants referred to the department by a county
 1584 court or circuit court.

1585 ~~(b) A request for mediation shall be filed with the~~
 1586 ~~department on a form approved by the department. The request for~~
 1587 ~~mediation shall state the reason for the request for mediation~~
 1588 ~~and the issues in dispute which are to be mediated. The filing~~
 1589 ~~of a request for mediation tolls the applicable time~~
 1590 ~~requirements for filing suit for a period of 60 days following~~
 1591 ~~the conclusion of the mediation process or the time prescribed~~
 1592 ~~in s. 95.11, whichever is later.~~

1593 ~~(c) The insurance policy must specify in detail the terms~~
 1594 ~~and conditions for mediation of a first party claim.~~

1595 ~~(d) The mediation shall be conducted as an informal process~~

Page 55 of 114

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601-03769-23 20231158c2

1596 ~~in which formal rules of evidence and procedure need not be~~
 1597 ~~observed. Any party participating in a mediation must have the~~
 1598 ~~authority to make a binding decision. All parties must mediate~~
 1599 ~~in good faith.~~

1600 ~~(e) The department shall randomly select mediators. Each~~
 1601 ~~party may once reject the mediator selected, either originally~~
 1602 ~~or after the opposing side has exercised its option to reject a~~
 1603 ~~mediator.~~

1604 ~~(f) Costs of mediation shall be borne equally by both~~
 1605 ~~parties unless the mediator determines that one party has not~~
 1606 ~~mediated in good faith.~~

1607 ~~(g) Only one mediation may be requested for each claim,~~
 1608 ~~unless all parties agree to further mediation.~~

1609 ~~(2) Upon receipt of a request for mediation, the department~~
 1610 ~~shall refer the request to a mediator. The mediator shall notify~~
 1611 ~~the applicant and all interested parties, as identified by the~~
 1612 ~~applicant, and any other parties the mediator believes may have~~
 1613 ~~an interest in the mediation, of the date, time, and place of~~
 1614 ~~the mediation conference. The conference may be held by~~
 1615 ~~telephone, if feasible. The mediation conference shall be held~~
 1616 ~~within 45 days after the request for mediation.~~

1617 ~~(2) (a) (3) (a) The department shall approve mediators to~~
 1618 ~~conduct mediations pursuant to this section. All mediators must~~
 1619 ~~file an application under oath for approval as a mediator.~~

1620 ~~(b) To qualify for approval as a mediator, an individual~~
 1621 ~~must meet one of the following qualifications:~~

1622 ~~1. Possess an active certification as a Florida Supreme~~
 1623 ~~Court certified circuit court mediator. A Florida Supreme Court~~
 1624 ~~certified circuit court mediator in a lapsed, suspended,~~

Page 56 of 114

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601-03769-23 20231158c2

1625 sanctioned, or decertified status is not eligible to participate
1626 in the mediation program.

1627 2. Be an approved department mediator as of July 1, 2014,
1628 and have conducted at least one mediation on behalf of the
1629 department within 4 years immediately preceding that date.

1630 ~~(3)~~(4) The department shall deny an application, or suspend
1631 or revoke its approval, of a mediator to serve in such capacity
1632 if the department finds that one or more of the following
1633 grounds exist:

1634 (a) Lack of one or more of the qualifications specified in
1635 this section for approval.

1636 (b) Material misstatement, misrepresentation, or fraud in
1637 obtaining or attempting to obtain the approval.

1638 (c) Demonstrated lack of fitness or trustworthiness to act
1639 as a mediator.

1640 (d) Fraudulent or dishonest practices in the conduct of
1641 mediation or in the conduct of business in the financial
1642 services industry.

1643 (e) Violation of any provision of this code or of a lawful
1644 order or rule of the department, violation of the Florida Rules
1645 for Certified and Court-Appointed Mediators, or aiding,
1646 instructing, or encouraging another party in committing such a
1647 violation.

1648
1649 The department may adopt rules to administer this subsection.

1650 (4) The department shall adopt by rule a motor vehicle
1651 claims insurance mediation program to be administered by the
1652 department or its designee. The department may also adopt
1653 special rules that are applicable in cases of an emergency

601-03769-23 20231158c2

1654 within the state. The rules shall be modeled after practices and
1655 procedures set forth in mediation rules of procedure adopted by
1656 the Supreme Court. The rules must include:

1657 (a) Reasonable requirements for processing and scheduling
1658 of requests for mediation.

1659 (b) Provisions governing who may attend mediation
1660 conferences.

1661 (c) Selection of mediators.

1662 (d) Criteria for the conduct of mediation conferences.

1663 (e) Right to legal counsel.

1664 ~~(5) The department must adopt rules of procedure for claims~~
1665 ~~mediation, taking into consideration a system which:~~

1666 ~~(a) Is fair.~~

1667 ~~(b) Promotes settlement.~~

1668 ~~(c) Avoids delay.~~

1669 ~~(d) Is nonadversarial.~~

1670 ~~(e) Uses a framework for modern mediating technique.~~

1671 (f) Controls of costs and expenses of mediation.

1672 (5) The department may designate an entity or person to
1673 serve as an administrator to carry out any of the provisions of
1674 this section and may take this action by means of a written
1675 contract or agreement.

1676 (6) Disclosures and information divulged in the mediation
1677 process are not admissible in any subsequent action or
1678 proceeding relating to the claim or to the cause of action
1679 giving rise to the claim. A person demanding mediation under
1680 this section may not demand or request mediation after a suit is
1681 filed relating to the same facts already mediated.

1682 Section 37. Present subsections (7) through (12) of section

601-03769-23 20231158c2

1683 631.141, Florida Statutes, are redesignated as subsections (8)
1684 through (13), respectively, and a new subsection (7) is added to
1685 that section, to read:

1686 631.141 Conduct of delinquency proceeding; domestic and
1687 alien insurers.—

1688 (7) In order to preserve as much as possible the right and
1689 interest of the policyholders whose insurance policies or
1690 similar contracts are affected by the receivership proceedings,
1691 the department as a domiciliary receiver may:

1692 (a) Use the property of the estate of the insurer to
1693 transfer the insurer's book of business, policies, or similar
1694 contracts of coverage, in whole or in part, to a solvent
1695 assuming insurer or insurers.

1696 (b) Notwithstanding s. 631.195, share records of the
1697 insurer with the prospective solvent assuming insurer or
1698 insurers, but only to the extent necessary to undertake due
1699 diligence for a transfer contemplated under this section.

1700 Section 38. Subsections (1) and (3) of section 631.252,
1701 Florida Statutes, are amended to read:

1702 631.252 Continuation of coverage.—

1703 (1) Unless another insurer, with approval of the
1704 receivership court, assumes or otherwise provides coverage for
1705 the policies of the insolvent insurer, all insurance policies or
1706 similar contracts of coverage, other than coverages defined in
1707 s. 631.713 or health maintenance organization coverage under
1708 part IV, issued by the insurer shall be canceled upon the
1709 earlier earliest to occur of the following:

1710 (a) The date of entry of the liquidation or, if the court
1711 so provides in its order, the expiration of 30 days from the

Page 59 of 114

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601-03769-23 20231158c2

1712 date of entry of the liquidation order;

1713 (b) The normal expiration of the policy or contract
1714 coverage;

1715 (c) The replacement of the coverage by the insured, or the
1716 replacement of the policy or contract of coverage, with a policy
1717 or contract acceptable to the insured by the receiver with
1718 another insurer; ~~or~~

1719 (d) The date proposed by the receiver and approved by the
1720 receivership court to cancel coverage; or

1721 ~~(e)-(d)~~ The termination of the coverage by the insured.

1722 (3) The 30-day coverage continuation period provided in
1723 paragraph (1)(a) and s. 631.57(1)(a)1. may not be extended
1724 unless the Chief Financial Officer office determines, based on a
1725 reasonable belief, that market conditions are such that policies
1726 of residential property insurance coverage cannot be placed with
1727 an authorized insurer within 30 days and that an additional 15
1728 days is needed to place such coverage, ~~and~~ Failure of actual
1729 notice to the policyholder of the insolvency of the insurer, of
1730 commencement of a delinquency proceeding, or of expiration of
1731 the extension period does not affect such expiration.

1732 Section 39. Subsection (1) of section 631.56, Florida
1733 Statutes, is amended, and subsections (5) through (8) are added
1734 to that section, to read:

1735 631.56 Board of directors.—

1736 (1) The board of directors of the association shall consist
1737 of not less than five or more than nine persons serving terms as
1738 established in the plan of operation. Three members of the board
1739 must be representatives from domestic insurers and appointed by
1740 the Chief Financial Officer. The department shall approve and

Page 60 of 114

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601-03769-23

20231158c2

1741 appoint to the board persons recommended by the member insurers
 1742 or other persons with experience in property and casualty
 1743 insurance or motor vehicle insurance as determined by the Chief
 1744 Financial Officer. These appointments are deemed to be within
 1745 the scope of the exemption provided in s. 112.313(7)(b). ~~In the~~
 1746 ~~event the department finds that any recommended person does not~~
 1747 ~~meet the qualifications for service on the board, the department~~
 1748 ~~shall request the member insurers to recommend another person.~~
 1749 Each member shall serve for a 4-year term and may be
 1750 reappointed. Vacancies on the board shall be filled for the
 1751 remaining period of the term in the same manner as initial
 1752 appointments.

1753 (5) The Chief Financial Officer may remove a board member
 1754 from office for misconduct, malfeasance, misfeasance, or neglect
 1755 of duty. Any vacancy so created shall be filled as provided in
 1756 subsection (1).

1757 (6) Board members are subject to the code of ethics under
 1758 part III of chapter 112, including, but not limited to, the code
 1759 of ethics and public disclosure and reporting of financial
 1760 interests, pursuant to s. 112.3145. For purposes of applying
 1761 part III of chapter 112 to activities of members of the board of
 1762 directors, those persons are considered public officers and the
 1763 association is considered their agency. Notwithstanding s.
 1764 112.3143(2), a board member may not vote on any measure that he
 1765 or she knows would inure to his or her special private gain or
 1766 loss; that he or she knows would inure to the special private
 1767 gain or loss of any principal by which he or she is retained,
 1768 other than an agency as defined in s. 112.312; or that he or she
 1769 knows would inure to the special private gain or loss of a

Page 61 of 114

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601-03769-23

20231158c2

1770 relative or business associate of the public officer. Before the
 1771 vote is taken, such member shall publicly state to the board the
 1772 nature of his or her interest in the matter from which he or she
 1773 is abstaining from voting and, within 15 days after the vote
 1774 occurs, disclose the nature of his or her interest as a public
 1775 record in a memorandum filed with the person responsible for
 1776 recording the minutes of the meeting, who shall incorporate the
 1777 memorandum in the minutes.

1778 (7) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1779 law, a board member may not knowingly accept, directly or
 1780 indirectly, any gift or expenditure from a person or entity, or
 1781 an employee or representative of such person or entity, which
 1782 has a contractual relationship with the association or which is
 1783 under consideration for a contract.

1784 (8) A board member who fails to comply with subsection (6)
 1785 or subsection (7) is subject to the penalties provided under ss.
 1786 112.317 and 112.3173.

1787 Section 40. Paragraph (a) of subsection (1) of section
 1788 631.716, Florida Statutes, is amended, and subsections (4)
 1789 through (7) are added to that section, to read:

1790 631.716 Board of directors.—

1791 (1)(a) The board of directors of the association shall have
 1792 at least 9, but no more than 11, members. The members shall
 1793 ~~consist be comprised~~ of member insurers serving terms as
 1794 established in the plan of operation and 1 Florida Health
 1795 Maintenance Organization Consumer Assistance Plan director
 1796 confirmed pursuant to paragraph (b), or other persons with
 1797 experience in life and annuity or accident and health insurance
 1798 as determined by the Chief Financial Officer. These appointments

Page 62 of 114

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601-03769-23 20231158c2

1799 ~~are deemed to be within the scope of the exemption provided in~~
 1800 ~~s. 112.313(7)(b). At all times, at least 1 member of the board~~
 1801 ~~member~~ must be a domestic insurer as defined in s. 624.06(1).
 1802 ~~The members of the board members~~ who are member insurers shall
 1803 be elected by member insurers, subject to the approval of the
 1804 department. Each board member shall serve for a 4-year term and
 1805 may be reappointed.

1806 (4) The Chief Financial Officer may remove a board member
 1807 from office for misconduct, malfeasance, misfeasance, or neglect
 1808 of duty. Any vacancy so created shall be filled as provided in
 1809 subsection (1).

1810 (5) Board members are subject to the code of ethics under
 1811 part III of chapter 112, including, but not limited to, the code
 1812 of ethics and public disclosure and reporting of financial
 1813 interests, pursuant to s. 112.3145. For purposes of applying
 1814 part III of chapter 112 to activities of members of the board of
 1815 directors, those persons are considered public officers and the
 1816 association is considered their agency. Notwithstanding s.
 1817 112.3143(2), a board member may not vote on any measure that he
 1818 or she knows would inure to his or her special private gain or
 1819 loss; that he or she knows would inure to the special private
 1820 gain or loss of any principal by which he or she is retained,
 1821 other than an agency as defined in s. 112.312; or that he or she
 1822 knows would inure to the special private gain or loss of a
 1823 relative or business associate of the public officer. Before the
 1824 vote is taken, such member shall publicly state to the board the
 1825 nature of his or her interest in the matter from which he or she
 1826 is abstaining from voting and, within 15 days after the vote
 1827 occurs, disclose the nature of his or her interest as a public

Page 63 of 114

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601-03769-23 20231158c2

1828 record in a memorandum filed with the person responsible for
 1829 recording the minutes of the meeting, who shall incorporate the
 1830 memorandum in the minutes.

1831 (6) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1832 law, a board member may not knowingly accept, directly or
 1833 indirectly, any gift or expenditure from a person or entity, or
 1834 an employee or representative of such person or entity, which
 1835 has a contractual relationship with the association or which is
 1836 under consideration for a contract.

1837 (7) A board member who fails to comply with subsection (5)
 1838 or subsection (6) is subject to the penalties provided under ss.
 1839 112.317 and 112.3173.

1840 Section 41. Subsection (1) of section 631.816, Florida
 1841 Statutes, is amended, and subsections (8) through (11) are added
 1842 to that section, to read:

1843 631.816 Board of directors.—

1844 (1) The board of directors of the plan shall consist of not
 1845 less than five or more than nine persons serving terms as
 1846 established in the plan of operation. The department shall
 1847 approve and appoint to the board persons recommended by the
 1848 member HMOs or other persons with experience in health insurance
 1849 as determined by the Chief Financial Officer. These appointments
 1850 are deemed to be within the scope of the exemption provided in
 1851 s. 112.313(7)(b). In the event the department finds that any
 1852 recommended person does not meet the qualifications for service
 1853 on the board, the department shall request the member HMOs to
 1854 recommend another person. Each member shall serve for a 4-year
 1855 term and may be reappointed, except that terms may be staggered
 1856 as defined in the plan of operation. Vacancies on the board

Page 64 of 114

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601-03769-23 20231158c2

1857 shall be filled for the remaining period of the term in the same
1858 manner as initial appointments. In determining voting rights,
1859 each HMO is entitled to vote on the basis of cumulative weighted
1860 voting based on the net written premium for non-Medicare and
1861 non-Medicaid policies.

1862 (8) The Chief Financial Officer may remove a board member
1863 from office for misconduct, malfeasance, misfeasance, or neglect
1864 of duty. Any vacancy so created shall be filled as provided in
1865 subsection (1).

1866 (9) Board members are subject to the code of ethics under
1867 part III of chapter 112, including, but not limited to, the code
1868 of ethics and public disclosure and reporting of financial
1869 interests, pursuant to s. 112.3145. For purposes of applying
1870 part III of chapter 112 to activities of members of the board of
1871 directors, those persons are considered public officers and the
1872 plan is considered their agency. Notwithstanding s. 112.3143(2),
1873 a board member may not vote on any measure that he or she knows
1874 would inure to his or her special private gain or loss; that he
1875 or she knows would inure to the special private gain or loss of
1876 any principal by which he or she is retained, other than an
1877 agency as defined in s. 112.312; or that he or she knows would
1878 inure to the special private gain or loss of a relative or
1879 business associate of the public officer. Before the vote is
1880 taken, such member shall publicly state to the board the nature
1881 of his or her interest in the matter from which he or she is
1882 abstaining from voting and, within 15 days after the vote
1883 occurs, disclose the nature of his or her interest as a public
1884 record in a memorandum filed with the person responsible for
1885 recording the minutes of the meeting, who shall incorporate the

Page 65 of 114

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601-03769-23 20231158c2

1886 memorandum in the minutes.

1887 (10) Notwithstanding s. 112.3148, s. 112.3149, or any other
1888 law, a board member may not knowingly accept, directly or
1889 indirectly, any gift or expenditure from a person or entity, or
1890 an employee or representative of such person or entity, which
1891 has a contractual relationship with the plan or which is under
1892 consideration for a contract.

1893 (11) A board member who fails to comply with subsection (9)
1894 or subsection (10) is subject to the penalties provided under
1895 ss. 112.317 and 112.3173.

1896 Section 42. Subsection (1) of section 631.912, Florida
1897 Statutes, is amended, and subsections (4), (5), and (6) are
1898 added to that section, to read:

1899 631.912 Board of directors.—

1900 (1) The board of directors of the corporation shall consist
1901 of 11 persons, 1 of whom is the insurance consumer advocate
1902 appointed under s. 627.0613 or designee and 1 of whom is
1903 designated by the Chief Financial Officer. The department shall
1904 appoint to the board 6 persons selected by private carriers from
1905 among the 20 workers' compensation insurers with the largest
1906 amount of direct written premium as determined by the
1907 department, and 2 persons selected by the self-insurance funds
1908 or other persons with experience in workers' compensation
1909 insurance as determined by the Chief Financial Officer. These
1910 appointments are deemed to be within the scope of the exemption
1911 provided in s. 112.313(7)(b). The Governor shall appoint one
1912 person who has commercial insurance experience. At least two of
1913 the private carriers shall be foreign carriers authorized to do
1914 business in this state. The board shall elect a chairperson from

Page 66 of 114

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601-03769-23

20231158c2

1915 among its members. The Chief Financial Officer may remove any
 1916 board member for cause. Each board member shall be appointed to
 1917 serve a 4-year term and may be reappointed. A vacancy on the
 1918 board shall be filled for the remaining period of the term in
 1919 the same manner by which the original appointment was made.

1920 (4) Board members are subject to the code of ethics under
 1921 part III of chapter 112, including, but not limited to, the code
 1922 of ethics and public disclosure and reporting of financial
 1923 interests, pursuant to s. 112.3145. For purposes of applying
 1924 part III of chapter 112 to activities of members of the board of
 1925 directors, those persons are considered public officers and the
 1926 corporation is considered their agency. Notwithstanding s.
 1927 112.3143(2), a board member may not vote on any measure that he
 1928 or she knows would inure to his or her special private gain or
 1929 loss; that he or she knows would inure to the special private
 1930 gain or loss of any principal by which he or she is retained,
 1931 other than an agency as defined in s. 112.312; or that he or she
 1932 knows would inure to the special private gain or loss of a
 1933 relative or business associate of the public officer. Before the
 1934 vote is taken, such member shall publicly state to the board the
 1935 nature of his or her interest in the matter from which he or she
 1936 is abstaining from voting and, within 15 days after the vote
 1937 occurs, disclose the nature of his or her interest as a public
 1938 record in a memorandum filed with the person responsible for
 1939 recording the minutes of the meeting, who shall incorporate the
 1940 memorandum in the minutes.

1941 (5) Notwithstanding s. 112.3148, s. 112.3149, or any other
 1942 law, a board member may not knowingly accept, directly or
 1943 indirectly, any gift or expenditure from a person or entity, or

Page 67 of 114

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601-03769-23

20231158c2

1944 an employee or representative of such person or entity, which
 1945 has a contractual relationship with the corporation or which is
 1946 under consideration for a contract.

1947 (6) A board member who fails to comply with subsection (4)
 1948 or subsection (5) is subject to the penalties provided under ss.
 1949 112.317 and 112.3173.

1950 Section 43. Section 633.1423, Florida Statutes, is created
 1951 to read:

1952 633.1423 State Fire Marshal direct-support organization.—

1953 (1) DEFINITION.—As used in this section, the term
 1954 “organization” means the direct-support organization established
 1955 under this section.

1956 (2) ORGANIZATION ESTABLISHED.—The division may establish a
 1957 direct-support organization, to be known as the “State Fire
 1958 Marshal Safety and Training Force,” whose sole purpose is to
 1959 support the safety and training of firefighters and to recognize
 1960 exemplary service. The organization must:

1961 (a) Be a not-for-profit corporation incorporated under
 1962 chapter 617 and approved by the Department of State.

1963 (b) Be organized and operated to raise funds; request and
 1964 receive grants, gifts, and bequests of money; conduct programs
 1965 and activities; acquire, receive, hold, invest, and administer,
 1966 in its own name, securities, funds, or property; and make grants
 1967 and expenditures to or for the direct or indirect benefit of the
 1968 division. Grants and expenditures may include the cost of
 1969 education or training of firefighters, or the recognition of
 1970 exemplary service of firefighters.

1971 (c) Be determined by the division to operate in a manner
 1972 that is:

Page 68 of 114

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601-03769-23 20231158c2

1973 1. Consistent with the goals of the division and laws
 1974 relating to the safety and training of firefighters.
 1975 2. In the best interest of the state.
 1976 3. In accordance with the adopted goals and mission of the
 1977 division.
 1978 (d) Use all of its grants and expenditures solely for the
 1979 purpose of educating, training, and recognizing firefighters,
 1980 and not for advertising using the likeness or name of any
 1981 elected official nor for the purpose of lobbying as defined in
 1982 s. 11.045(1).
 1983 (e) Be subject to an annual financial audit in accordance
 1984 with s. 215.981.
 1985 (3) CONTRACT.—The organization shall operate under written
 1986 contract with the division. The contract must provide for:
 1987 (a) Certification by the division that the organization is
 1988 complying with the terms of the contract and in a manner
 1989 consistent with the goals and purposes of the department and in
 1990 the best interest of the state. Such certification must be made
 1991 annually and reported in the official minutes of a meeting of
 1992 the organization.
 1993 (b) The reversion of moneys and property held by the
 1994 organization for firefighter safety, training, and recognition
 1995 to the division if the organization is no longer approved to
 1996 operate by the division or if the organization ceases to exist,
 1997 or to the state if the division ceases to exist.
 1998 (4) BOARD OF DIRECTORS.—The organization shall be governed
 1999 by a board of directors. The State Fire Marshal, or his or her
 2000 designee, shall appoint a president of the board. The board of
 2001 directors shall be appointed by the president of the board.

Page 69 of 114

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601-03769-23 20231158c2

2002 (5) USE OF PROPERTY.—The division may authorize, without
 2003 charge, appropriate use of fixed property and facilities of the
 2004 division by the organization, subject to this subsection.
 2005 (a) The department may prescribe any condition with which
 2006 the organization must comply in order to use the division's
 2007 property or facilities.
 2008 (b) The department may not authorize the use of the
 2009 division's property or facilities if the organization does not
 2010 provide equal membership and employment opportunities to all
 2011 persons regardless of race, religion, sex, age, or national
 2012 origin.
 2013 (c) The department shall adopt rules prescribing the
 2014 procedures by which the organization is governed and any
 2015 conditions with which the organization must comply to use the
 2016 division's property or facilities.
 2017 (6) DEPOSITORY ACCOUNT.—Any moneys received by the
 2018 organization may be held in a separate depository account in the
 2019 name of the organization and subject to the contract with the
 2020 division.
 2021 (7) ANNUAL BUDGETS AND REPORTS.—The organization shall
 2022 submit to the division its annual budget and financial reports,
 2023 its federal Internal Revenue Service Application for Recognition
 2024 of Exemption Form 1023, and its federal Internal Revenue Service
 2025 Return of Organization Exempt from Income Tax Form 990.
 2026 (8) ANNUAL AUDIT.—The organization shall provide for an
 2027 annual financial audit in accordance with s. 215.981.
 2028 (9) DIVISION'S RECEIPT OF PROCEEDS.—Proceeds received by
 2029 the division from the organization shall be deposited into the
 2030 Insurance Regulatory Trust Fund.

Page 70 of 114

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601-03769-23 20231158c2

2031 (10) REPEAL.—This section is repealed October 1, 2028,
 2032 unless reviewed and saved from repeal by the Legislature.

2033 Section 44. Section 634.181, Florida Statutes, is amended
 2034 to read:

2035 634.181 Grounds for compulsory refusal, suspension, or
 2036 revocation of license or appointment of salespersons.—

2037 (1) The department shall deny, suspend, revoke, or refuse
 2038 to renew or continue the license or appointment of any such
 2039 salesperson if it finds that as to the salesperson any one or
 2040 more of the following applicable grounds exist:

2041 (a)(1) Material misstatement, misrepresentation, or fraud
 2042 in obtaining or attempting to obtain the license or appointment.

2043 (b)(2) If the license or appointment is willfully used, or
 2044 to be used, to circumvent any of the requirements or
 2045 prohibitions of this part, any applicable provision of the
 2046 Florida Insurance Code, or rule of the department or commission.

2047 (c)(3) Willful misrepresentation of any service agreement
 2048 or willful deception with regard to any agreement, done either
 2049 in person or by any form of dissemination of information or
 2050 advertising.

2051 (d)(4) If in the adjustment of claims arising out of
 2052 service agreements, she or he has materially misrepresented to a
 2053 service agreement holder or other interested party the terms and
 2054 coverage of a service agreement with intent and for the purpose
 2055 of effecting settlement of the claim on less favorable terms
 2056 than those provided in and contemplated by the service
 2057 agreement.

2058 (e)(5) For demonstrated lack of fitness or trustworthiness
 2059 to engage in the service agreement business.

601-03769-23 20231158c2

2060 (f)(6) For demonstrated lack of adequate knowledge and
 2061 technical competence to engage in the transactions authorized by
 2062 the license or appointment.

2063 (g)(7) Fraudulent or dishonest practices in the conduct of
 2064 business under the license or appointment.

2065 (h)(8) Misappropriation, conversion, or unlawful
 2066 withholding of moneys belonging to a service agreement company,
 2067 insurer, or service agreement holder or to others and received
 2068 in the conduct of business under the license or appointment.

2069 (i)(9) For unlawfully rebating, or attempt thereat, or for
 2070 unlawfully dividing or offering to divide her or his commission
 2071 with another.

2072 (j)(10) Willful failure to comply with, or willful
 2073 violation of any proper order of the department or office, or
 2074 willful violation of any provision of this part, or of any
 2075 applicable provision of the insurance code, or applicable rule
 2076 of the department or commission.

2077 (k)(11) Having been found guilty of, or having pleaded
 2078 guilty or nolo contendere to, a felony or a crime punishable by
 2079 imprisonment of 1 year or more under the law of the United
 2080 States of America or any state thereof or under the law of any
 2081 other country which involves moral turpitude, without regard to
 2082 whether a judgment of conviction has been entered by the court
 2083 having jurisdiction of the cases.

2084 (l)(12) Failure to refund unearned pro rata commission to
 2085 the agreement holder or the service agreement company, if the
 2086 service agreement company is making a full unearned pro rata
 2087 refund to the agreement holder.

2088 (m) Having been the subject of, or having had a license,

601-03769-23 20231158c2

2089 permit, appointment, registration, or other authority to conduct
 2090 business subject to, any decision, finding, injunction,
 2091 suspension, prohibition, revocation, denial, judgment, final
 2092 agency action, or administrative order by any court of competent
 2093 jurisdiction, administrative law proceeding, state agency,
 2094 federal agency, national securities, commodities, or options
 2095 exchange, or national securities, commodities, or options
 2096 association involving a violation of any federal or state
 2097 securities or commodities law or any rule or regulation adopted
 2098 thereunder, or a violation of any rule or regulation of any
 2099 national securities, commodities, or options exchange or
 2100 national securities, commodities, or options association.

2101 (2) When a licensee is charged with a felony enumerated in
 2102 s. 626.207(2), the department shall, immediately upon receipt of
 2103 information on or indictment for the felony, temporarily suspend
 2104 a license or appointment issued under this chapter. Such
 2105 suspension shall continue if the licensee is found guilty of, or
 2106 pleads guilty or nolo contendere to, the crime, regardless of
 2107 whether a judgment or conviction is entered, during a pending
 2108 appeal. A person may not transact insurance business after
 2109 suspension of his or her license or appointment.

2110 (3) The department may adopt rules to administer this
 2111 section.

2112 Section 45. Section 634.191, Florida Statutes, is amended
 2113 to read:

2114 634.191 Grounds for discretionary refusal, suspension, or
 2115 revocation of license or appointment of salespersons.—

2116 (1) The department may, in its discretion, deny, suspend,
 2117 revoke, or refuse to renew or continue the license or

601-03769-23 20231158c2

2118 appointment of any salesperson if it finds that as to the
 2119 salesperson any one or more of the following applicable grounds
 2120 exist under circumstances for which such denial, suspension,
 2121 revocation, or refusal is not mandatory under s. 634.181:

2122 (a)(1) For any cause for which granting of the license or
 2123 appointment could have been refused had it then existed and been
 2124 known to the department.

2125 (b)(2) Violation of any provision of this part or of any
 2126 other law applicable to the business of service agreements in
 2127 the course of dealings under the license or appointment.

2128 (c)(3) Violation of ~~Has violated~~ any lawful order or rule
 2129 of the department or commission.

2130 (d)(4) Failure or refusal, upon demand, to pay over to any
 2131 company or insurer the salesperson represents or has represented
 2132 any money coming into her or his hands belonging to the company
 2133 or insurer.

2134 (e)(5) If, in the conduct of business under the license or
 2135 appointment, the salesperson has engaged in unfair methods of
 2136 competition or in unfair or deceptive acts or practices, as such
 2137 methods, acts, or practices are or may be defined under this
 2138 part, or has otherwise shown herself or himself to be a source
 2139 of injury or loss to the public or detrimental to the public
 2140 interest.

2141 (f)(6) Failure to report to the department within 30 days
 2142 the final disposition of an administrative action taken against
 2143 a salesperson by a governmental agency or other regulatory
 2144 agency in this state or any other state or jurisdiction relating
 2145 to the business of insurance, the sale of securities, or an
 2146 activity involving fraud, dishonesty, trustworthiness, or breach

601-03769-23

20231158c2

2147 of a fiduciary duty. The salesperson must submit a copy of the
 2148 order, consent to order, or other relevant legal documents to
 2149 the department ~~Having been found guilty of, or having pleaded~~
 2150 ~~guilty or nolo contendere to, a felony or a crime punishable by~~
 2151 ~~imprisonment of 1 year or more under the law of the United~~
 2152 ~~States of America or any state thereof or under the law of any~~
 2153 ~~other country, without regard to whether a judgment of~~
 2154 ~~conviction has been entered by the court having jurisdiction of~~
 2155 ~~the cases.~~

2156 (2) The department may adopt rules to administer this
 2157 section.

2158 Section 46. Section 634.320, Florida Statutes, is amended
 2159 to read:

2160 634.320 Grounds for compulsory refusal, suspension, or
 2161 revocation of license or appointment of sales representatives.—

2162 (1) The department shall deny, suspend, revoke, or refuse
 2163 to renew or continue the license or appointment of any sales
 2164 representative if it is found that any one or more of the
 2165 following grounds applicable to the sales representative exist:

2166 (a)(1) Material misstatement, misrepresentation, or fraud
 2167 in obtaining or attempting to obtain a license or appointment.

2168 (b)(2) The license or appointment is willfully used, or to
 2169 be used, to circumvent any of the requirements or prohibitions
 2170 of this part.

2171 (c)(3) Willful misrepresentation of any warranty contract
 2172 or willful deception with regard to any such contract, done
 2173 either in person or by any form of dissemination of information
 2174 or advertising.

2175 (d)(4) In the adjustment of claims arising out of

Page 75 of 114

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601-03769-23

20231158c2

2176 warranties, material misrepresentation to a warranty holder or
 2177 other interested party of the terms and coverage of a contract,
 2178 with the intent and for the purpose of effecting settlement of
 2179 such claim on less favorable terms than those provided in and
 2180 contemplated by the contract.

2181 (e)(5) Demonstrated lack of fitness or trustworthiness to
 2182 engage in the business of home warranty.

2183 (f)(6) Demonstrated lack of adequate knowledge and
 2184 technical competence to engage in the transactions authorized by
 2185 the license or appointment.

2186 (g)(7) Fraudulent or dishonest practices in the conduct of
 2187 business under the license or appointment.

2188 (h)(8) Misappropriation, conversion, or unlawful
 2189 withholding of moneys belonging to an association, insurer, or
 2190 warranty holder, or to others, and received in the conduct of
 2191 business under the license or appointment.

2192 (i)(9) Unlawfully rebating, or attempting to unlawfully
 2193 rebate, or unlawfully dividing, or offering to divide, her or
 2194 his commission with another.

2195 (j)(10) Willful failure to comply with, or willful
 2196 violation of, any proper order or rule of the department or
 2197 commission or willful violation of any provision of this part.

2198 (k)(11) Being found guilty of or pleading guilty or nolo
 2199 contendere to a felony or a crime punishable by imprisonment of
 2200 1 year or more under the law of the United States of America or
 2201 any state thereof or under the law of any other country
 2202 ~~involving moral turpitude~~, without regard to whether judgment of
 2203 conviction has been entered by the court.

2204 (l) ~~Having been the subject of, or having had a license,~~

Page 76 of 114

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601-03769-23 20231158c2

2205 permit, appointment, registration, or other authority to conduct
 2206 business subject to, any decision, finding, injunction,
 2207 suspension, prohibition, revocation, denial, judgment, final
 2208 agency action, or administrative order by any court of competent
 2209 jurisdiction, administrative law proceeding, state agency,
 2210 federal agency, national securities, commodities, or options
 2211 exchange, or national securities, commodities, or options
 2212 association involving a violation of any federal or state
 2213 securities or commodities law or any rule or regulation adopted
 2214 thereunder, or a violation of any rule or regulation of any
 2215 national securities, commodities, or options exchange or
 2216 national securities, commodities, or options association.

2217 (2) When a licensee is charged with a felony enumerated in
 2218 s. 626.207(2), the department shall, immediately upon receipt of
 2219 information on or indictment for the felony, temporarily suspend
 2220 a license or appointment issued under this chapter. Such
 2221 suspension shall continue if the licensee is found guilty of, or
 2222 pleads guilty or nolo contendere to, the crime, regardless of
 2223 whether a judgment or conviction is entered, during a pending
 2224 appeal. A person may not transact insurance business after
 2225 suspension of his or her license or appointment.

2226 (3) The department may adopt rules to administer this
 2227 section.

2228 Section 47. Section 634.321, Florida Statutes, is amended
 2229 to read:

2230 634.321 Grounds for discretionary refusal, suspension, or
 2231 revocation of license or appointment of sales representatives.—

2232 (1) The department may, in its discretion, deny, suspend,
 2233 revoke, or refuse to renew or continue the license or

601-03769-23 20231158c2

2234 appointment of any sales representative if it is found that any
 2235 one or more of the following grounds applicable to the sales
 2236 representative exist under circumstances for which such denial,
 2237 suspension, revocation, or refusal is not mandatory under s.
 2238 634.320:

2239 (a)(1) Any cause for which granting of the license or
 2240 appointment could have been refused had it then existed and been
 2241 known to the department.

2242 (b)(2) Violation of any provision of this part, or of any
 2243 other law applicable to the business of warranties, in the
 2244 course of dealings under the license or appointment.

2245 (c)(3) Violation of any lawful order or rule of the
 2246 department or commission.

2247 (d)(4) Failure or refusal to pay over, upon demand, to any
 2248 home warranty association or insurer the sales representative
 2249 represents or has represented any money coming into her or his
 2250 hands which belongs to the association or insurer.

2251 (e)(5) In the conduct of business under the license or
 2252 appointment, engaging in unfair methods of competition or in
 2253 unfair or deceptive acts or practices, as such methods, acts, or
 2254 practices are or may be defined under this part, or otherwise
 2255 showing herself or himself to be a source of injury or loss to
 2256 the public or detriment to the public interest.

2257 (f)(6) Failure to report to the department within 30 days
 2258 the final disposition of an administrative action taken against
 2259 a sales representative by a governmental agency or other
 2260 regulatory agency in this state or any other state or
 2261 jurisdiction relating to the business of insurance, the sale of
 2262 securities, or an activity involving fraud, dishonesty,

601-03769-23 20231158c2

2263 trustworthiness, or breach of a fiduciary duty. The sales
 2264 representative must submit a copy of the order, consent to
 2265 order, or other relevant legal documents to the department Being
 2266 ~~found guilty of or pleading guilty or nolo contendere to a~~
 2267 ~~felony or a crime punishable by imprisonment of 1 year or more~~
 2268 ~~under the law of the United States of America or any state~~
 2269 ~~thereof or under the law of any other country, without regard to~~
 2270 ~~whether a judgment of conviction has been entered by the court.~~

2271 (2) The department may adopt rules to administer this
 2272 section.

2273 Section 48. Section 634.419, Florida Statutes, is amended
 2274 to read:

2275 634.419 License and appointment required.—No person or
 2276 entity shall solicit, negotiate, advertise, or effectuate
 2277 service warranty contracts in this state unless such person or
 2278 entity is licensed and appointed as a sales representative.
 2279 Sales representatives shall be responsible for the actions of
 2280 persons under their supervision. However, a service warranty
 2281 association licensed as such under this part shall not be
 2282 required to be licensed and appointed as a sales representative
 2283 to solicit, negotiate, advertise, or effectuate its products.
 2284 Sections 501.021-501.055 do not apply to persons or entities
 2285 licensed and appointed under this section, or their affiliates,
 2286 which solicit the sale of a service warranty or related service
 2287 or product in connection with a prearranged appointment at the
 2288 request of the consumer.

2289 Section 49. Section 634.422, Florida Statutes, is amended
 2290 to read:

2291 634.422 Grounds for compulsory refusal, suspension, or

Page 79 of 114

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601-03769-23 20231158c2

2292 revocation of license or appointment of sales representatives.—

2293 (1) The department shall deny, suspend, revoke, or refuse
 2294 to renew or continue the license or appointment of any sales
 2295 representative if it is found that any one or more of the
 2296 following grounds applicable to the sales representative exist:

2297 (a)(1) Material misstatement, misrepresentation, or fraud
 2298 in obtaining or attempting to obtain a license or appointment.

2299 (b)(2) The license or appointment is willfully used, or to
 2300 be used, to circumvent any of the requirements or prohibitions
 2301 of this part.

2302 (c)(3) Willful misrepresentation of any service warranty
 2303 contract or willful deception with regard to any such contract,
 2304 done either in person or by any form of dissemination of
 2305 information or advertising.

2306 (d)(4) In the adjustment of claims arising out of
 2307 warranties, material misrepresentation to a service warranty
 2308 holder or other interested party of the terms and coverage of a
 2309 contract with the intent and for the purpose of effecting
 2310 settlement of the claim on less favorable terms than those
 2311 provided in and contemplated by the contract.

2312 (e)(5) Demonstrated lack of fitness or trustworthiness to
 2313 engage in the business of service warranty.

2314 (f)(6) Demonstrated lack of adequate knowledge and
 2315 technical competence to engage in the transactions authorized by
 2316 the license or appointment.

2317 (g)(7) Fraudulent or dishonest practices in the conduct of
 2318 business under the license or appointment.

2319 (h)(8) Misappropriation, conversion, or unlawful
 2320 withholding of moneys belonging to an association, insurer, or

Page 80 of 114

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601-03769-23

20231158c2

2321 warranty holder, or to others, and received in the conduct of
2322 business under the license or appointment.

2323 ~~(i)(9)~~ Unlawfully rebating, or attempting to unlawfully
2324 rebate, or unlawfully dividing, or offering to divide, her or
2325 his commission with another.

2326 ~~(j)(10)~~ Willful failure to comply with, or willful
2327 violation of, any proper order or rule of the department or
2328 commission, or willful violation of any provision of this part.

2329 ~~(k)(11)~~ Being found guilty of or pleading nolo contendere
2330 to a felony or a crime punishable by imprisonment of 1 year or
2331 more under the law of the United States of America or any state
2332 thereof or under the law of any other country ~~involving moral~~
2333 ~~turpitude~~, without regard to whether judgment of conviction has
2334 been entered by the court having jurisdiction of the case.

2335 (l) Having been the subject of, or having had a license,
2336 permit, appointment, registration, or other authority to conduct
2337 business subject to, any decision, finding, injunction,
2338 suspension, prohibition, revocation, denial, judgment, final
2339 agency action, or administrative order by any court of competent
2340 jurisdiction, administrative law proceeding, state agency,
2341 federal agency, national securities, commodities, or options
2342 exchange, or national securities, commodities, or options
2343 association involving a violation of any federal or state
2344 securities or commodities law or any rule or regulation adopted
2345 thereunder, or a violation of any rule or regulation of any
2346 national securities, commodities, or options exchange or
2347 national securities, commodities, or options association.

2348 (2) When a licensee is charged with a felony enumerated in
2349 s. 626.207(2), the department shall, immediately upon receipt of

Page 81 of 114

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601-03769-23

20231158c2

2350 information on or indictment for the felony, temporarily suspend
2351 a license or appointment issued under this chapter. Such
2352 suspension shall continue if the licensee is found guilty of, or
2353 pleads guilty or nolo contendere to, the crime, regardless of
2354 whether a judgment or conviction is entered, during a pending
2355 appeal. A person may not transact insurance business after
2356 suspension of his or her license or appointment.

2357 (3) The department may adopt rules to administer this
2358 section.

2359 Section 50. Section 634.423, Florida Statutes, is amended
2360 to read:

2361 634.423 Grounds for discretionary refusal, suspension, or
2362 revocation of license or appointment of sales representatives.—

2363 (1) The department may deny, suspend, revoke, or refuse to
2364 renew or continue the license or appointment of any sales
2365 representative if it is found that any one or more of the
2366 following grounds applicable to the sales representative exist
2367 under circumstances for which such denial, suspension,
2368 revocation, or refusal is not mandatory under s. 634.422:

2369 (a)(1) Any cause for which granting of the license or
2370 appointment could have been refused had it then existed and been
2371 known to the department.

2372 (b)(2) Violation of any provision of this part, or of any
2373 other law applicable to the business of service warranties, in
2374 the course of dealings under the license or appointment.

2375 (c)(3) Violation of any lawful order or rule of the
2376 department or commission.

2377 (d)(4) Failure or refusal to pay over, upon demand, to any
2378 service warranty association or insurer the sales representative

Page 82 of 114

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601-03769-23 20231158c2

2379 represents or has represented any money coming into her or his
2380 hands which belongs to the association or insurer.

2381 ~~(e)(5)~~ In the conduct of business under the license or
2382 appointment, engaging in unfair methods of competition or in
2383 unfair or deceptive acts or practices, as such methods, acts, or
2384 practices are or may be defined under this part, or otherwise
2385 showing herself or himself to be a source of injury or loss to
2386 the public or detriment to the public interest.

2387 ~~(f)(6)~~ Failure to report to the department within 30 days
2388 the final disposition of an administrative action taken against
2389 a sales representative by a governmental agency or other
2390 regulatory agency in this state or any other state or
2391 jurisdiction relating to the business of insurance, the sale of
2392 securities, or an activity involving fraud, dishonesty,
2393 trustworthiness, or breach of a fiduciary duty. The sales
2394 representative must submit a copy of the order, consent to
2395 order, or other relevant legal documents to the department ~~Being~~
2396 ~~found guilty of or pleading guilty or nolo contendere to a~~
2397 ~~felony or a crime punishable by imprisonment of 1 year or more~~
2398 ~~under the law of the United States of America or any state~~
2399 ~~thereof or under the law of any other country, without regard to~~
2400 ~~whether judgment of conviction has been entered by the court~~
2401 ~~having jurisdiction of such case.~~

2402 (2) The department may adopt rules to administer this
2403 section.

2404 Section 51. Section 648.25, Florida Statutes, is reordered
2405 and amended to read:

2406 648.25 Definitions.—As used in this chapter, the term:

2407 (1) "Appointment" means the authority given by an insurer

601-03769-23 20231158c2

2408 or the managing general agent of an insurer through the
2409 department to a licensee to transact insurance or adjust claims
2410 on behalf of the insurer or managing general agent.

2411 ~~(2)(4)~~ "Bail bond agency" means:

2412 (a) The building where a licensee maintains an office and
2413 where all records required by ss. 648.34 and 648.36 are
2414 maintained; or

2415 (b) An entity that:

2416 1. Charges a fee or premium to release an accused defendant
2417 or detainee from jail; or

2418 2. Engages in or employs others to engage in any activity
2419 that may be performed only by a licensed and appointed bail bond
2420 agent.

2421 ~~(3)(2)~~ "Bail bond agent" means a limited surety agent or a
2422 professional bail bond agent as hereafter defined.

2423 ~~(7)(3)~~ "Managing general agent" means any individual,
2424 partnership, association, or corporation appointed or employed
2425 by an insurer to supervise or manage the bail bond business
2426 written in this state by limited surety agents appointed by the
2427 insurer.

2428 ~~(5)(4)~~ "Insurer" means any domestic, foreign, or alien
2429 surety company which has been authorized to transact surety
2430 business in this state.

2431 ~~(6)(5)~~ "Limited surety agent" means any individual
2432 appointed by an insurer by power of attorney to execute or
2433 countersign bail bonds in connection with judicial proceedings
2434 who receives or is promised money or other things of value
2435 therefor.

2436 ~~(4)(6)~~ "Primary Bail bond agent in charge" means a licensed

601-03769-23 20231158c2

2437 bail bond agent who is responsible for the overall operation and
 2438 management of a bail bond agency location and whose
 2439 responsibilities include hiring and supervising all individuals
 2440 within that location. A bail bond agent may be designated as the
 2441 ~~primary~~ bail bond agent in charge for only one bail bond agency
 2442 location.

2443 ~~(8)(7)~~ "Professional bail bond agent" means any person who
 2444 pledges United States currency, United States postal money
 2445 orders, or cashier's checks as security for a bail bond in
 2446 connection with a judicial proceeding and receives or is
 2447 promised therefor money or other things of value.

2448 ~~(9)(8)~~ "Temporary bail bond agent" means a person licensed
 2449 before January 1, 2024, who is employed by a bail bond agent or
 2450 agency, insurer, or managing general agent, and such licensee
 2451 has the same authority as a licensed bail bond agent, including
 2452 presenting defendants in court; apprehending, arresting, and
 2453 surrendering defendants to the proper authorities, while
 2454 accompanied by a supervising bail bond agent or an agent from
 2455 the same agency; and keeping defendants under necessary
 2456 surveillance. However, a temporary licensee may not execute or
 2457 sign bonds, handle collateral receipts, or deliver bonds to
 2458 appropriate authorities. A temporary licensee may not operate an
 2459 agency or branch agency separate from the location of the
 2460 supervising bail bond agent, managing general agent, or insurer
 2461 by whom the licensee is employed. This does not affect the right
 2462 of a bail bond agent or insurer to hire counsel or to obtain the
 2463 assistance of law enforcement officers. A temporary bail bond
 2464 agent license expires 18 months after issuance and is no longer
 2465 valid on or after June 30, 2025.

Page 85 of 114

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601-03769-23 20231158c2

2466 Section 52. Subsection (3) of section 648.26, Florida
 2467 Statutes, is amended to read:

2468 648.26 Department of Financial Services; administration.—

2469 (3) The papers, documents, reports, or any other
 2470 investigatory records of the department are confidential and
 2471 exempt from ~~the provisions of~~ s. 119.07(1) until such
 2472 investigation is completed or ceases to be active. For the
 2473 purpose of this section, an investigation is considered active
 2474 ~~"active"~~ while the investigation is being conducted by the
 2475 department with a reasonable, good faith belief that it may lead
 2476 to the filing of administrative, civil, or criminal proceedings.
 2477 An investigation does not cease to be active if the department
 2478 is proceeding with reasonable dispatch and there is good faith
 2479 belief that action may be initiated by the department or other
 2480 administrative or law enforcement agency. This subsection does
 2481 not prevent the department or office from disclosing the content
 2482 of a complaint or such information as it deems necessary to
 2483 conduct the investigation, to update the complainant as to the
 2484 status and outcome of the complaint, or to share such
 2485 information with any law enforcement agency or other regulatory
 2486 body.

2487 Section 53. Subsection (5) of section 648.27, Florida
 2488 Statutes, is amended to read:

2489 648.27 Licenses and appointments; general.—

2490 (5)~~(a)~~ The license of a bail bond agent shall continue in
 2491 force, without further examination unless deemed necessary by
 2492 the department, until suspended, revoked, or otherwise
 2493 terminated.

2494 ~~(b) The license of a temporary bail bond agent shall~~

Page 86 of 114

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601-03769-23 20231158c2

2495 ~~continue in force until suspended, revoked, or otherwise~~
2496 ~~terminated.~~

2497 Section 54. Section 648.285, Florida Statutes, is amended
2498 to read:

2499 648.285 Bond agency; ownership requirements; applications
2500 for bail bond agency licenses.-

2501 (1) A person may not own, control, manage, or otherwise
2502 have a pecuniary interest in a bail bond agency unless such
2503 individual is a licensed pursuant to s. 648.27, and appointed
2504 through the department, and actively engaged as a bail bond
2505 agent for at least the preceding 24 months. Any agency that is
2506 not in compliance with this subsection is shall be subject to
2507 the issuance of an immediate final order of suspension of its
2508 license and all operations until the agency achieves compliance.

2509 (2) Effective January 1, 2024, the department may issue a
2510 bail bond agency license to any person only after such person
2511 files a written application with the department and qualifies
2512 for such license.

2513 (3) An application for a bail bond agency license must be
2514 signed by an individual required to be listed in the application
2515 under paragraph (a). A bail bond agency license may permit a
2516 third party to complete, submit, and sign an application on the
2517 bail bond agency's behalf; however, the bail bond agency is
2518 responsible for ensuring that the information on the application
2519 is true and correct, and the bail bond agency is accountable for
2520 any misstatements or misrepresentations. The application for a
2521 bail bond agency license must include:

2522 (a) The name and license number of each owner, partner,
2523 officer, director, president, senior vice president, secretary,

601-03769-23 20231158c2

2524 treasurer, and limited liability company member who directs or
2525 participates in the management or control of the bail bond
2526 agency, whether through ownership of voting securities, by
2527 contract, by ownership of any agency bank account, or otherwise.

2528 (b) The residence address of each person required to be
2529 listed in the application under paragraph (a).

2530 (c) The name, principal business street address, and valid
2531 e-mail address of the bail bond agency and the name, address,
2532 and e-mail address of the agency's registered agent or person or
2533 company authorized to accept service on behalf of the bail bond
2534 agency.

2535 (d) The physical address of each branch bail bond agency,
2536 including its name, e-mail address, and telephone number, and
2537 the date that the branch location began transacting bail bond
2538 business.

2539 (e) The name of the full-time bail bond agent in charge of
2540 the agency office, including branch locations, and his or her
2541 corresponding location.

2542 (f) Such additional information as the department requires
2543 by rule to ascertain the trustworthiness and competence of
2544 persons required to be listed on the application and to
2545 ascertain that such persons meet the requirements of this code.
2546 However, the department may not require that credit or character
2547 reports be submitted for persons required to be listed on the
2548 application.

2549 (4) The department must issue a license to each agency upon
2550 approval of the application, and each agency location must
2551 display the license prominently in a manner that makes it
2552 clearly visible to any customer or potential customer who enters

601-03769-23 20231158c2

2553 the agency location.

2554 (5) A bail bond agency that holds a current and valid
 2555 registration number with the department shall have its
 2556 registration automatically converted to a license on July 1,
 2557 2024.

2558 (6) Section 112.011 does not apply to bail bond agencies or
 2559 to applicants for licensure as owners of bail bond agencies.

2560 (7)(2) If the owner of a bail bond agency dies or becomes
 2561 mentally incapacitated, a personal representative or legal
 2562 guardian may be issued a temporary permit to manage the affairs
 2563 of the bail bond agency. Such person must appoint or maintain
 2564 the appointment of a ~~primary~~ bail bond agent in charge, as
 2565 provided in s. 648.387, and may not engage in any activities as
 2566 a licensed bail bond agent but must comply with s. 648.387
 2567 during the administration of the estate or guardianship. A
 2568 temporary permit is valid for a maximum of 24 months.

2569 (8)(3) Application for a temporary permit must be made by
 2570 the personal representative or legal guardian upon statements
 2571 and affidavits filed with the department on forms prescribed and
 2572 furnished by it. The applicant must meet the qualifications for
 2573 licensure as a bail bond agent, except for the residency,
 2574 examination, education, and experience requirements.

2575 Section 55. Subsection (1) of section 648.30, Florida
 2576 Statutes, is amended to read:

2577 648.30 Licensure and appointment required; prohibited acts;
 2578 penalties.—

2579 (1) (a) A person or entity may not act in the capacity of a
 2580 bail bond agent or ~~temporary~~ bail bond ~~agency~~ ~~agent~~ or perform
 2581 any of the functions, duties, or powers prescribed for bail bond

601-03769-23 20231158c2

2582 agents or ~~temporary~~ bail bond agencies ~~agents~~ under this chapter
 2583 unless that person or entity is qualified, licensed, and
 2584 appointed as provided in this chapter and employed by a bail
 2585 bond agency.

2586 (b) A bail bond agent may not sell a bail bond issued by an
 2587 insurer for which the agent and the agent's bail bond agency do
 2588 not hold a current appointment.

2589 (c) Except as otherwise provided in this part, a person or
 2590 entity, other than a bail bond agency or an employee of a bail
 2591 bond agency, may not perform any of the functions of a bail bond
 2592 agency without a bail bond agency license.

2593 Section 56. Section 648.31, Florida Statutes, is amended to
 2594 read:

2595 648.31 Appointment taxes and fees.—The department shall
 2596 collect in advance all appointment taxes and fees for the
 2597 issuance of any appointment to a bail bond agent ~~or temporary~~
 2598 ~~bail bond agent~~, as provided in s. 624.501. There is no fee for
 2599 the issuance of any appointment to a bail bond agency.

2600 Section 57. Subsection (2) of section 648.34, Florida
 2601 Statutes, is amended to read:

2602 648.34 Bail bond agents; qualifications.—

2603 (2) To qualify as a bail bond agent, it must affirmatively
 2604 appear at the time of application and throughout the period of
 2605 licensure that the applicant ~~has complied with the provisions of~~
 2606 ~~s. 648.355 and has obtained a temporary license pursuant to such~~
 2607 ~~section and:~~

2608 (a) ~~The applicant~~ Is a natural person who has reached the
 2609 age of 18 years and holds a high school diploma or its
 2610 equivalent.

601-03769-23

20231158c2

2611 (b) ~~The applicant~~ Is a United States citizen or legal alien
 2612 who possesses work authorization from the United States Bureau
 2613 of Citizenship and Immigration Services and is a resident of
 2614 this state. An individual who is a resident of this state shall
 2615 be deemed to meet the residence requirement of this paragraph,
 2616 notwithstanding the existence, at the time of application for
 2617 license, of a license in the applicant's name on the records of
 2618 another state as a resident licensee of such other state, if the
 2619 applicant furnishes a letter of clearance satisfactory to the
 2620 department that his or her resident licenses have been canceled
 2621 or changed to a nonresident basis and that he or she is in good
 2622 standing.

2623 (c) Will maintain his or her ~~The place of business of the~~
 2624 ~~applicant will be located~~ in this state and in the county where
 2625 the applicant will maintain his or her records and be actively
 2626 engaged in the bail bond business and work with a licensed
 2627 ~~maintain an~~ agency accessible to the public which is open for
 2628 reasonable business hours.

2629 (d) ~~The applicant~~ Is vouched for and recommended upon sworn
 2630 statements filed with the department by at least three reputable
 2631 citizens who are residents of the same counties in which the
 2632 applicant proposes to engage in the bail bond business.

2633 (e) ~~The applicant~~ Is a person of high character and
 2634 approved integrity and has not been convicted of or pleaded
 2635 guilty or no contest to a felony, a crime involving moral
 2636 turpitude, or a crime punishable by imprisonment of 1 year or
 2637 more under the law of any state, territory, or country, whether
 2638 or not a judgment or conviction has been entered.

2639 (f) Within 2 years immediately before applying for the

601-03769-23

20231158c2

2640 license, has successfully completed a basic certification course
 2641 in the criminal justice system which consists of at least 120
 2642 hours of classroom instruction with a passing grade of 80
 2643 percent or higher and has successfully completed a
 2644 correspondence course for bail bond agents approved by the
 2645 department.

2646 ~~(g)-(f) The applicant~~ Has passed any required examination.

2647 Section 58. Section 648.355, Florida Statutes, is amended
 2648 to read:

2649 648.355 ~~Temporary limited license as~~ Limited surety agents
 2650 and agent ~~or~~ professional bail bond agents agent; qualifications
 2651 pending examination.-

2652 (1) ~~The department may, in its discretion, issue a~~
 2653 ~~temporary license as a limited surety agent or professional bail~~
 2654 ~~bond agent, subject to the following conditions:~~

2655 ~~(a) The applicant is a natural person at least 18 years of~~
 2656 ~~age and holds a high school diploma or its equivalent.~~

2657 ~~(b) The applicant is a United States citizen or legal alien~~
 2658 ~~who possesses work authorization from the United States Bureau~~
 2659 ~~of Citizenship and Immigration Services and is a resident of~~
 2660 ~~this state. An individual who is a resident of this state shall~~
 2661 ~~be deemed to meet the residence requirement of this paragraph,~~
 2662 ~~notwithstanding the existence, at the time of application for~~
 2663 ~~temporary license, of a license in the individual's name on the~~
 2664 ~~records of another state as a resident licensee of such other~~
 2665 ~~state, if the applicant furnishes a letter of clearance~~
 2666 ~~satisfactory to the department that the individual's resident~~
 2667 ~~licenses have been canceled or changed to a nonresident basis~~
 2668 ~~and that the individual is in good standing.~~

601-03769-23

20231158c2

2669 ~~(e) The applicant is a person of high character and~~
 2670 ~~approved integrity and has never been convicted of or pleaded~~
 2671 ~~guilty or no contest to a felony, a crime involving moral~~
 2672 ~~turpitude, or a crime punishable by imprisonment of 1 year or~~
 2673 ~~more under the law of any state, territory, or country, whether~~
 2674 ~~or not a judgment or conviction is entered.~~

2675 ~~(d) Within 4 years prior to the date of application for a~~
 2676 ~~temporary license, the applicant has successfully completed a~~
 2677 ~~basic certification course in the criminal justice system,~~
 2678 ~~consisting of not less than 120 hours of classroom instruction~~
 2679 ~~with a passing grade of 80 percent or higher and has~~
 2680 ~~successfully completed a correspondence course for bail bond~~
 2681 ~~agents approved by the department.~~

2682 ~~(e) The applicant must be employed full time at the time of~~
 2683 ~~licensure, and at all times throughout the existence of the~~
 2684 ~~temporary license, by only one licensed and appointed~~
 2685 ~~supervising bail bond agent, who supervises the work of the~~
 2686 ~~applicant and is responsible for the licensee's conduct in the~~
 2687 ~~bail bond business. The applicant must be appointed by the same~~
 2688 ~~insurers as the supervising bail bond agent. The supervising~~
 2689 ~~bail bond agent shall certify monthly to the department under~~
 2690 ~~oath, on a form prescribed by the department, the names and~~
 2691 ~~hours worked each week of all temporary bail bond agents. Filing~~
 2692 ~~a false certification is grounds for the immediate suspension of~~
 2693 ~~the license and imposition of a \$5,000 administrative fine. The~~
 2694 ~~department may adopt rules that establish standards for the~~
 2695 ~~employment requirements.~~

2696 ~~(f) The application must be accompanied by an affidavit~~
 2697 ~~verifying proposed employment and a report as to the applicant's~~

Page 93 of 114

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601-03769-23

20231158c2

2698 ~~integrity and moral character on a form prescribed by the~~
 2699 ~~department and executed by the proposed employer.~~

2700 ~~(g) The applicant must file with the department statements~~
 2701 ~~by at least three reputable citizens who are residents of the~~
 2702 ~~same counties in which the applicant proposes to engage as a~~
 2703 ~~temporary licensee.~~

2704 ~~(h) The applicant's employer is responsible for the bail~~
 2705 ~~bonding acts of any licensee under this section.~~

2706 ~~(2) All applicable license fees, as prescribed in s.~~
 2707 ~~624.501, must be paid before issuance of the temporary license.~~

2708 ~~(3) The temporary license shall be effective for 18 months,~~
 2709 ~~subject to earlier termination at the request of the employer or~~
 2710 ~~if suspended or revoked by the department.~~

2711 ~~(4) The applicant shall furnish, with the application for~~
 2712 ~~temporary license, a complete set of the applicant's~~
 2713 ~~fingerprints in accordance with s. 626.171(4) and a recent~~
 2714 ~~credential-sized, fullface photograph of the applicant. The~~
 2715 ~~department may ~~shall~~ not issue a temporary license under this~~
 2716 ~~section until the department has received a report from the~~
 2717 ~~Department of Law Enforcement and the Federal Bureau of~~
 2718 ~~Investigation relative to the existence or nonexistence of a~~
 2719 ~~criminal history report based on the applicant's fingerprints.~~

2720 ~~(2)-(5) The department may collect a fee necessary to cover~~
 2721 ~~the cost of a character and credit report made by an established~~
 2722 ~~and reputable independent reporting service. The fee shall be~~
 2723 ~~deposited to the credit of the Insurance Regulatory Trust Fund.~~

2724 ~~(3)-(6) Effective July 1, 2023, any individual licensed by~~
 2725 ~~the department as a temporary bail bond agent may take the~~
 2726 ~~required bail bond agent's licensure examination, may file an~~

Page 94 of 114

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601-03769-23

20231158c2

2727 ~~application for a bail bond agent's license if otherwise~~
 2728 ~~qualified for licensure, and may take the required bail bond~~
 2729 ~~agent's licensure examination After licensure as a temporary~~
 2730 ~~licensee for at least 12 months, such licensee may file an~~
 2731 ~~application for and become eligible for a regular bail bond~~
 2732 ~~agent's license based on the licensee's experience in the bail~~
 2733 ~~bond business and education pursuant to paragraph (1)(d) and, if~~
 2734 ~~otherwise qualified, take the required bail bond agent's~~
 2735 ~~licensure examination. The applicant and supervising bail bond~~
 2736 ~~agent must each file an affidavit under oath, on a form~~
 2737 ~~prescribed by the department, verifying the required employment~~
 2738 ~~of the temporary agent before issuance of the license.~~

2739 ~~(7) In no event shall a temporary licensee licensed under~~
 2740 ~~this section perform any of the functions for which a bail bond~~
 2741 ~~agent's license is required after expiration of the temporary~~
 2742 ~~license without having passed the written examination as for a~~
 2743 ~~regular bail bond agent's license.~~

2744 ~~(8)(a) A temporary licensee has the same authority as a~~
 2745 ~~licensed bail bond agent, including presenting defendants in~~
 2746 ~~court, apprehending, arresting, and surrendering defendants to~~
 2747 ~~the proper authorities; and keeping defendants under necessary~~
 2748 ~~surveillance. However, a temporary licensee must be accompanied~~
 2749 ~~by a supervising bail bond agent or an agent from the same~~
 2750 ~~agency when apprehending, arresting, or surrendering defendants~~
 2751 ~~to authorities.~~

2752 ~~(b) A temporary licensee may not execute or sign bonds,~~
 2753 ~~handle collateral receipts, deliver bonds to appropriate~~
 2754 ~~authorities, or operate an agency or branch agency separate from~~
 2755 ~~the location of the supervising bail bond agent, managing~~

Page 95 of 114

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601-03769-23

20231158c2

2756 ~~general agent, or insurer by whom the licensee is employed-~~
 2757 (4)(9) Effective July 1, 2023, the department may not issue
 2758 a temporary bail bond agent's license. An individual currently
 2759 licensed as a temporary bail bond agent may continue to be
 2760 licensed in accordance with this chapter. A temporary bail bond
 2761 agent's license may not be reinstated if the license expires or
 2762 is terminated, suspended, or revoked The department shall not
 2763 issue a temporary bail bond agent's license to any individual
 2764 who has held such a temporary license in this state within 2
 2765 years after the expiration of such temporary bail bond agent's
 2766 license.

2767 Section 59. Subsections (1) through (4) of section 648.382,
 2768 Florida Statutes, are amended to read:

2769 648.382 Appointment of bail bond agents and bail bond
 2770 agencies temporary bail bond agents; effective date of
 2771 appointment.-

2772 (1)(a) Each insurer or appointing a bail bond agent and
 2773 each insurer, managing general agent, or bail bond agent
 2774 appointing a temporary bail bond agent or bail bond agency in
 2775 this state must file the appointment with the department and, at
 2776 the same time, pay the applicable appointment fees and taxes. A
 2777 person appointed under this section must hold a valid bail bond
 2778 agent's or temporary bail bond agency's agent's license. There
 2779 is no fee for the issuance of any appointment of a bail bond
 2780 agency.

2781 (b) Effective July 1, 2025, each insurer or managing
 2782 general agent appointing a bail bond agency in this state must
 2783 file the appointment with the department. An entity appointed
 2784 under this section must hold a valid bail bond agency's license.

Page 96 of 114

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601-03769-23

20231158c2

2785 (2) ~~Before~~ ~~Prior~~ to any appointment, an appropriate officer
2786 or official of the appointing insurer ~~in the case of a bail bond~~
2787 ~~agent or an insurer, managing general agent, or bail bond agent~~
2788 ~~in the case of a temporary bail bond agent~~ must submit:

2789 (a) A certified statement or affidavit to the department
2790 stating what investigation has been made concerning the proposed
2791 appointee and the proposed appointee's background and the
2792 appointing person's opinion to the best of his or her knowledge
2793 and belief as to the moral character and reputation of the
2794 proposed appointee. In lieu of such certified statement or
2795 affidavit, by authorizing the effectuation of an appointment for
2796 a licensee, the appointing entity certifies to the department
2797 that such investigation has been made and that the results of
2798 the investigation and the appointing person's opinion is that
2799 the proposed appointee is a person of good moral character and
2800 reputation and is fit to engage in the bail bond business;

2801 (b) An affidavit under oath on a form prescribed by the
2802 department, signed by the proposed appointee, stating that
2803 premiums are not owed to any insurer and that the appointee will
2804 discharge all outstanding forfeitures and judgments on bonds
2805 previously written. If the appointee does not satisfy or
2806 discharge such forfeitures or judgments, the former insurer
2807 shall file a notice, with supporting documents, with the
2808 appointing insurer, the former agent or agency, and the
2809 department, stating under oath that the licensee has failed to
2810 timely satisfy forfeitures and judgments on bonds written and
2811 that the insurer has satisfied the forfeiture or judgment from
2812 its own funds. Upon receipt of such notification and supporting
2813 documents, the appointing insurer shall immediately cancel the

Page 97 of 114

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601-03769-23

20231158c2

2814 licensee's appointment. The licensee may be reappointed only
2815 upon certification by the former insurer that all forfeitures
2816 and judgments on bonds written by the licensee have been
2817 discharged. The appointing insurer or former agent or agency
2818 may, within 10 days, file a petition with the department seeking
2819 relief from this paragraph. Filing of the petition stays the
2820 duty of the appointing insurer to cancel the appointment until
2821 the department grants or denies the petition; ~~and~~

2822 (c) Any other information that the department reasonably
2823 requires concerning the proposed appointee; and

2824 (d) Effective January 1, 2025, a certification that the
2825 appointing entity obtained from each appointee the following
2826 sworn statement:

2827

2828 Pursuant to section 648.382(2)(b), Florida Statutes, I
2829 do solemnly swear that I owe no premium to any insurer
2830 or agency and that I will discharge all outstanding
2831 forfeitures and judgments on bonds that have been
2832 previously written. I acknowledge that failure to do
2833 this will result in my active appointments being
2834 canceled.

2835

2836 An appointed bail bond agency must have the attestation under
2837 this paragraph signed by its owner.

2838

2839 (3) By authorizing the effectuation of an appointment for a
2840 licensee, the appointing insurer certifies to the department
2841 that the insurer will be bound by the acts of the bail bond
2842 agent or bail bond agency acting within the scope of the agent's
~~or agency's his or her~~ appointment, ~~and, in the case of a~~

Page 98 of 114

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601-03769-23 20231158c2

2843 ~~temporary bail bond agent, the appointing insurer, managing~~
 2844 ~~general agent, or bail bond agent, as the case may be, must~~
 2845 ~~certify to the department that he or she will supervise the~~
 2846 ~~temporary bail bond agent's activities.~~

2847 (4) Each appointing insurer ~~or~~, managing general agent, ~~or~~
 2848 ~~bail bond agent~~ must advise the department in writing within 5
 2849 days after receiving notice or learning that an appointee has
 2850 been arrested for, pled guilty or nolo contendere to, or been
 2851 found guilty of, a felony or other offense punishable by
 2852 imprisonment of 1 year or more under the law of any
 2853 jurisdiction, whether judgment was entered or withheld by the
 2854 court.

2855 Section 60. Present subsections (1) through (4) of section
 2856 648.386, Florida Statutes, are redesignated as subsections (2)
 2857 through (5), respectively, a new subsection (1) is added to that
 2858 section, and present subsection (2) of that section is amended,
 2859 to read:

2860 648.386 Qualifications for prelicensing and continuing
 2861 education schools and instructors.—

2862 (1) DEFINITION OF "CLASSROOM INSTRUCTION".—As used in this
 2863 section, the term "classroom instruction" means a course
 2864 designed to be presented to a group of students by a live
 2865 instructor using lecture, video, webcast, or virtual or other
 2866 audio-video presentation.

2867 (3)~~(2)~~ SCHOOLS AND CURRICULUM FOR CONTINUING EDUCATION
 2868 SCHOOLS.—In order to be considered for approval and
 2869 certification as an approved limited surety agent and
 2870 professional bail bond agent continuing education school, such
 2871 entity must:

601-03769-23 20231158c2

2872 (a) Provide a minimum of three classroom-instruction
 2873 continuing education classes per calendar year.

2874 (b) Submit a course curriculum to the department for
 2875 approval.

2876 (c) Offer continuing education classes that comprise which
 2877 ~~are comprised of~~ a minimum of 2 hours of approved classroom-
 2878 instruction coursework and are taught by an approved supervising
 2879 instructor or guest lecturer approved by the entity or the
 2880 supervising instructor.

2881 Section 61. Section 648.387, Florida Statutes, is amended
 2882 to read:

2883 648.387 ~~Primary~~ Bail bond agent in charge ~~agents~~; duties.—

2884 (1) The owner or operator of a bail bond agency shall
 2885 designate a ~~primary~~ bail bond agent in charge for each location,
 2886 and shall file with the department the name and license number
 2887 of the person and the address of the location on a form approved
 2888 by the department. The designation of the ~~primary~~ bail bond
 2889 agent in charge may be changed if the department is notified
 2890 immediately. Failure to notify the department within 10 working
 2891 days after such change is grounds for disciplinary action
 2892 pursuant to s. 648.45.

2893 (2) The ~~primary~~ bail bond agent in charge is responsible
 2894 for the overall operation and management of a bail bond agency
 2895 location, whose responsibilities may include, without
 2896 limitations, hiring and supervising of all individuals within
 2897 the location, whether they deal with the public in the
 2898 solicitation or negotiation of bail bond contracts or in the
 2899 collection or accounting of moneys. A person may be designated
 2900 as the primary bail bond agent in charge for only one agency and

601-03769-23 20231158c2

2901 location.

2902 (3) The department may suspend or revoke the license of the
 2903 owner, ~~bail bond agent in charge operator~~, and ~~primary~~ bail bond
 2904 ~~agency agent~~ if ~~the a~~ bail bond agency employs, contracts with,
 2905 or uses the services of a person who has had a license denied or
 2906 whose license is currently suspended or revoked. However, a
 2907 person who has been denied a license for failure to pass a
 2908 required examination may be employed to perform clerical or
 2909 administrative functions for which licensure is not required.

2910 (4) An owner, ~~a bail bond agent in charge operator~~, or a
 2911 ~~bail bond agency primary agent~~ may not employ, contract with, or
 2912 use the services of any person in a bail bond agency who has
 2913 been charged with, found guilty of, or pled guilty or nolo
 2914 contendere to a felony or a crime punishable by imprisonment of
 2915 1 year or more under the law of any jurisdiction, without regard
 2916 to whether judgment was entered or withheld by the court.

2917 (5) A bail bond agency location may not conduct surety
 2918 business unless a ~~primary~~ bail bond agent in charge is
 2919 designated by, and provides services to, the bail bond agency at
 2920 all times. If the bail bond agent in charge designated with the
 2921 department ends his or her affiliation with the bail bond agency
 2922 for any reason, and the bail bond agency fails to designate
 2923 another bail bond agent in charge within the 10-day period under
 2924 subsection (1) and such failure continues for 90 days, the bail
 2925 bond agency license automatically expires on the 91st day after
 2926 the date the designated bail bond agent in charge ended his or
 2927 her affiliation with the agency ~~The failure to designate a~~
 2928 ~~primary agent on a form prescribed by the department, within 10~~
 2929 ~~working days after an agency's inception or a change of primary~~

Page 101 of 114

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601-03769-23 20231158c2

2930 ~~agent, is a violation of this chapter, punishable as provided in~~
 2931 ~~s. 648.45.~~

2932 Section 62. Section 648.3875, Florida Statutes, is created
 2933 to read:

2934 648.3875 Bail bond agent in charge; qualifications.—

2935 (1) An application for designation as a bail bond agent in
 2936 charge must be submitted on forms prescribed by the department.
 2937 The application must include the applicant's full name and the
 2938 applicant's license number issued pursuant to s. 648.27.

2939 (2) To qualify as a bail bond agent in charge, it must
 2940 affirmatively appear that, at the time of application and
 2941 throughout the period of licensure, the applicant has complied
 2942 with s. 648.285 and that the applicant has been licensed as a
 2943 bail bond agent for the 24 months immediately preceding the
 2944 appointment as the bail bond agent in charge.

2945 Section 63. Section 648.39, Florida Statutes, is amended to
 2946 read:

2947 648.39 Termination of appointment of managing general
 2948 agents, bail bond agents, and ~~temporary~~ bail bond agencies
 2949 ~~agents.—~~

2950 (1) An insurer ~~that~~ who terminates the appointment of a
 2951 managing general agent, bail bond agent, or ~~temporary~~ bail bond
 2952 ~~agency agent~~ shall, within 10 days after such termination, file
 2953 written notice thereof with the department together with a
 2954 statement that it has given or mailed notice to the terminated
 2955 agent ~~or agency~~. Such notice filed with the department must
 2956 state the reasons, if any, for such termination. Information so
 2957 furnished to the department is confidential and exempt from ~~the~~
 2958 ~~provisions of s. 119.07(1).~~

Page 102 of 114

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601-03769-23

20231158c2

2959 (2) Each insurer shall, within 5 days after terminating the
 2960 appointment of any managing general agent, bail bond agent, or
 2961 ~~temporary~~ bail bond agency agent, give written notice thereof to
 2962 each clerk of the circuit court and sheriff with whom such
 2963 person is registered.

2964 (3) An insurer that terminates the appointment of a
 2965 managing general agent ~~or, bail bond agent, or temporary bail~~
 2966 ~~bond agent~~ may authorize such person to continue to attempt the
 2967 arrest and surrender of a defendant for whom a surety bond had
 2968 been written by the bail bond agent before ~~prior to~~ termination
 2969 and to seek discharge of forfeitures and judgments as provided
 2970 in chapter 903.

2971 Section 64. Section 648.41, Florida Statutes, is repealed.

2972 Section 65. Section 648.42, Florida Statutes, is amended to
 2973 read:

2974 648.42 Registration of bail bond agents.—A bail bond agent
 2975 may not become a surety on an undertaking unless he or she has
 2976 registered in the office of the sheriff and with the clerk of
 2977 the circuit court in the county in which the bail bond agent
 2978 resides. The bail bond agent may register in a like manner in
 2979 any other county, and any bail bond agent shall file a certified
 2980 copy of his or her appointment by power of attorney from each
 2981 insurer which he or she represents as a bail bond agent with
 2982 each of such officers. Registration and filing of a certified
 2983 copy of renewed power of attorney shall be performed by April 1
 2984 of each odd-numbered year. The clerk of the circuit court and
 2985 the sheriff may shall not permit the registration of a bail bond
 2986 agent unless such bail bond agent is currently licensed by the
 2987 department and appointed by an insurer ~~the department. Nothing~~

Page 103 of 114

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601-03769-23

20231158c2

2988 ~~in this section shall prevent the registration of a temporary~~
 2989 ~~licensee at the jail for the purposes of enabling the licensee~~
 2990 ~~to perform the duties under such license as set forth in this~~
 2991 ~~chapter.~~

2992 Section 66. Subsections (1) and (2) and paragraphs (c) and
 2993 (d) of subsection (8) of section 648.44, Florida Statutes, are
 2994 amended to read:

2995 648.44 Prohibitions; penalty.—

2996 (1) A bail bond agent or ~~temporary~~ bail bond agency agent
 2997 may not:

2998 (a) Suggest or advise the employment of, or name for
 2999 employment, any particular attorney or attorneys to represent
 3000 his or her principal.

3001 (b) Directly or indirectly solicit business in or on the
 3002 property or grounds of a jail, prison, or other place where
 3003 prisoners are confined or in or on the property or grounds of
 3004 any court. The term "solicitation" includes the distribution of
 3005 business cards, print advertising, or other written or oral
 3006 information directed to prisoners or potential indemnitors,
 3007 unless a request is initiated by the prisoner or a potential
 3008 indemnitor. Permissible print advertising in the jail is
 3009 strictly limited to a listing in a telephone directory and the
 3010 posting of the bail bond agent's or agency's name, address, e-
 3011 mail address, web address, and telephone number in a designated
 3012 location within the jail.

3013 (c) Initiate in-person or telephone solicitation after 9:00
 3014 p.m. or before 8:00 a.m., ~~in the case of domestic violence~~
 3015 ~~cases,~~ at the residence of the detainee or the detainee's
 3016 family. Any solicitation ~~not prohibited by this chapter~~ must

Page 104 of 114

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601-03769-23 20231158c2

3017 comply with the telephone solicitation requirements in ss.
 3018 501.059(2) and (4), 501.613, and 501.616(6).

3019 (d) Wear or display any identification other than the
 3020 department issued or approved license or approved department
 3021 identification, which includes a citation of the licensee's
 3022 arrest powers, in or on the property or grounds of a jail,
 3023 prison, or other place where prisoners are confined or in or on
 3024 the property or grounds of any court.

3025 (e) Pay a fee or rebate or give or promise anything of
 3026 value to a jailer, police officer, peace officer, or committing
 3027 trial court judge or any other person who has power to arrest or
 3028 to hold in custody or to any public official or public employee
 3029 in order to secure a settlement, compromise, remission, or
 3030 reduction of the amount of any bail bond or estreatment thereof.

3031 (f) Pay a fee or rebate or give anything of value to an
 3032 attorney in a bail bond matter, except in defense of any action
 3033 on a bond.

3034 (g) Pay a fee or rebate or give or promise anything of
 3035 value to the principal or anyone in his or her behalf.

3036 (h) Participate in the capacity of an attorney at a trial
 3037 or hearing of one on whose bond he or she is surety.

3038 (i) Loiter in or about a jail, courthouse, or where
 3039 prisoners are confined.

3040 (j) Accept anything of value from a principal for providing
 3041 a bail bond except the premium and transfer fee authorized by
 3042 the office, except that the bail bond agent or bail bond agency
 3043 may accept collateral security or other indemnity from the
 3044 principal or another person in accordance with ~~the provisions of~~
 3045 s. 648.442, together with documentary stamp taxes, if

Page 105 of 114

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601-03769-23 20231158c2

3046 applicable. No fees, expenses, or charges of any kind shall be
 3047 permitted to be deducted from the collateral held or any return
 3048 premium due, except as authorized by this chapter or rule of the
 3049 department or commission. A bail bond agent or bail bond agency
 3050 may, upon written agreement with another party, receive a fee or
 3051 compensation for returning to custody an individual who has fled
 3052 the jurisdiction of the court or caused the forfeiture of a
 3053 bond.

3054 (k) Write more than one power of attorney per charge on a
 3055 bond, except in the case of a cosurety, unless the power of
 3056 attorney prohibits a cosurety.

3057 (l) Execute a bond in this state on his or her own behalf.

3058 (m) Execute a bond in this state if a judgment has been
 3059 entered on a bond executed by the bail bond agent or the bail
 3060 bond agency is a named party on the judgment, which has remained
 3061 unpaid for 35 days, unless the full amount of the judgment is
 3062 deposited with the clerk in accordance with s. 903.27(5).

3063 (n) Make a statement or representation to a court, unless
 3064 such statement or representation is under oath. Such statement
 3065 or representation may not be false, misleading, or deceptive.

3066 (o) Attempt to collect, through threat or coercion, amounts
 3067 due for the payment of any indebtedness related to the issuance
 3068 of a bail bond in violation of s. 559.72.

3069 (p) Conduct bail bond business with any person, other than
 3070 the defendant, on the grounds of the jail or courthouse for the
 3071 purpose of executing a bond.

3072 (2) The following persons or classes ~~may shall~~ not be bail
 3073 bond agents, ~~temporary bail bond agents,~~ or employees of a bail
 3074 bond agent or a bail bond agency business and may shall not

Page 106 of 114

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601-03769-23 20231158c2

3075 directly or indirectly receive any benefits from the execution
3076 of any bail bond:

3077 (a) Jailers or persons employed in any jail.

3078 (b) Police officers or employees of any police department
3079 or law enforcement agency.

3080 (c) Committing trial court judges, employees of a court, or
3081 employees of the clerk of any court.

3082 (d) Sheriffs and deputy sheriffs or employees of any
3083 sheriff's department.

3084 (e) Attorneys.

3085 (f) Persons having the power to arrest or persons who have
3086 authority over or control of federal, state, county, or
3087 municipal prisoners.

3088 (8)

3089 (c) Any law enforcement agency, state attorney's office,
3090 court clerk, or insurer that is aware that a bail bond agent ~~or~~
3091 ~~temporary bail bond agent~~ has been convicted of or who has
3092 pleaded guilty or no contest to a crime as described in
3093 paragraph (a) shall notify the department of this fact.

3094 (d) Upon the filing of an information or indictment against
3095 a bail bond agent ~~or temporary bail bond agent~~, the state
3096 attorney or clerk of the circuit court shall immediately furnish
3097 the department a certified copy of the information or
3098 indictment.

3099 Section 67. Subsection (1) of section 648.441, Florida
3100 Statutes, is amended to read:

3101 648.441 Furnishing supplies to unlicensed bail bond agent
3102 prohibited; civil liability and penalty.—

3103 (1) An insurer, managing general agent, bail bond agent, or

Page 107 of 114

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601-03769-23 20231158c2

3104 ~~temporary~~ bail bond agency agent appointed under this chapter
3105 may not furnish to any person any blank forms, applications,
3106 stationery, business card, or other supplies to be used in
3107 soliciting, negotiating, or effecting bail bonds until such
3108 person has received from the department a license to act as a
3109 bail bond agent and is appointed by the insurer. This section
3110 does not prohibit an unlicensed employee, under the direct
3111 supervision and control of a licensed and appointed bail bond
3112 agent, from possessing or executing in the bail bond agency, any
3113 forms, except for powers of attorney, bond forms, and collateral
3114 receipts, while acting within the scope of his or her
3115 employment.

3116 Section 68. Subsection (3) of section 648.46, Florida
3117 Statutes, is amended to read:

3118 648.46 Procedure for disciplinary action against
3119 licensees.—

3120 (3) The complaint and all information obtained pursuant to
3121 the investigation of the department are confidential and exempt
3122 from the provisions of s. 119.07(1) until such investigation is
3123 completed or ceases to be active. For the purpose of this
3124 section, an investigation is considered "active" while the
3125 investigation is being conducted by the department with a
3126 reasonable, good faith belief that it may lead to the filing of
3127 administrative, civil, or criminal proceedings. An investigation
3128 does not cease to be active if the department is proceeding with
3129 reasonable dispatch and there is good faith belief that action
3130 may be initiated by the department or other administrative or
3131 law enforcement agency. This subsection does not prevent the
3132 department or office from disclosing the complaint or such

Page 108 of 114

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601-03769-23 20231158c2

3133 information as it deems necessary to conduct the investigation,
 3134 to update the complainant as to the status and outcome of the
 3135 complaint, or to share such information with any law enforcement
 3136 agency or other regulatory body.

3137 Section 69. Section 648.50, Florida Statutes, is amended to
 3138 read:

3139 648.50 Effect of suspension, revocation upon associated
 3140 licenses and licensees.—

3141 (1) Upon the suspension, revocation, or refusal to renew or
 3142 continue any license or appointment or the eligibility to hold a
 3143 license or appointment of a bail bond agent or ~~temporary~~ bail
 3144 bond agency agent, the department shall at the same time
 3145 likewise suspend or revoke all other licenses or appointments
 3146 and the eligibility to hold any other such licenses or
 3147 appointments which may be held by the licensee under the Florida
 3148 Insurance Code.

3149 (2) In case of the suspension or revocation of the license
 3150 or appointment, or the eligibility to hold a license or
 3151 appointment, of any bail bond agent, the license, appointment,
 3152 or eligibility of any and all bail bond agents who are members
 3153 of a bail bond agency, whether incorporated or unincorporated,
 3154 ~~and any and all temporary bail bond agents employed by such bail~~
 3155 ~~bond agency~~, who knowingly are parties to the act which formed
 3156 the ground for the suspension or revocation may likewise be
 3157 suspended or revoked.

3158 (3) ~~A~~ No person whose license as a bail bond agent ~~or~~
 3159 ~~temporary bail bond agent~~ has been revoked or suspended may not
 3160 ~~shall~~ be employed by any bail bond agent, have any ownership
 3161 interest in any business involving bail bonds, or have any

Page 109 of 114

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601-03769-23 20231158c2

3162 financial interest of any type in any bail bond business during
 3163 the period of revocation or suspension.

3164 Section 70. Subsections (4) and (6) of section 717.135,
 3165 Florida Statutes, are amended to read:

3166 717.135 Recovery agreements and purchase agreements for
 3167 claims filed by a claimant's representative; fees and costs.—

3168 (4) A claimant's representative must use the Unclaimed
 3169 Property Recovery Agreement or the Unclaimed Property Purchase
 3170 Agreement as the exclusive means of entering into an agreement
 3171 or a contract ~~engaging~~ with a claimant or seller to file a claim
 3172 with the department.

3173 (6) A claimant's representative may not use or distribute
 3174 any other agreement of any type, conveyed by any method, form,
 3175 ~~or other media~~ with respect to the claimant or seller which
 3176 relates, directly or indirectly, to unclaimed property accounts
 3177 held by the department or the Chief Financial Officer other than
 3178 the agreements authorized by this section. Any engagement,
 3179 authorization, recovery, or fee agreement that is not authorized
 3180 by this section is void. A claimant's representative is subject
 3181 to administrative and civil enforcement under s. 717.1322 if he
 3182 or she uses an agreement that is not authorized by this section.
 3183 This subsection does not prohibit lawful nonagreement,
 3184 noncontractual, or advertising communications between or among
 3185 the parties.

3186 Section 71. Paragraph (a) of subsection (4) of section
 3187 843.021, Florida Statutes, is amended to read:

3188 843.021 Unlawful possession of a concealed handcuff key.—

3189 (4)(a) It is a defense to a charge of violating this
 3190 section that the person in custody and in possession of a

Page 110 of 114

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601-03769-23

20231158c2

3191 concealed handcuff key is:

3192 1. A federal, state, or local law enforcement officer,
3193 including a reserve or auxiliary officer, a licensed security
3194 officer, or a private investigator as defined in s. 493.6101; or

3195 2. A professional bail bond agent, ~~temporary bail bond~~
3196 ~~agent, runner,~~ or limited surety agent as defined in s. 648.25.

3197 Section 72. Subsection (4) of section 631.152, Florida
3198 Statutes, is amended to read:

3199 631.152 Conduct of delinquency proceeding; foreign
3200 insurers.—

3201 (4) Section 631.141(10)(b) ~~631.141(9)(b)~~ applies to
3202 ancillary delinquency proceedings opened for the purpose of
3203 obtaining records necessary to adjudicate the covered claims of
3204 Florida policyholders.

3205 Section 73. Paragraph (b) of subsection (3) of section
3206 631.398, Florida Statutes, is amended to read:

3207 631.398 Prevention of insolvencies.—To aid in the detection
3208 and prevention of insurer insolvencies or impairments:

3209 (3)

3210 (b) For an insolvency involving a domestic property
3211 insurer, the department shall:

3212 1. Begin an analysis of the history and causes of the
3213 insolvency once the department is appointed by the court as
3214 receiver.

3215 2. Submit an initial report analyzing the history and
3216 causes of the insolvency to the Governor, the President of the
3217 Senate, the Speaker of the House of Representatives, and the
3218 office. The initial report must be submitted no later than 4
3219 months after the department is appointed as receiver. The

Page 111 of 114

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601-03769-23

20231158c2

3220 initial report shall be updated at least annually until the
3221 submission of the final report. The report may not be used as
3222 evidence in any proceeding brought by the department or others
3223 to recover assets on behalf of the receivership estate as part
3224 of its duties under s. 631.141(9) ~~s. 631.141(8)~~. The submission
3225 of a report under this subparagraph shall not be considered a
3226 waiver of any evidentiary privilege the department may assert
3227 under state or federal law.

3228 3. Provide a special report to the Governor, the President
3229 of the Senate, the Speaker of the House of Representatives, and
3230 the office, within 10 days upon identifying any condition or
3231 practice that may lead to insolvency in the property insurance
3232 marketplace.

3233 4. Submit a final report analyzing the history and causes
3234 of the insolvency and the review of the Office of Insurance
3235 Regulation's regulatory oversight of the insurer to the
3236 Governor, the President of the Senate, the Speaker of the House
3237 of Representatives, and the office within 30 days of the
3238 conclusion of the insolvency proceeding.

3239 5. Review the Office of Insurance Regulation's regulatory
3240 oversight of the insurer.

3241 Section 74. Subsection (2) of section 903.09, Florida
3242 Statutes, is amended to read:

3243 903.09 Justification of sureties.—

3244 (2) A bond agent, as defined in s. 648.25 ~~s. 648.25(2)~~,
3245 shall justify her or his suretyship by attaching a copy of the
3246 power of attorney issued by the company to the bond or by
3247 attaching to the bond United States currency, a United States
3248 postal money order, or a cashier's check in the amount of the

Page 112 of 114

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601-03769-23 20231158c2

3249 bond; but the United States currency, United States postal money
 3250 order, or cashier's check cannot be used to secure more than one
 3251 bond. Nothing herein shall prohibit two or more qualified
 3252 sureties from each posting any portion of a bond amount, and
 3253 being liable for only that amount, so long as the total posted
 3254 by all cosureties is equal to the amount of bond required.

3255 Section 75. (1) The following rules are ratified for the
 3256 sole and exclusive purpose of satisfying any condition on the
 3257 effectiveness imposed under s. 120.541(3), Florida Statutes:
 3258 Rule 69L-7.020, Florida Administrative Code, titled "Florida
 3259 Workers' Compensation Health Care Provider Reimbursement Manual"
 3260 as filed for adoption with the Department of State pursuant to
 3261 the certification package dated October 22, 2021; Rule 69L-
 3262 7.730, Florida Administrative Code, titled "Health Care Provider
 3263 Medical Billing and Reporting Responsibilities" as filed for
 3264 adoption with the Department of State pursuant to the
 3265 certification package dated April 6, 2023; and Rule 7.740,
 3266 Florida Administrative Code, titled "Insurer Authorization and
 3267 Medical Bill Review Responsibilities" as filed for adoption with
 3268 the Department of State pursuant to the certification package
 3269 dated April 6, 2023.

3270 (2) This section serves no other purpose and may not be
 3271 codified in the Florida Statutes. After this section becomes
 3272 law, its enactment and effective dates shall be noted in the
 3273 Florida Administrative Code, the Florida Administrative
 3274 Register, or both, as appropriate. This section does not alter
 3275 rulemaking additions delegated by prior law, does not constitute
 3276 legislative preemption of or exception to any provision of law
 3277 governing adoption or enforcement of the rule cited, and is

Page 113 of 114

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

601-03769-23 20231158c2

3278 intended to preserve the status of any cited rule as a rule
 3279 under chapter 120, Florida Statutes. This section does not cure
 3280 any rulemaking defect or preempt any challenge based on a lack
 3281 of authority or a violation of the legal requirements governing
 3282 the adoption of any rule cited.

3283 (3) This section takes effect July 1, 2023.

3284 Section 76. Except as otherwise expressly provided in this
 3285 act, this act shall take effect upon becoming a law.

Page 114 of 114

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/20

Meeting Date

FISCAL POLICY

Committee

1158

Bill Number or Topic

Amendment Barcode (if applicable)

Name AUSTIN STOWERS

Phone 850 413 5939

Address 200 E GAINES
Street

Email austin.stowers@myfloridach.com

TALLAHASSEE FL 32311
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

DEPARTMENT OF FINANCIAL SERVICES

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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MARCH 20, 2023

Meeting Date

FISCAL POLICY

Committee

SB 1158

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chief RAY Colburn

Phone

407-468-6622

Address

FLORIDA FIRE CHIEFS' ASSOC.

221 Pinewood Dr

Email

ray@ffca.org

Street

TALLAHASSEE FL

32303

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1164

INTRODUCER: Fiscal Policy Committee, Appropriations Committee on Agriculture, Environment, and General Government, and Senator Collins

SUBJECT: Department of Agriculture and Consumer Services

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Burse</u>	<u>Becker</u>	<u>AG</u>	<u>Favorable</u>
2.	<u>Blizzard</u>	<u>Betta</u>	<u>AEG</u>	<u>Fav/CS</u>
3.	<u>Burse</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1164 addresses various issues related to agriculture and certain powers and duties of the Department of Agriculture and Consumer Services (department). The bill:

- Creates specific tax exemptions and a Farm Tax Exempt Agricultural Materials (TEAM) card for use by the farmer to claim sales tax exemptions.
- Requires state agencies, universities, and colleges to give preference to food commodities grown or produced in the state in certain purchasing agreements.
- Authorizes the department to charge a prorated permit fee for food permits.
- Amends definitions, including but not limited to “milk,” “dairy farm,” “frozen dessert,” “milk transport tank,” and “pasteurization.”
- Permits the department to collect samples for testing from all facilities engaged in the production, processing, holding, or transfer of milk and milk products.
- Removes the prohibition of a person to test for milkfat content. It also removes the prohibition for a person to repasteurize milk.
- Decreases the timeline for when the department shall provide written notice and renewal forms from 60 to 30 days.
- Grants the department the authority to regulate the development of aquaculture.
- Eliminates certain rules related to the aquaculture certificate of registration.
- Increases the estimated value threshold for the appraisal of specified conservation easement acquisitions.

- Revises the composition of the Aquaculture Review Council.
- Revises the composition of the Viticulture Advisory Council.
- Eliminates certain agricultural advisory councils.
- Provides appropriation to the Department of Revenue to implement farm TEAM card.
- Authorizes a non-law enforcement employee of the department, for all lawful purposes within the department's authority, to use drones.

The bill will have an indeterminate impact on state revenue. See Section V. Fiscal Impact Statement. The bill will also cost the Department of Revenue \$143,104, in nonrecurring funds, for the 2023-2024 fiscal year to implement the Florida farm TEAM card.

II. Present Situation:

Farm Tax Exempt Agricultural Materials

Florida law allows for certain farm or irrigation equipment which are used exclusively on a farm or in a forest in the agricultural production of crops or products produced by those agricultural industries included in s. 570.02(1), F.S. or for fire prevention and suppression work with respect to such crops or products to be exempt from sales tax.¹ In order to be tax exempt the purchaser, renter, or lessee signs a certificate stating that the farm equipment is to be used exclusively as required by law.² The purchaser must submit the exemption certificate to Department of Revenue.³

Georgia Agriculture Tax Exemption (GATE)

The Georgia Agriculture Tax Exemption (GATE) is a program created through legislation, which offers qualified agriculture producers a sales tax exemption on agricultural equipment and production inputs. Qualified farmers and agricultural producers can apply to receive a certificate showing that they are eligible for this exemption⁴. Wallet-sized plastic cards are issued to cardholders and listed additional users. Cards are mailed annually to all active accounts in order to signify the current year of eligibility⁵.

As of the 2019 production year, cards will be issued for a three-year term. This will be implemented through a three year phase-in process. All applications will be processed electronically and will be charged a fee based on the expiration date of their card. A full three-year exemption will cost \$150.⁶

Florida Farm to You Program

¹ Section 212.08(3)(a), F.S.

² Section 212.08(3)(c), F.S.

³ Section 212.08, F.S.

⁴ See <https://forms.agr.georgia.gov/gate/> (Last visited March 7, 2023).

⁵ See <https://forms.agr.georgia.gov/GATE/downloads/2023-Program-Changes.pdf> (Last visited March 7, 2023).

⁶ *Id.*

In 2020, Florida Farm to You was created by the department as a tool to connect buyers directly to farmers and producers of Florida-grown commodities. Buyers ranged from individuals seeking locally grown products to food banks searching for fresh produce in their own communities to serve families in need during the COVID-19 pandemic.⁷

Soon after the launch, the Florida Farm to You site was improved by adding an interactive, searchable map, along with functionality to help agriculture producers find transportation for their crops from field to market. Gradually, the short-term solution to a need during a pandemic has transformed into a permanent, user-friendly resource to help bring buyers and producers together.⁸

Division of Food Safety

The Division of Food Safety is directly responsible for assuring the public of a safe, wholesome and properly represented food supply. They accomplish this through the permitting and inspection of food establishments, inspection and evaluation of food products, and the performance of specialized laboratory testing on a variety of food products sold and/or produced in Florida.⁹

The division proactively monitors food from manufacturing and distribution to retail. They administer and enforce the food and poultry and egg laws, support the enforcement of other food safety laws, and investigate consumer complaints related to food.¹⁰

Dairy Industry Inspections

The department is charged with the regulation of all dairy facilities and related operations in the state. The department provides oversight of all Grade “A” dairy farms, Grade “A” processing plants, single service facilities, tanker washes, bulk milk haulers, manufactured milk processing plants, dairy distribution facilities and wholesale frozen dessert and/or ice cream mix facilities.¹¹

The Grade “A” dairy program is a cooperative program with the U.S. Food and Drug Administration (FDA). The department and the FDA work together to ensure the safety of all dairy products produced in Florida. To ensure the program is being administered in accordance with FDA and the National Conference on Interstate Milk Shipments, FDA Regional Milk Specialists conduct routine inspections and program evaluations to evaluate the effective implementation of the Pasteurized Milk Ordinance, as adopted in Florida Administrative Code.¹²

Dairy Industry Technical Council

The Dairy Industry Technical Council is created within the department and shall be composed of seven members, including:

⁷ See https://floridafarm.wpengine.com/?page_id=8 (Last visited March 7, 2023).

⁸ *Id.*

⁹ See <https://www.fdacs.gov/Divisions-Offices/Food-Safety> (Last visited March 7, 2023).

¹⁰ *Id.*

¹¹ See <https://www.fdacs.gov/Business-Services/Food/Dairy-Industry-Inspections> (Last visited March 7, 2023).

¹² *Id.*

- Two citizens of the state, one of whom shall be associated with the Agricultural Extension Service of the University of Florida and the other with the College of Agricultural and Life Sciences of the University of Florida.
- An employee of the Department of Health.
- Two dairy farmers who are actively engaged in the production of milk in this state and who earn a major portion of their income from the production of milk.
- Two distributors of milk. “Distributor” means a milk dealer who operates a milk gathering station or processing plant where milk is collected and bottled or otherwise processed and prepared for sale.¹³

The meetings, powers and duties, procedures, and recordkeeping of the Dairy Industry Technical Council shall be pursuant to s. 570.232, F.S.¹⁴

State Agricultural Advisory Council

The State Agricultural Advisory Council was created within the department and is composed of 33 members, with an alternate for each member, to be appointed by the Commissioner of Agriculture (commissioner)¹⁵. There is one at-large member and one member, each with an alternate, that each represents 32 agricultural or trade interests.¹⁶ The meetings, powers and duties, procedures, and recordkeeping of the State Agricultural Advisory Council are pursuant to s. 570.232.¹⁷

Florida Young Farmer and Rancher Advisory Council

The Florida Young Farmer and Rancher Advisory Council was created within the department and is composed of 12 members to be appointed by the commissioner.¹⁸ The council may submit to the commissioner, annually, findings and recommendations for mitigating challenges facing aspiring farmers and ranchers in the early stages of their careers. The council may examine issues that include, but are not limited to, access to land, availability of credit and capital, and access to business skills training.¹⁹

Industrial Hemp Advisory Council

The Industrial Hemp Advisory Council was established to provide advice and expertise to the department with respect to plans, policies, and procedures applicable to the administration of the state hemp program²⁰. The council is composed 15 members including two members appointed by the Governor, two members appointed by the President of the Senate, two members appointed by the Speaker of the House of Representatives and others.²¹

¹³ Section 502.301, F.S.

¹⁴ Section 502.301, F.S.

¹⁵ Section 570.23, F.S.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Section 570.843, F.S.

¹⁹ *Id.*

²⁰ Section 581.217(14), F.S.

²¹ *Id.*

Animal Industry Technical Council

The Animal Industry Technical Council is created within the department and is composed of 14 members representing various areas in the animal industry, including beef cattle, swine, dairy, horses, and meat processing and packing establishments.²² The meetings, powers and duties, procedures, and recordkeeping of the Animal Industry Technical Council are pursuant to s. 570.232.²³

Fertilizer

When domestic wastewater is treated a solid byproduct accumulates, which is called biosolids or is more commonly known as “sewage sludge.” This byproduct is high in organic content and contains moderate amounts of nutrients that are needed by plants. These characteristics make biosolids valuable as a soil conditioner and fertilizer.²⁴

Properly treated biosolids may be used as a fertilizer supplement or soil amendment, subject to regulatory requirements that have been established to protect public health and the environment. These requirements include pollutant limits, treatment to destroy harmful microorganisms, and management practices for land application sites. Biosolids may be used by application to land in farming and ranching operations, forest lands, and public areas such as parks, or in land reclamation projects such as restoration of mining properties. The highest quality of biosolids, known in Florida as “Class AA,” are distributed and marketed like other commercial fertilizers.²⁵²⁶

Lawn and garden fertilizers are typically manufactured with three primary nutrients: nitrogen (N), phosphorus (P), and potassium (K), all of which are required for plant growth. However, if applied in excess or at the wrong time, such as before a rainstorm, they may be transported to ground or surface waters. These nutrients can cause problems when they reach waterways by causing increased growth of harmful algae which can smother corals or block sunlight needed for coral growth.²⁷

Aquaculture Review Council

The Aquaculture Review Council (ARC) was created by Florida statute to provide a means of communication between the aquaculture industry and the department. The council consists of

²² Section 585.008, F.S.

²³ *Id.*

²⁴ See <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (Last visited March 7, 2023).

²⁵ See <https://floridadep.gov/water/domestic-wastewater/content/domestic-wastewater-biosolids> (Last visited March 7, 2023).

²⁶ See Chapter 62-640, F.A.C.

²⁷ See https://floridadep.gov/sites/default/files/LBSP_24_Fertilizer.pdf (Last visited March 7, 2023).

eight members, the aquaculture representative on the State Agriculture Advisory Council and seven additional members appointed by the commissioner.²⁸

The ARC meets at least quarterly. It is the responsibility of the ARC to recommend rules and policies governing the aquaculture industry to the commissioner. The ARC annually submits a list of recommendations for short-term research projects designed to address research priorities identified in the state aquaculture plan. It reviews and discusses problems that act as barriers to the growth and development of aquaculture and has been key in the continued growth of the aquaculture industry in Florida.²⁹

Viticulture Advisory Council

The commissioner, in consultation with the Viticulture Advisory Council, develops and coordinates the implementation of the State Viticulture Plan, which identifies problems and constraints of the viticulture industry, proposes possible solutions to those problems, and develops planning mechanisms for the orderly growth of the industry, including but not limited to:

- Criteria for viticultural research, service, and management priorities;
- The potential for viticulture products in terms of market and needs for development;
- Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies;
- Research and service priorities for further development of the viticulture industry; and
- Business planning, investment potential, financial risks, and economics of production and utilization.³⁰

Aquaculture

The Florida Aquaculture Policy Act established that aquaculture is agriculture, and consolidated state regulatory responsibilities under the department. Florida's aquaculture industry produces the greatest variety of aquatic species of any state in the nation. Moreover, aquaculture is Florida's most diverse agribusiness. The state's subtropical climate, extensive marine and freshwater resources, cargo shipping infrastructure, and extensive coastline have made the state's aquaculture industry uniquely diverse. There are approximately 1,000 certified aquaculture farms in Florida, located in every region of the state, which produce an estimated 1,500 varieties of fish, aquatic plants, mollusks, crustaceans, turtles, amphibians, and alligators for ornamental, food and bait markets as well as for sporting, conservation, and educational purposes.^{31,32}

²⁸ See <https://www.fdacs.gov/About-Us/Advisory-Councils-and-Committees/Aquaculture-Review-Council> (Last visited March 7, 2023).

²⁹ *Id.*

³⁰ Section 599.003, F.S.

³¹ See <https://www.fdacs.gov/content/download/91723/file/FDACS-P-02145-2020FLAquacultureIndustryOverview.pdf> (last visited March 7, 2023).

³² Ch. 597, F.S.

Drones

Section 934.50, F.S., provides the guidelines for law enforcement and non-law enforcement use of drones.³³ Currently an employee of the Fish and Wildlife Conservation Commission or of the Florida Forest Service may use drones for the purposes of managing and eradicating invasive exotic plants or animals on public lands and suppressing and mitigating wildfire threats.³⁴

III. Effect of Proposed Changes:

Section 1 amends s. 212.08, F.S., to create specific tax exemptions and a Farm Tax Exempt Agricultural Materials (TEAM) card for use by a farmer to claim the applicable sales tax exemptions. The department shall adopt these rules by January 1, 2024. The bill also specifies that, for items purchased tax exempt, proof of acceptance by a selling dealer of a Florida farm TEAM card from a purchaser relieves that selling dealer of the responsibility of collecting the sales tax on such items.

Section 2 grants the Department of Revenue the authority to adopt emergency rules to for the purpose of implementing the Florida farm TEAM card.

Section 3 amends s. 213.053, F.S., to grant the Department of Revenue to make information available to the Department of Agriculture and Consumer Services (department) for the purpose of administering or issuing the FARM card.

Section 4 creates s. 287.0823, F.S., to require state agencies, universities, and colleges to give preference to food commodities grown or produced in the state in certain purchasing agreements and provides conditions for such a preference. The bill also permits the department to adopt, by rule, a form that must be submitted to the department and the deadlines for submission.

Section 5 amends s. 500.03, F.S., to revise the definition of “bottled water,” removing the reference to the Code of Federal Regulations. It removes the definitions of “convenience store,” “food outlet,” “food service establishment,” and “retail food store.”

Section 6 amends s. 500.032, F.S., to revise the charge of the department to include the storage of food.

Section 7 amends s. 500.12, F.S., to remove retail food stores from statue as the “retail food stores” definition has been deleted. It establishes expiration periods for new or existing food permits. It also authorizes the department to charge a prorated permit fee for a food permit issued before September 1, 2023.

Section 8 amends s. 500.121, F.S., to remove retail food stores from statue as the “retail food stores” definition has been deleted.

³³ Section 934.50, F.S.

³⁴ *Id.*

Section 9 amends s. 500.147, F.S., to conform to the revision of the definition of “bottled water,” removing the reference to the Code of Federal Regulations and replacing it with department rule.

Section 10 amends s. 500.172, F.S., to add “misabeled” to list of potential violations in chapter.

Section 11 amends s. 502.0129, F.S., to define “bulk milk hauler/sampler” to mean a person who collects official samples and transports raw milk. It also revises the definitions of “bulk milk pickup tanker,” “dairy farm,” “frozen dessert,” “frozen desserts plant,” “milk plant,” “milk transport tank,” “raw milk,” “reconstituted milk or milk products” or “recombined milk or milk products,” “retail,” “ultra-pasteurization,” and “wholesale.” The following definitions are removed from statute: “frozen desserts manufacturer,” “frozen desserts retail establishment,” and “frozen dietary dairy dessert” “quiescently frozen confection,” “quiescently frozen dairy confection.”

Section 12 amends s. 502.013, F.S., to delete the purpose of the section regulating the shelf life of milk and milk products in the state.

Section 13 amends s. 502.014, F.S., to permit the department to collect samples for testing from all facilities engaged in the production, processing, holding, or transfer of milk and milk products.

Section 14 amends s. 502.042, F.S., to delete provisions related to shelf-life studies.

Section 15 amends s. 502.053, F.S., to revise the requirement of which facilities must apply to the department for a permit to operate. It deletes certain reporting requirements for frozen dessert plant permit holders. It also amends exemptions to milk hauler permit requirements.

Section 16 amends s. 502.181, F.S., to remove the prohibition for a person to test for milkfat content. It also removes the prohibition for a person to repasteurize milk.

Section 17 amends s. 502.231, F.S., to revise requirements for the imposition of an administrative fine.

Section 18 eliminates the Dairy Industry Technical Council.

Section 19 creates s. 570.16, F.S., to require each licensee to notify the department of the licensee’s email address and provides conditions for violations and notices.

Section 20 eliminates State Agricultural Advisory Council.

Section 21 amends s. 570.71, F.S., to create requirement that the department submit a purchase agreement for conservation easements, for approval, if the purchase price exceeds \$5 million.

Section 22 amends s. 570.715, F.S., to increase the estimated value threshold that requires two appraisals to be conducted for a conservation easement acquisition from \$1 million to \$5 million.

Section 23 amends s. 259.105, F.S., to conform provisions of this section to change made in the bill.

Section 24 eliminates Florida Young Farmer and Rancher Advisory Council.

Section 25 amends 570.93, F.S., which is a technical amendment with the additional requirement of s. 403.067(7)(c), F.S.

Section 26 amends s. 576.011, F.S. to define “controlled release fertilizers” and “fertilizer material.” It also revises definitions for “grade” and “slow release fertilizer.”

Section 27 eliminates the Industrial Hemp Advisory Council.

Section 28 eliminates the Animal Industry Technical Council.

Section 29 amends s. 586.045, F.S., to decrease the timeframe of when the department shall provide written notice and renewal forms from 60 to 30 days.

Section 30 amends s. 595.404, F.S., to add the authority to adopt and implement an exemption waiver process by rule, as required by federal regulations, for sponsors under the programs implemented pursuant to this chapter, notwithstanding s. 120.542, F.S., to the powers and duties of the department. It also grants the department authority to revoke the certification of facilities pursuant to s. 597.004, F.S.

Section 31 amends s. 597.003, F.S., to grant the department with the authority to regulate the development of aquaculture and must submit list of proposed projects to be funded upon appropriation by the legislature.

Section 32 amends s. 597.004, F.S., to eliminate certain rules related to the aquaculture certificate of registration. It provides the licensing authorities for shellfish processing facilities, facilities operated by various agencies, and facilities culturing crocodilians of the order of *Crocodylia*. It also provides that aquaculture products may be sold without restriction as long as product origin is identified, with the exception of shellfish and prohibited and restricted nonnative species identified in the Aquaculture Best Management Practices manual.

Section 33 amends s. 597.005, F.S., to revise the composition of the Aquaculture Review Council. It also provides the council must submit list of proposed research projects to be funded upon appropriation by the legislature.

Section 34 amends s. 599.002, F.S., to revise the composition of the Viticulture Advisory Council.

Section 35 amends s. 934.50, F.S., to authorize a non-law enforcement employee of the Florida Department of Agriculture and Consumer Services, for all lawful purposes within the department’s authority, the use of drones.

Section 36 reenacts s. 373.016, F.S., to conform provisions of this section to changes made in the bill.

Section 37 reenacts s. 373.223, F.S., to conform provisions of this section to change made in the bill.

Section 38 reenacts s. 373.701, F.S., to conform provisions of this section to change made in the bill.

Section 39 provides an appropriation of \$143,104, in nonrecurring funds, for the 2023-2024 fiscal year from the Operating Trust Fund to the Department of Revenue for the purpose of modifying the System for Unified Taxation to implement the Florida farm TEAM card, as created by this act.

Section 40 provides that this act shall take effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

The tax exemptions from the Farm Tax Exempt Agricultural Materials (TEAM) card may impact the sales tax collected from farming equipment.

B. Private Sector Impact:

Farmers using farm TEAM card may be responsible for paying taxes if it is determined they were not entitled to tax exemption.

C. Government Sector Impact:

Requiring state agencies, universities, and colleges to give preference to Florida grown food commodities will positively impact local farms and communities. The Department of Revenue estimates it would cost the department \$143,104 (non-recurring) to implement the farm TEAM card.³⁵ Revenue from food permits may be effected as the department can now prorate food permits issued before September 1, 2023.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill amends the following sections of the Florida Statutes: 212.08, 213.053, 500.03, 500.032, 500.12, 500.121, 500.147, 500.172, 502.012, 502.013, 502.014, 502.042, 502.053, 502.181, 502.231, 570.161, 570.93, 576.011, 586.045, 595.404, 597.003, 597.004, 597.005, 599.002, and 934.50.

This bill repeals the following sections of the Florida Statutes: 502.301, 570.23, 570.843, 581.217 and 585.008.

The bill reenacts the following sections of the Florida Statutes: 373.016, 373.223, and 373.701.

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

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

³⁵ Florida Department of Revenue, *SB 1164 Analysis* (on file with the Senate Committee on Agriculture).

CS by Committee on Fiscal Policy on April 20, 2023:

The committee substitute grants the department authority to revoke the certification of facilities pursuant to s. 597.004, F.S.

CS by Appropriations Committee on Agriculture, Environment, and General Government on April 12, 2023:

The committee substitute:

- Specifies that, for items purchased tax exempt, proof of acceptance by a selling dealer of a Florida farm TEAM card from a purchaser relieves that selling dealer of the responsibility of collecting the sales tax on such items.
- Permits the department to adopt, by rule, a form that must be submitted to the department and the deadlines for submission.
- Authorizes the department to charge a prorated permit fee for a food permit issued before September 1, 2023.
- Creates requirement that the department submit a purchase agreement for conservation easements, for approval, if the purchase price exceeds \$5 million.
- Increases the estimated value threshold for the appraisal of specified conservation easement acquisitions.
- Appropriates funds to the Department of Revenue to implement the Florida Farm TEAM card.

B. Amendments:

None.



372800

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Collins) recommended the following:

Senate Amendment

Delete line 907
and insert:
certified facility's ~~entity's~~ operation.

By the Appropriations Committee on Agriculture, Environment, and
General Government; and Senator Collins

601-03770A-23

20231164c1

1 A bill to be entitled
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 212.08, F.S.;
4 authorizing farmers whose property meets certain
5 requirements to apply to the Department of Revenue for
6 a Florida farm tax exempt agricultural materials
7 (TEAM) card; providing the purpose of the Florida farm
8 TEAM card; providing that the Florida farm TEAM card
9 is subject to certain review and expiration
10 provisions; requiring the Department of Revenue to
11 adopt rules; authorizing the Department of Agriculture
12 and Consumer Services to take certain administrative
13 actions regarding the Florida farm TEAM card;
14 requiring the Department of Revenue to accept Florida
15 farm TEAM card applications beginning on a specified
16 date; authorizing the Department of Revenue to adopt
17 emergency rules; providing for the expiration of such
18 authority; amending s. 213.053, F.S.; authorizing the
19 Department of Revenue to make certain information
20 available to the Department of Agriculture and
21 Consumer Services for the purpose of administering the
22 Florida farm TEAM card; creating s. 287.0823, F.S.;
23 requiring by a specified date all food commodities
24 purchased by certain state entities to be grown or
25 produced in this state under certain circumstances;
26 requiring such state entities to give preference to
27 certain food commodities; authorizing certain
28 competitive solicitations to give preference to
29 certain vendors under certain circumstances; requiring

Page 1 of 44

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601-03770A-23

20231164c1

30 the Department of Management Services to provide a
31 biennial report to the Governor, the Cabinet, and the
32 Legislature by a specified date; requiring the
33 department to adopt by rule a specified form;
34 requiring certain state entities to submit the form to
35 the department biennially by a specified date;
36 providing requirements for the report; amending s.
37 500.03, F.S.; revising and deleting terms; revising
38 construction regarding the selling of food; amending
39 s. 500.032, F.S.; requiring the Department of
40 Agriculture and Consumer Services to administer and
41 enforce certain provisions relating to the storage of
42 food; amending s. 500.12, F.S.; revising the types of
43 entities required to obtain food permits from the
44 department; conforming provisions to changes made by
45 the act; requiring food permits to be annually renewed
46 in accordance with certain provisions ;authorizing the
47 department to charge a prorated permit fee for
48 specified purposes; requiring late fees for
49 applications not received on or before their due date;
50 amending s. 500.121, F.S.; conforming provisions to
51 changes made by the act; amending s. 500.147, F.S.;
52 requiring bottled water to be processed in conformance
53 with department rule; amending s. 500.172, F.S.;
54 authorizing an agent of the department to take
55 specified actions regarding mislabeled food;
56 reordering and amending s. 502.012, F.S.; defining,
57 revising, and redefining terms; amending s. 502.013,
58 F.S.; revising the purpose of certain provisions

Page 2 of 44

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601-03770A-23

20231164c1

59 regarding milk and milk products; amending s. 502.014,
 60 F.S.; revising the authority of the department to
 61 permit and collect samples of products for testing at
 62 certain facilities; amending s. 502.042, F.S.;
 63 deleting a provision requiring the department to
 64 periodically conduct certain shelf-life studies and to
 65 sample certain milk products; making technical
 66 changes; amending s. 502.053, F.S.; revising the milk
 67 facilities required to apply for a permit to operate;
 68 requiring operating permits for certain frozen dessert
 69 plants; deleting a requirement that frozen dessert
 70 plant permitholders submit specified reports to the
 71 department; conforming provisions to changes made by
 72 the act; amending s. 502.181, F.S.; deleting
 73 prohibitions against certain testing for milkfat
 74 content and for repasteurizing milk; amending s.
 75 502.231, F.S.; conforming a provision to changes made
 76 by the act; repealing s. 502.301, F.S., relating to
 77 the Dairy Industry Technical Council; creating s.
 78 570.161, F.S.; requiring certain licensees or permit
 79 holders to notify the department in writing of the
 80 person's e-mail address; providing civil penalties;
 81 providing that service by e-mail constitutes adequate
 82 and sufficient notice; authorizing the department to
 83 achieve service by other specified means under certain
 84 circumstances; repealing s. 570.23, F.S., relating to
 85 the State Agricultural Advisory Council; amending s.
 86 570.71, F.S.; requiring the department to submit
 87 specified conservation easement purchase agreements to

601-03770A-23

20231164c1

88 the Board of Trustees of the Internal Improvement
 89 Trust Fund for approval; amending s. 570.715, F.S.;
 90 increasing the estimated value threshold for the
 91 appraisal of specified conservation easement
 92 acquisitions; repealing s. 570.843, F.S., relating to
 93 the Florida Young Farmer and Rancher Advisory Council;
 94 amending s. 570.93, F.S.; revising the required
 95 contents of the department's agricultural water
 96 conservation program; amending s. 576.011, F.S.;
 97 defining and redefining terms; repealing ss.
 98 581.217(14) and 585.008, F.S., relating to the
 99 Industrial Hemp Advisory Council and the Animal
 100 Industry Technical Council, respectively; amending s.
 101 586.045, F.S.; revising the timeframe during which the
 102 department is required to provide written notice and
 103 forms to beekeepers for annual certificate of
 104 registration renewals; amending s. 595.404, F.S.;
 105 requiring the department to adopt and implement an
 106 exemption, waiver, and variance process by rule for
 107 sponsors of certain school food and other nutrition
 108 programs; amending s. 597.003, F.S.; revising the
 109 powers and duties of the department regarding the
 110 regulation of aquaculture in this state; providing
 111 construction; amending s. 597.004, F.S.; deleting
 112 requirements for rules adopted by the department for
 113 aquaculture certificates of registration; deleting
 114 provisions authorizing certain alligator producers to
 115 be issued aquaculture certificates of registration;
 116 providing legislative intent; preempting to the

601-03770A-23

20231164c1

117 department the regulatory and permitting authority for
 118 all aquaculture products; providing construction;
 119 revising the types of aquaculture products that may be
 120 sold by an aquaculture producer under certain
 121 circumstances; amending s. 597.005, F.S.; revising the
 122 composition and responsibilities of the Aquaculture
 123 Review Council; amending s. 599.002, F.S.; revising
 124 the composition of the Viticulture Advisory Council;
 125 amending s. 934.50, F.S.; authorizing non-law
 126 enforcement employees of the department to use drones
 127 for specified purposes; amending s. 259.105, F.S.;
 128 conforming cross-references; reenacting ss.
 129 373.016(4) (a), 373.223(3), and 373.701(2) (a), F.S.,
 130 relating to declarations of state water policy and
 131 conditions for a permit, respectively, to incorporate
 132 the amendment made by this act to s. 500.03, F.S., in
 133 references thereto; providing an appropriation;
 134 providing an effective date.

135
 136 Be It Enacted by the Legislature of the State of Florida:

137
 138 Section 1. Subsection (19) is added to section 212.08,
 139 Florida Statutes, to read:

140 212.08 Sales, rental, use, consumption, distribution, and
 141 storage tax; specified exemptions.—The sale at retail, the
 142 rental, the use, the consumption, the distribution, and the
 143 storage to be used or consumed in this state of the following
 144 are hereby specifically exempt from the tax imposed by this
 145 chapter.

Page 5 of 44

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601-03770A-23

20231164c1

146 (19) FLORIDA FARM TEAM CARD.—
 147 (a) Notwithstanding any other law, a farmer whose property
 148 has been classified as agricultural pursuant to s. 193.461 or
 149 who has implemented agricultural best management practices
 150 adopted by the Department of Agriculture and Consumer Services
 151 pursuant to s. 403.067(7)(c)2. may apply to the department for a
 152 Florida farm tax exempt agricultural materials (TEAM) card to
 153 claim the applicable sales tax exemptions provided in this
 154 section. A farmer may present the Florida farm TEAM card to a
 155 selling dealer in lieu of a certificate or affidavit otherwise
 156 required by this chapter.
 157 (b) The Florida farm TEAM card is subject to the review and
 158 expiration provisions of s. 212.084. The department shall adopt
 159 rules to administer this subsection. The Department of
 160 Agriculture and Consumer Services may take all actions necessary
 161 for the administration, issuance, and distribution of the
 162 Florida farm TEAM cards to farmers registered with the
 163 department.
 164 (c) For items purchased tax exempt pursuant to this
 165 subsection, proof of acceptance by a selling dealer of a Florida
 166 farm TEAM card from a purchaser relieves the selling dealer of
 167 the responsibility of collecting the tax on the sale of such
 168 items, and the department shall look solely to the purchaser for
 169 recovery of the tax if it determines that the purchaser was not
 170 entitled to the exemption.
 171 (d) The Department of Revenue shall accept Florida farm
 172 TEAM card applications beginning on January 1, 2024.
 173 Section 2. (1) The Department of Revenue may, and all
 174 conditions are deemed met to, adopt emergency rules pursuant to

Page 6 of 44

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601-03770A-23 20231164c1

175 s. 120.54(4), Florida Statutes, for the purpose of implementing
 176 s. 212.08(19), Florida Statutes.

177 (2) Notwithstanding any other law, emergency rules adopted
 178 pursuant to this section are effective for 6 months after
 179 adoption and may be renewed during the pendency of procedures to
 180 adopt permanent rules addressing the subject of the emergency
 181 rules.

182 Section 3. Subsection (24) is added to section 213.053,
 183 Florida Statutes, to read:

184 213.053 Confidentiality and information sharing.-

185 (24) The department may make available to the Department of
 186 Agriculture and Consumer Services, exclusively for official
 187 purposes, information for the purposes of administering or
 188 issuing the Florida farm TEAM card pursuant to s. 212.08(19).

189 Section 4. Section 287.0823, Florida Statutes, is created
 190 to read:

191 287.0823 Preference to commodities grown or produced in
 192 Florida.-

193 (1) By 2025 or upon expiration of any existing food service
 194 contract, whichever is earlier, all food commodities purchased
 195 by an agency, a state university, a Florida College System
 196 institution, or any contracted food service provider thereof
 197 must be grown or produced in this state when available,
 198 practical, and feasible.

199 (2) Notwithstanding any other provision of this section,
 200 and to the extent authorized by federal law, such state
 201 agencies, state universities, Florida College System
 202 institutions, and contracted food service providers thereof
 203 shall give preference to food commodities grown or produced in

601-03770A-23 20231164c1

204 this state when purchasing food commodities, including farm
 205 products as defined in s. 823.14, of any class, variety, or use
 206 thereof in their natural state or as processed by a farm
 207 operation or processor for the purpose of marketing such
 208 product.

209 (3) A competitive solicitation for the purchase of food
 210 commodities may give preference over other vendors to a
 211 responsive and responsible vendor who agrees to fulfill the
 212 contract through the use of food commodities grown or produced
 213 in this state, provided that such preference does not exceed 10
 214 percent of the total score allocated to price or does not result
 215 in a price increase greater than 10 percent.

216 (4) By November 1, 2024, and each November 1 biennially
 217 thereafter, the department shall prepare and submit a report to
 218 the Governor, the Cabinet, the President of the Senate, and the
 219 Speaker of the House of Representatives which describes the
 220 amount of food commodities grown or produced in this state which
 221 were purchased according to the requirements of this section. In
 222 order to compile such report, the department shall adopt by rule
 223 a form to be submitted to the department by each state agency,
 224 state university, Florida College System institution, or
 225 contracted food service provider thereof which purchases food
 226 commodities. Such state entities shall submit the form to the
 227 department by August 1, 2024, and each August 1 biennially
 228 thereafter. The report must contain, at a minimum, all of the
 229 following information:

230 (a) The total expenditures on, and the quantity purchased
 231 of, food commodities by each agency, state university, and
 232 Florida College System institution.

601-03770A-23

20231164c1

233 (b) The total expenditures on, and the quantity purchased
 234 of, food commodities grown or produced in this state by each
 235 agency, state university, and Florida College System
 236 institution.

237 (c) The total expenditures of each agency, state
 238 university, and Florida College System institution on food
 239 commodities grown or produced outside of this state.

240 (d) A statement and an assessment of the good faith efforts
 241 of, and any failures by, each state agency, state university, or
 242 Florida College System institution, or any contracted food
 243 service provider thereof, to comply with this section.

244 Section 5. Paragraphs (d), (i), (p), (q), (r), and (bb) of
 245 subsection (1) and subsection (3) of section 500.03, Florida
 246 Statutes, are amended to read:

247 500.03 Definitions; construction; applicability.—

248 (1) For the purpose of this chapter, the term:

249 (d) "Bottled water" means water intended for human
 250 consumption and sealed in a bottle or other container with no
 251 added ingredients, except that it may contain safe and suitable
 252 antimicrobial agents a beverage, as described in 21 C.F.R. part
 253 165 (2006), that is processed in compliance with 21 C.F.R. part
 254 129 (2006).

255 ~~(i) "Convenience store" means a business that is engaged~~
 256 ~~primarily in the retail sale of groceries or motor fuels or~~
 257 ~~special fuels and may offer food services to the public.~~
 258 ~~Businesses providing motor fuel or special fuel to the public~~
 259 ~~which also offer groceries or food service are included in the~~
 260 ~~definition of a convenience store.~~

261 ~~(o)~~ (p) "Food establishment" means a factory, food outlet,

601-03770A-23

20231164c1

262 or other facility manufacturing, processing, packing, holding,
 263 storing, or preparing food or selling food at wholesale or
 264 retail. The term does not include a business or activity ~~that is~~
 265 regulated under s. 413.051, s. 500.80, chapter 509, or chapter
 266 601. The term includes tomato packinghouses and repackers but
 267 does not include any other establishments that pack fruits and
 268 vegetables in their raw or natural states, including those
 269 fruits or vegetables that are washed, colored, or otherwise
 270 treated in their unpeeled, natural form before they are
 271 marketed.

272 ~~(q) "Food outlet" means any grocery store; convenience~~
 273 ~~store; minor food outlet; meat, poultry, or fish and related~~
 274 ~~aquatic food market; fruit or vegetable market; food warehouse;~~
 275 ~~refrigerated storage facility; freezer locker; salvage food~~
 276 ~~facility; or any other similar place storing or offering food~~
 277 ~~for sale.~~

278 ~~(r) "Food service establishment" means any place where food~~
 279 ~~is prepared and intended for individual portion service, and~~
 280 ~~includes the site at which individual portions are provided. The~~
 281 ~~term includes any such place regardless of whether consumption~~
 282 ~~is on or off the premises and regardless of whether there is a~~
 283 ~~charge for the food. The term includes delicatessens that offer~~
 284 ~~prepared food in individual service portions. The term does not~~
 285 ~~include schools, institutions, fraternal organizations, private~~
 286 ~~homes where food is prepared or served for individual family~~
 287 ~~consumption, retail food stores, the location of food vending~~
 288 ~~machines, cottage food operations, and supply vehicles, nor does~~
 289 ~~the term include a research and development test kitchen limited~~
 290 ~~to the use of employees and which is not open to the general~~

601-03770A-23

20231164c1

291 ~~public.~~

292 ~~(bb) "Retail food store" means any establishment or section~~
 293 ~~of an establishment where food and food products are offered to~~
 294 ~~the consumer and intended for off-premises consumption. The term~~
 295 ~~includes delicatessens that offer prepared food in bulk~~
 296 ~~quantities only. The term does not include establishments which~~
 297 ~~handle only prepackaged, nonpotentially hazardous foods,~~
 298 ~~roadside markets that offer only fresh fruits and fresh~~
 299 ~~vegetables for sale; food service establishments; or food and~~
 300 ~~beverage vending machines.~~

301 (3) For the purpose of this chapter, the selling of food
 302 includes the manufacture, production, processing, packing,
 303 exposure, offer, possession, and holding of any article of food
 304 for sale; the sale, dispensing, and giving of any article of
 305 food; and the supplying to or applying of food in the conduct of
 306 any food establishment.

307 Section 6. Subsection (1) of section 500.032, Florida
 308 Statutes, is amended to read:

309 500.032 Declaration of policy and cooperation among
 310 departments.—

311 (1) The department shall administer and enforce ~~is charged~~
 312 ~~with the administration and enforcement of~~ this chapter in order
 313 to prevent fraud, harm, adulteration, misbranding, or false
 314 advertising in the preparation, manufacture, storage, or sale of
 315 articles of food. The department shall ~~It is further charged to~~
 316 enforce the provisions of this chapter relating to the
 317 production, manufacture, transportation, storage, and sale of
 318 food, as well as articles entering into, and intended for use as
 319 ingredients in the preparation of, food.

Page 11 of 44

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601-03770A-23

20231164c1

320 Section 7. Paragraphs (a), (b), and (e) of subsection (1),
 321 subsection (2), paragraph (a) of subsection (5), and subsection
 322 (8) of section 500.12, Florida Statutes, are amended to read:

323 500.12 Food permits; building permits.—

324 (1) (a) A food permit from the department is required of any
 325 person who operates a food establishment ~~or retail food store,~~
 326 except:

327 1. Persons operating minor food outlets that sell food that
 328 is commercially prepackaged, not potentially hazardous, and not
 329 time or temperature controlled for safety, if the shelf space
 330 for those items does not exceed 12 total linear feet and no
 331 other food is sold by the minor food outlet.

332 2. Persons subject to continuous, onsite federal or state
 333 inspection.

334 3. Persons selling only legumes in the shell, either
 335 parched, roasted, or boiled.

336 4. Persons selling sugar cane or sorghum syrup that has
 337 been boiled and bottled on a premise located within this the
 338 state. Such bottles must contain a label listing the producer's
 339 name and street address, all added ingredients, the net weight
 340 or volume of the product, and a statement that reads, "This
 341 product has not been produced in a facility permitted by the
 342 Florida Department of Agriculture and Consumer Services."

343 (b) Each food establishment ~~and retail food store~~ regulated
 344 under this chapter must apply for and receive a food permit
 345 before operation begins. An application for a food permit from
 346 the department must be accompanied by a fee in an amount
 347 determined by department rule. The department shall adopt by
 348 rule a schedule of fees to be paid by each food establishment

Page 12 of 44

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601-03770A-23 20231164c1

349 ~~and retail food store~~ as a condition of issuance or renewal of a
 350 food permit. Such fees may not exceed \$650 and ~~must shall~~ be
 351 used solely for the recovery of costs for the services provided,
 352 except that the fee accompanying an application for a food
 353 permit for operating a bottled water plant may not exceed \$1,000
 354 and the fee accompanying an application for a food permit for
 355 operating a packaged ice plant may not exceed \$250. The fee for
 356 operating a bottled water plant or a packaged ice plant must
 357 ~~shall~~ be set by rule of the department. Food permits are not
 358 transferable from one person or physical location to another.
 359 Food permits must be renewed in accordance with subparagraphs
 360 1., 2., and 3. annually on or before January 1. If an
 361 application for renewal of a food permit is not received by the
 362 department on or before ~~within 30 days after~~ its due date, a
 363 late fee not exceeding \$100 must be paid in addition to the food
 364 permit fee before the department may issue the food permit. The
 365 moneys collected must shall be deposited in the General
 366 Inspection Trust Fund.

367 1. A food permit issued to a new food establishment on or
 368 after September 1, 2023, is valid for 1 calendar year after the
 369 date of issuance and must be renewed annually on or before that
 370 date thereafter.

371 2. Effective January 1, 2024, a food permit issued before
 372 September 1, 2023, expires on the month and day the initial
 373 permit was issued to the food establishment and must be renewed
 374 annually on or before that date thereafter. The department may
 375 charge a prorated permit fee for purposes of this subparagraph.

376 3. The owner of 100 or more permitted food establishment
 377 locations may elect to set the expiration of food permits for

601-03770A-23 20231164c1

378 such establishments as December 31 of each calendar year.

379 (e) The department is the exclusive regulatory and
 380 permitting authority for all ~~food outlets, retail food stores,~~
 381 ~~food establishments, convenience stores,~~ and minor food outlets
 382 in accordance with this section. Application for a food permit
 383 must be made on forms provided by the department, which forms
 384 must also contain provision for application for registrations
 385 and permits issued by other state agencies and for collection of
 386 the food permit fee and any other fees associated with
 387 registration, licensing, or applicable surcharges. The details
 388 of the application must shall be prescribed by department rule.

389 (2) When any person applies for a building permit to
 390 construct, convert, or remodel any food establishment, ~~food~~
 391 ~~outlet, or retail food store,~~ the authority issuing such permit
 392 shall make available to the applicant a printed statement,
 393 provided by the department, regarding the applicable sanitation
 394 requirements for such establishments. A building permitting
 395 authority, or municipality or county under whose jurisdiction a
 396 building permitting authority operates, may not be held liable
 397 for a food establishment, ~~food outlet, or retail food store~~ that
 398 does not comply with the applicable sanitation requirements due
 399 to failure of the building permitting authority to provide the
 400 information as provided in this subsection.

401 (a) The department shall furnish, for distribution, a
 402 statement that includes the checklist to be used by the food
 403 inspector in any preoperational inspections to assure that the
 404 food establishment is constructed and equipped to meet the
 405 applicable sanitary guidelines. Such preoperational inspection
 406 is shall be a prerequisite for obtaining a food permit in

601-03770A-23

20231164c1

407 accordance with this section.

408 (b) The department may provide assistance, when requested
409 by the applicant, in the review of any construction or
410 remodeling plans for food establishments. The department may
411 charge a fee for such assistance which covers the cost of
412 providing the assistance and which must ~~shall~~ be deposited in
413 the General Inspection Trust Fund for use in funding the food
414 safety program.

415 (c) A building permitting authority or other subdivision of
416 local government may not require the department to approve
417 construction or remodeling plans for food establishments ~~and~~
418 ~~retail food stores~~ as a condition of any permit or license at
419 the local level.

420 (5) It is the intent of the Legislature to eliminate
421 duplication of regulatory inspections of food. Regulatory and
422 permitting authority over any food establishment is preempted to
423 the department, except as provided in chapter 379.

424 (a) Food establishments ~~or retail food stores~~ that have
425 ancillary food service activities shall be permitted and
426 inspected by the department.

427 (8) A person who applies for or renews a local business tax
428 certificate to engage in business as a food establishment ~~or~~
429 ~~retail food store~~ must exhibit a current food permit or an
430 active letter of exemption from the department before the local
431 business tax certificate may be issued or renewed.

432 Section 8. Subsection (1) of section 500.121, Florida
433 Statutes, is amended to read:

434 500.121 Disciplinary procedures.-

435 (1) In addition to the suspension procedures provided in s.

Page 15 of 44

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601-03770A-23

20231164c1

436 500.12, if applicable, the department may impose an
437 administrative fine in the Class II category pursuant to s.
438 570.971 against any ~~retail food store~~, food establishment, or
439 cottage food operation that violates this chapter, which fine,
440 when imposed and paid, must ~~shall~~ be deposited by the department
441 into the General Inspection Trust Fund. The department may
442 revoke or suspend the permit of any such ~~retail food store or~~
443 food establishment if it is satisfied that the ~~retail food store~~
444 ~~or~~ food establishment has:

445 (a) Violated this chapter.

446 (b) Violated or aided or abetted in the violation of any
447 law of this state governing or applicable to ~~retail food stores~~
448 ~~or~~ food establishments or any lawful rules of the department.

449 (c) Knowingly committed, or been a party to, any material
450 fraud, misrepresentation, conspiracy, collusion, trick, scheme,
451 or device whereby another person, lawfully relying upon the
452 word, representation, or conduct of a ~~retail food store or~~ food
453 establishment, acts to her or his injury or damage.

454 (d) Committed any act or conduct of the same or different
455 character than that enumerated which constitutes fraudulent or
456 dishonest dealing.

457 Section 9. Paragraph (a) of subsection (3) of section
458 500.147, Florida Statutes, is amended to read:

459 500.147 Inspection of food establishments, food records,
460 and vehicles.-

461 (3) For bottled water plants:

462 (a) Bottled water must be from an approved source. Bottled
463 water must be processed in conformance with department rule 21
464 ~~C.F.R. part 129 (2006), and must conform to 21 C.F.R. part 165~~

Page 16 of 44

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601-03770A-23 20231164c1

465 ~~(2006)~~. A person operating a bottled water plant is shall be
466 responsible for all water sampling and analyses required by this
467 chapter.

468 Section 10. Subsection (1) of section 500.172, Florida
469 Statutes, is amended to read:

470 500.172 Embargoing, detaining, destroying of food, food
471 processing equipment, or areas that are in violation.—

472 (1) When the department, or its duly authorized agent who
473 has received appropriate education and training regarding the
474 legal requirements of this chapter, finds or has probable cause
475 to believe that any food, food processing equipment, food
476 processing area, or food storage area is in violation of this
477 chapter or any rule adopted under this chapter so as to be
478 dangerous, unwholesome, mislabeled, fraudulent, or insanitary
479 within the meaning of this chapter, an agent of the department
480 may issue and enforce a stop-sale, stop-use, removal, or hold
481 order, which order gives notice that such article, processing
482 equipment, processing area, or storage area is or is suspected
483 of being in violation and has been detained or embargoed and
484 which order warns all persons not to remove, use, or dispose of
485 such article, processing equipment, processing area, or storage
486 area by sale or otherwise until permission for removal, use, or
487 disposal is given by the department or the court. A person may
488 not remove, use, or dispose of such detained or embargoed
489 article, processing equipment, processing area, or storage area
490 by sale or otherwise without such permission.

491 Section 11. Section 502.012, Florida Statutes, is reordered
492 and amended to read:

493 502.012 Definitions.—As used in this chapter, the term:

Page 17 of 44

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601-03770A-23 20231164c1

494 (1) "Bulk milk hauler/sampler" means a person who collects
495 official samples and transports raw milk from a farm or raw milk
496 products to or from a milk plant, receiving station, or transfer
497 station and is permitted to sample the milk products by any
498 state regulatory agency charged with implementing the United
499 States Food and Drug Administration's Grade "A" program.

500 (2) "Bulk milk pickup tanker" means a vehicle, including
501 the truck and tank, and those appurtenances necessary for its
502 use necessary attachments, that is used by a milk hauler to
503 transport bulk raw milk for pasteurization, ultra-
504 pasteurization, aseptic processing and packaging, or retort
505 processing after packaging from a dairy farm to a milk plant,
506 receiving station, or transfer station.

507 (3) ~~(2)~~ "Dairy farm" means any place or premises where one
508 or more lactating animals, including cows, goats, sheep, water
509 buffalo, or other hooved mammals, are kept for milking purposes,
510 and from which a part or all of the milk is provided, sold, or
511 offered for sale.

512 (4) ~~(3)~~ "Department" means the Department of Agriculture and
513 Consumer Services.

514 (5) ~~(4)~~ "Frozen dessert" means a specific standardized
515 frozen dessert described in 21 C.F.R. part 135, excluding part
516 135.160 and any other food defined by rule of the department
517 that resembles such standardized frozen dessert but does not
518 conform to the specific description of such standardized frozen
519 dessert in 21 C.F.R. part 135. The term includes, but is not
520 limited to, a quiescently frozen confection, a quiescently
521 frozen dairy confection, a frozen dietary dairy dessert, and a
522 frozen dietary dessert.

Page 18 of 44

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601-03770A-23

20231164c1

523 ~~(5) "Frozen desserts manufacturer" means a person who~~
 524 ~~manufactures, processes, converts, partially freezes, or freezes~~
 525 ~~any mix or frozen dessert for distribution or sale.~~

526 (6) "Frozen desserts plant" means any place that
 527 pasteurizes dairy products or receives raw milk for the purpose
 528 of manufacturing or processing frozen desserts ~~location or~~
 529 ~~premises at which frozen desserts or mix are manufactured,~~
 530 ~~processed, or frozen for distribution or sale at wholesale.~~

531 (7) ~~"Frozen desserts retail establishment" means any~~
 532 ~~location or premises, including a retail store, stand, hotel,~~
 533 ~~boardinghouse, restaurant, vehicle, or mobile unit, at which~~
 534 ~~frozen desserts are frozen, partially frozen, or dispensed for~~
 535 ~~sale at retail.~~

536 ~~(8) "Frozen dietary dairy dessert" or "frozen dietary~~
 537 ~~dessert" means a food for any special dietary use, prepared by~~
 538 ~~freezing, with or without agitation, and composed of a~~
 539 ~~pasteurized mix that may contain fat, protein, carbohydrates,~~
 540 ~~natural or artificial sweeteners, flavoring, stabilizers,~~
 541 ~~emulsifiers, vitamins, and minerals.~~

542 ~~(9) "Grade 'A' pasteurized milk ordinance" means the~~
 543 ~~document entitled "Grade 'A' Pasteurized Milk Ordinance, United~~
 544 ~~States Department of Health and Human Services, Public Health~~
 545 ~~Service, Food and Drug Administration," including all associated~~
 546 ~~appendices, as adopted by department rule.~~

547 ~~(8)~~(10) "Imitation milk and imitation milk products" means
 548 those foods that have the physical characteristics, such as
 549 taste, flavor, body, texture, or appearance, of milk or milk
 550 products as defined in this chapter and the Grade "A"
 551 pasteurized milk ordinance but do not come within the definition

601-03770A-23

20231164c1

552 of "milk" or "milk products" and are nutritionally inferior to
 553 the product imitated.

554 ~~(9)~~(11) "Milk" means the lacteal secretion, practically
 555 free from colostrum, obtained by the complete milking of one or
 556 more healthy cows, goats, sheep, water buffalo, or other hooved
 557 mammals.

558 ~~(10)~~(12) "Milk distributor" means any person who offers for
 559 sale or sells to another person any milk or milk product.

560 ~~(15)~~(13) "Milk products" means products made with milk that
 561 is processed in some manner, including being whipped, acidified,
 562 cultured, concentrated, lactose-reduced, or sodium-reduced or
 563 aseptically processed, or having the addition or subtraction of
 564 milkfat, the addition of safe and suitable microbial organisms,
 565 or the addition of safe and suitable optional ingredients for
 566 protein, vitamin, or mineral fortification. The term does "Milk
 567 products" do not include products such as evaporated milk,
 568 condensed milk, eggnog in a rigid metal container, dietary
 569 products, infant formula, or ice cream and other desserts.

570 ~~(18)~~(14) "Milkfat" or "butterfat" means the fat contained
 571 in milk.

572 ~~(11)~~(15) "Milk hauler" means any person who transports raw
 573 milk or raw milk products to or from a milk plant, receiving
 574 station, or transfer station.

575 ~~(12)~~(16) "Milk plant" means any place, premises, or
 576 establishment where milk or milk products are collected,
 577 handled, processed, stored, pasteurized, ultra-pasteurized,
 578 aseptically processed and packaged, retort processed after
 579 packaging, condensed, dried, packaged, bottled, or prepared for
 580 distribution.

601-03770A-23

20231164c1

581 (13)~~(17)~~ "Milk plant operator" means any person responsible
582 for receiving, processing, pasteurizing, or packaging milk and
583 milk products, or performing any other related operation.

584 (14)~~(18)~~ "Milk producer" means any person who operates a
585 dairy farm and provides, sells, or offers for sale milk to a
586 milk plant, receiving station, or transfer station.

587 (16)~~(19)~~ "Milk tank truck" means either a bulk milk pickup
588 tanker or a milk transport tank.

589 (17)~~(20)~~ "Milk transport tank" means a vehicle, including
590 the truck and tank, used by a bulk milk hauler/sampler or a milk
591 hauler to transport bulk shipments of milk from a milk plant,
592 receiving station, or transfer station to another milk plant,
593 receiving station, or transfer station.

594 ~~(21) "Quiescently frozen confection" means a clean and
595 wholesome frozen, sweetened, flavored product that, while being
596 frozen, was not stirred or agitated (generally known as
597 quiescent freezing). The confection may be acidulated with food-
598 grade acid, may contain milk solids or water, or may be made
599 with or without added harmless pure or imitation flavoring and
600 with or without harmless coloring. The finished product must not
601 contain more than 0.5 percent by weight of stabilizer composed
602 of wholesome, edible material and must not contain less than 17
603 percent by weight of total food solids. In the production of the
604 confection, processing or mixing before quiescent freezing that
605 develops in the finished confection mix any physical expansion
606 in excess of 10 percent may not be used.~~

607 ~~(22) "Quiescently frozen dairy confection" means a clean
608 and wholesome frozen product made from water, milk products, and
609 sugar, with added harmless pure or imitation flavoring, with or~~

Page 21 of 44

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601-03770A-23

20231164c1

610 ~~without added harmless coloring, with or without added
611 stabilizer, or with or without added emulsifier, that, while
612 being frozen, was not stirred or agitated (generally known as
613 quiescent freezing). The confection must not contain less than
614 13 percent by weight of total milk solids, less than 33 percent
615 by weight of total food solids, more than 0.5 percent by weight
616 of stabilizer, or more than 0.2 percent by weight of emulsifier.
617 Stabilizer and emulsifier must be composed of wholesome, edible
618 material. In the production of a quiescently frozen dairy
619 confection, processing or mixing before quiescently freezing
620 that develops in the finished confection mix any physical
621 expansion in excess of 10 percent may not be used.~~

622 (19)~~(23)~~ "Raw milk" means unpasteurized ~~unprocessed~~ milk.

623 (20)~~(24)~~ "Receiving station" means any place, premises, or
624 establishment where raw milk is received, collected, handled,
625 stored, or cooled and ~~is~~ prepared for further transporting.

626 (21) "Reconstituted milk or milk products" or "recombined
627 milk or milk products" means milk or milk products that result
628 from reconstituting or recombining milk constituents with
629 potable water.

630 (22) "Retail" means the sale of goods to the public for use
631 or consumption rather than for resale.

632 (23)~~(25)~~ "Substitute milk and substitute milk products"
633 means those foods that have the physical characteristics, such
634 as taste, flavor, body, texture, or appearance, of milk or milk
635 products as defined in this chapter and the Grade "A"
636 pasteurized milk ordinance but do not come within the definition
637 of "milk" or "milk products" and are nutritionally equivalent to
638 the product for which they are substitutes.

Page 22 of 44

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601-03770A-23

20231164c1

639 ~~(24)~~(26) "Transfer station" means any place, premises, or
640 establishment where milk or milk products are transferred
641 directly from one milk tank truck to another.

642 (25) "Ultra-pasteurization (UP)" means a process in which
643 milk or milk product is thermally processed at or above 138
644 degrees Celsius or 280 degrees Fahrenheit for at least 2
645 seconds, before or after packaging, so as to produce a milk or
646 milk product that has an extended shelf life under refrigerated
647 conditions.

648 ~~(26)~~(27) "Washing station" means any place, premises, or
649 establishment where milk tank trucks are cleaned and sanitized.

650 (27) "Wholesale" means the selling of goods in quantity to
651 be retailed by others.

652 Section 12. Paragraph (d) of subsection (1) of section
653 502.013, Florida Statutes, is amended to read:

654 502.013 Purpose; intent.—

655 (1) PURPOSE.—The purpose of this chapter is to:

656 ~~(d) Ensure the normal flow of fresh wholesome milk and milk~~
657 ~~products from the farmer to the consumer by uniform regulation~~
658 ~~of the shelf life of milk and milk products in this state.~~

659 Section 13. Paragraph (a) of subsection (2) of section
660 502.014, Florida Statutes, is amended to read:

661 502.014 Powers and duties.—

662 (2) (a) The department shall permit, conduct onsite
663 inspections of, and collect samples for testing from all
664 facilities engaged in the production, processing, holding, or
665 transfer of milk and milk products dairy farms, milk plants, and
666 frozen dessert plants and collect test samples of milk, milk
667 products, and frozen desserts as required by this chapter.

601-03770A-23

20231164c1

668 Section 14. Section 502.042, Florida Statutes, is amended
669 to read:

670 502.042 Labeling of shelf life.—To ensure consumers full
671 disclosure of the date beyond which milk or milk products may no
672 longer be offered for sale, all dairy processors ~~must shall~~
673 ~~establish,~~ and legibly label as prescribed by rule of the
674 department, the maximum shelf-life period during which milk and
675 milk products may be offered for sale. For purposes of this
676 requirement, the term to "legibly label" means to label the
677 package or container with conspicuous and easily readable
678 boldfaced print or type in distinct contrast to the background,
679 by color. ~~The department shall periodically conduct shelf life~~
680 ~~studies to review the keeping quality of milk and milk products~~
681 ~~and shall sample periodically the products of the dairy~~
682 ~~processors to determine if the shelf-life dating used by the~~
683 ~~processors complies with the minimum standards of quality.~~

684 Section 15. Paragraphs (a) and (b) of subsection (1),
685 paragraph (d) of subsection (3), and paragraphs (a) and (c) of
686 subsection (4) of section 502.053, Florida Statutes, are amended
687 to read:

688 502.053 Permits and fees; requirements; exemptions;
689 temporary permits.—

690 (1) PERMITS.—

691 (a) All facilities engaged in the production, processing,
692 holding, or transfer of milk and milk products Each Grade "A"
693 ~~milk plant, whether located in the state or outside the state,~~
694 ~~and each manufacturing milk plant, milk producer, milk hauler,~~
695 ~~milk hauling service, washing station operator, milk plant~~
696 ~~operator, milk distributor, single-service container~~

601-03770A-23

20231164c1

697 ~~manufacturer, receiving station, and transfer station in this~~
 698 ~~the state must shall~~ apply to the department for a permit to
 699 operate. The application ~~must shall~~ be on forms developed by the
 700 department.

701 (b) Each frozen dessert plant, ~~whether located in the state~~
 702 ~~or outside the state,~~ that manufactures frozen desserts or other
 703 products defined in this chapter and offers these products for
 704 wholesale for sale in this state must apply to the department
 705 for a permit to operate. The application must be submitted on a
 706 form forms prescribed by the department. All frozen dessert
 707 permits expire on June 30 of each year.

708 (3) REQUIREMENTS.—

709 ~~(d) Each frozen dessert plant permit holder must report~~
 710 ~~monthly, quarterly, semiannually, or annually, as required by~~
 711 ~~the department, the number of gallons of frozen dessert or~~
 712 ~~frozen dessert mix sold or manufactured by the permit holder in~~
 713 ~~this state.~~

714 (4) EXEMPTIONS.—

715 (a) The following persons ~~are shall be~~ exempt from bulk
 716 milk hauler/sampler hauler permit requirements:

717 1. Milk producers who transport milk or milk products only
 718 from their own dairy farms.

719 2. Employees of a milk distributor or milk plant operator
 720 who possesses a valid permit.

721 3. Drivers of bulk milk tank trucks between locations who
 722 do not collect milk from farms.

723 ~~(c) Frozen desserts retail establishments as defined in s.~~
 724 ~~502.012 are exempt from this chapter.~~

725 Section 16. Subsections (1) and (4) of section 502.181,

601-03770A-23

20231164c1

726 Florida Statutes, are amended to read:

727 502.181 Prohibited acts.—It is unlawful for any person in
 728 this state to:

729 (1) Engage in the business of producing, hauling,
 730 transferring, receiving, processing, packaging, or distributing
 731 milk, milk products, or frozen desserts or operating a washing
 732 station, manufacturing single-service containers, or
 733 manufacturing imitation or substitute milk or milk products, ~~or~~
 734 ~~testing for milkfat content,~~ without first obtaining a permit or
 735 license from the department.

736 ~~(4) Repasteurize milk.~~

737 Section 17. Paragraph (b) of subsection (1) of section
 738 502.231, Florida Statutes, is amended to read:

739 502.231 Penalty and injunction.—

740 (1) The department may enter an order imposing one or more
 741 of the following penalties against any person who violates any
 742 provision of this chapter:

743 (b) Imposition of an administrative fine:

744 1. In the Class II category pursuant to s. 570.971 for each
 745 violation in the case of a frozen dessert licensee; or

746 2. ~~Ten percent of the license fee or \$100, whichever is~~
 747 ~~greater, for failure to report the information described in s.~~
 748 ~~502.053(3)(d); or~~

749 ~~3.~~ In the Class I category pursuant to s. 570.971 for each
 750 occurrence for any other violation.

751
 752 When imposing a fine under this paragraph, the department must
 753 consider the degree and extent of harm caused by the violation,
 754 the cost of rectifying the damage, the benefit to the violator,

601-03770A-23 20231164c1

755 whether the violation was committed willfully, and the
756 violator's compliance record.

757 Section 18. Section 502.301, Florida Statutes, is repealed.

758 Section 19. Section 570.161, Florida Statutes, is created
759 to read:

760 570.161 E-mail address of record.—

761 (1) In addition to any other requirement set forth in law,
762 each person licensed or permitted by the department shall notify
763 the department in writing of the person's e-mail address. The
764 failure to notify the department of a change in any e-mail
765 address provided to the department constitutes a violation of
766 this section and may be subject to the penalties provided in s.
767 570.971(3).

768 (2) (a) Notwithstanding any other provision of law, service
769 by e-mail to a person's e-mail address of record constitutes
770 adequate and sufficient notice when required by law, except when
771 other service is required pursuant to s. 120.60.

772 (b) If the department receives notification that service by
773 e-mail, as authorized by this section, has failed, the
774 department may provide notice to the person by calling the
775 person's last known telephone number of record, mailing the
776 notice to the last known address, or posting a short, plain
777 notice to the person on the department's website.

778 Section 20. Section 570.23, Florida Statutes, is repealed.

779 Section 21. Present subsections (10) through (13) of
780 section 570.71, Florida Statutes, are redesignated as
781 subsections (11) through (14), respectively, and a new
782 subsection (10) is added to that section, to read:

783 570.71 Conservation easements and agreements.—

Page 27 of 44

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601-03770A-23 20231164c1

784 (10) Notwithstanding any other law or rule, the department
785 shall submit a purchase agreement authorized by this section to
786 the Board of Trustees of the Internal Improvement Trust Fund for
787 approval if the purchase price exceeds \$5 million.

788 Section 22. Paragraph (b) of subsection (1) of section
789 570.715, Florida Statutes, is amended to read:

790 570.715 Conservation easement acquisition procedures.—

791 (1) For less than fee simple acquisitions pursuant to s.
792 570.71, the Department of Agriculture and Consumer Services
793 shall comply with the following acquisition procedures:

794 (b) Before approval by the board of trustees of an
795 agreement to purchase less than fee simple title to land
796 pursuant to s. 570.71, an appraisal of the parcel shall be
797 required as follows:

798 1. Each parcel to be acquired shall have at least one
799 appraisal. Two appraisals are required when the estimated value
800 of the parcel exceeds \$5 ~~1~~ million. However, when both
801 appraisals exceed \$5 ~~1~~ million and differ significantly, a
802 third appraisal may be obtained.

803 2. Appraisal fees and associated costs shall be paid by the
804 department. All appraisals used for the acquisition of less than
805 fee simple interest in lands pursuant to this section shall be
806 prepared by a state-certified appraiser who meets the standards
807 and criteria established by rule of the board of trustees. Each
808 appraiser selected to appraise a particular parcel shall, before
809 contracting with the department or a participant in a multiparty
810 agreement, submit to the department or participant an affidavit
811 substantiating that he or she has no vested or fiduciary
812 interest in such parcel.

Page 28 of 44

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601-03770A-23 20231164c1

813 Section 23. Section 570.843, Florida Statutes, is repealed.

814 Section 24. Upon the expiration and reversion of the
815 amendment made to section 570.93, Florida Statutes, pursuant to
816 section 63 of chapter 2022-157, Laws of Florida, paragraph (a)
817 of subsection (1) of section 570.93, Florida Statutes, is
818 amended to read:

819 570.93 Department of Agriculture and Consumer Services;
820 agricultural water conservation and agricultural water supply
821 planning.—

822 (1) The department shall establish an agricultural water
823 conservation program that includes the following:

824 (a) A cost-share program, coordinated ~~where appropriate~~
825 with the United States Department of Agriculture and other
826 federal, state, regional, and local agencies, when appropriate,
827 for irrigation system retrofit and application of mobile
828 irrigation laboratory evaluations, and for water conservation as
829 ~~provided in this section and, where applicable, for water~~
830 quality improvement pursuant to s. 403.067(7)(c).

831 Section 25. Present subsections (8) through (13) and (14)
832 through (44) of section 576.011, Florida Statutes, are
833 redesignated as subsections (9) through (14) and (16) through
834 (46), respectively, new subsections (8) and (15) are added to
835 that section, and present subsections (15), (19), and (36) of
836 that section are amended, to read:

837 576.011 Definitions.—When used in this chapter, the term:

838 (8) "Controlled release fertilizers" means a slow release
839 fertilizer engineered to provide nutrients over time at a
840 predictable rate under specified conditions.

841 (15) "Fertilizer material" means a fertilizer that meets

601-03770A-23 20231164c1

842 one of the following requirements:

843 (a) Contains important quantities of no more than one of
844 the primary nutrients: nitrogen (N), phosphate (P₂O₅), and potash
845 (K₂O).

846 (b) Has 85 percent or more of its plant nutrient content
847 present in the form of a single chemical compound.

848 (c) Is derived from a plant or an animal residue or
849 byproduct or a natural material deposit that has been processed
850 in such a way that its content of plant nutrients has not been
851 materially changed except by purification and concentration.

852 ~~(17)-(15)~~ "Grade" means the percentages in fertilizer of
853 total nitrogen expressed as N, available phosphorus expressed as
854 P₂O₅, and soluble potassium expressed as K₂O, stated in whole
855 numbers in the same terms, order, and percentages as in the
856 guaranteed analysis. However, specialty fertilizer may be
857 guaranteed in fractional units of less than 1 percent of total
858 nitrogen, available phosphate, and soluble potash. Fertilizer
859 materials, bone meal, manures, and similar materials may be
860 guaranteed in fractional units ~~in that order.~~

861 ~~(21)-(19)~~ "Labeling" means all labels and other written,
862 printed, or graphic matters upon an article or any of its
863 containers or wrappers, ~~or~~ accompanying such article.

864 ~~(38)-(36)~~ "Slow ~~or controlled~~ release fertilizer" means a
865 fertilizer in a form that releases, or converts to a plant-
866 available form, plant nutrients at a slower rate relative to an
867 appropriate reference soluble product ~~containing a plant~~
868 nutrient in a form which delays its availability for plant
869 uptake and use after application, or which extends its
870 availability to the plant significantly longer than a reference

601-03770A-23

20231164c1

871 ~~"rapidly available nutrient fertilizer," such as ammonium~~
 872 ~~nitrate or urea, ammonium phosphate, or potassium chloride.~~
 873 Section 26. Subsection (14) of section 581.217, Florida
 874 Statutes, is repealed.
 875 Section 27. Section 585.008, Florida Statutes, is repealed.
 876 Section 28. Subsection (4) of section 586.045, Florida
 877 Statutes, is amended to read:
 878 586.045 Certificates of registration and inspection.—
 879 (4) The department shall provide to each person subject to
 880 this section written notice and renewal forms at least 30 60
 881 days before prior to the annual renewal date informing the
 882 person of the certificate of registration renewal date and the
 883 application fee.
 884 Section 29. Subsection (16) is added to section 595.404,
 885 Florida Statutes, to read:
 886 595.404 School food and other nutrition programs; powers
 887 and duties of the department.—The department has the following
 888 powers and duties:
 889 (16) To adopt and implement an exemption, waiver, and
 890 variance process by rule, as required by federal regulations,
 891 for sponsors under the programs implemented pursuant to this
 892 chapter, notwithstanding s. 120.542.
 893 Section 30. Section 597.003, Florida Statutes, is amended
 894 to read:
 895 597.003 Powers and duties of Department of Agriculture and
 896 Consumer Services.—
 897 (1) The department is ~~hereby designated as~~ the lead agency
 898 in regulating and encouraging the development of aquaculture in
 899 this the state and has shall have and shall exercise the

Page 31 of 44

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601-03770A-23

20231164c1

900 following functions, powers, and duties with regard to
 901 aquaculture:
 902 (a) Issue or deny aquaculture certificates that identify
 903 aquaculture producers and aquaculture products, and collect all
 904 related fees. The department may revoke an aquaculture
 905 certificate of registration issued pursuant to s. 597.004 upon a
 906 finding that aquaculture is not the primary purpose of the
 907 certified entity's operation.
 908 (b) Coordinate the development, annual revision, and
 909 implementation of a state aquaculture plan. The plan must shall
 910 include prioritized recommendations for research and development
 911 as suggested by the Aquaculture Review Council and public and
 912 private institutional research, extension, and service programs.
 913 (c) Develop memoranda of agreement, as needed, with the
 914 Department of Environmental Protection, the Fish and Wildlife
 915 Conservation Commission, the Florida Sea Grant Program, and
 916 other groups as provided in the state aquaculture plan.
 917 (d) Provide staff for the Aquaculture Review Council.
 918 (e) Forward the annually revised state aquaculture plan to
 919 the commissioner and to the chairs of the House Committee on
 920 Agriculture and Consumer Services and the Senate Committee on
 921 Agriculture 1 month ~~before prior to~~ submission of the
 922 department's legislative budget request to the Governor.
 923 (f) Upon the appropriation of funds by the Legislature,
 924 submit the list of research and development projects proposed to
 925 be funded through the department as identified in the state
 926 aquaculture plan, ~~along with the department's legislative budget~~
 927 ~~request~~ to the Governor, the President of the Senate, and the
 928 Speaker of the House of Representatives. ~~If funded,~~ These

Page 32 of 44

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601-03770A-23 20231164c1

929 projects ~~must shall~~ be contracted for by the Division of
 930 Aquaculture and ~~must shall~~ require public-private partnerships,
 931 when appropriate. The contracts ~~must shall~~ require a percentage
 932 of the profit generated by the project to be deposited into the
 933 General Inspection Trust Fund solely for funding aquaculture
 934 projects recommended by the Aquaculture Review Council.

935 (g) Provide developmental assistance to the various sectors
 936 of the aquaculture industry as determined in the state
 937 aquaculture plan.

938 (h) Assist persons seeking to engage in aquaculture when
 939 applying for the necessary permits and serve as ombudsman to
 940 resolve complaints or otherwise resolve problems arising between
 941 aquaculture producers and regulatory agencies.

942 (i) Develop and propose to the Legislature legislation
 943 necessary to implement the state aquaculture plan or to
 944 otherwise encourage the development of aquaculture in this the
 945 state.

946 (j) Issue or deny any license or permit authorized or
 947 delegated to the department by the Legislature or through
 948 memorandum of understanding with other state or federal agencies
 949 that furthers the intent of the Legislature to place the
 950 regulation of aquaculture in the department.

951 (k) Make available state lands and the water column for the
 952 purpose of producing aquaculture products when the aquaculture
 953 activity is compatible with state resource management goals,
 954 environmental protection, and proprietary interest and when such
 955 state lands and waters are determined to be suitable for
 956 aquaculture development by the Board of Trustees of the Internal
 957 Improvement Trust Fund pursuant to s. 253.68; provide training

601-03770A-23 20231164c1

958 as necessary to lessees; and be responsible for all saltwater
 959 aquaculture activities located on sovereignty submerged land or
 960 in the water column above such land and adjacent facilities
 961 directly related to the aquaculture activity.

962 1. The department shall act in cooperation with other state
 963 and local agencies and programs to identify and designate
 964 sovereignty lands and waters that would be suitable for
 965 aquaculture development.

966 2. The department shall identify and evaluate specific
 967 tracts of sovereignty submerged lands and water columns in
 968 various areas of the state to determine where such lands and
 969 waters are suitable for leasing for aquaculture purposes.
 970 ~~Nothing in~~ This subparagraph or subparagraph 1. does not shall
 971 preclude the applicant from applying for sites identified by the
 972 applicant.

973 3. The department shall provide assistance in developing
 974 technologies applicable to aquaculture activities, evaluate
 975 practicable production alternatives, and provide agreements to
 976 develop innovative culture practices.

977 (1) Act as a clearinghouse for aquaculture applications,
 978 and act as a liaison between the Fish and Wildlife Conservation
 979 Commission, the Division of State Lands, the Department of
 980 Environmental Protection district offices, other divisions
 981 within the Department of Environmental Protection, and the water
 982 management districts. The Department of Agriculture and Consumer
 983 Services is shall be responsible for regulating marine
 984 aquaculture producers, except as specifically provided herein.

985 (2) The specific delegation of authority granted under
 986 subsection (1) is intended to place responsibility and may not

601-03770A-23 20231164c1

987 be construed so as to prevent the respective state agencies from
 988 cooperating with each other by exchanging information and
 989 providing copies of reports when deemed advisable.

990 (3) The department may employ such persons as are necessary
 991 to perform its duties under this chapter.

992 Section 31. Present subsections (3) through (6) of section
 993 597.004, Florida Statutes, are redesignated as subsections (4)
 994 through (7), respectively, a new subsection (3) is added to that
 995 section, and paragraphs (b) and (g) of subsection (2), present
 996 subsection (3), and paragraph (a) of present subsection (5) of
 997 that section are amended, to read:

998 597.004 Aquaculture certificate of registration.—

999 (2) RULES.—

1000 ~~(b) Rules adopted pursuant to this subsection shall become~~
 1001 ~~effective pursuant to the applicable provisions of chapter 120,~~
 1002 ~~but must be submitted to the President of the Senate and the~~
 1003 ~~Speaker of the House of Representatives for review by the~~
 1004 ~~Legislature. The rules shall be referred to the appropriate~~
 1005 ~~committees of substance and scheduled for review during the~~
 1006 ~~first available regular session following adoption. Except as~~
 1007 ~~otherwise provided by operation of law, such rules shall remain~~
 1008 ~~in effect until rejected or modified by act of the Legislature.~~

1009 ~~(g) Any alligator producer with an alligator farming~~
 1010 ~~license and permit to establish and operate an alligator farm~~
 1011 ~~shall be issued an aquaculture certificate of registration~~
 1012 ~~pursuant to this section. This chapter does not supersede the~~
 1013 ~~authority under chapter 379 to regulate alligator farms and~~
 1014 ~~alligator farmers.~~

1015 (3) INSPECTIONS OF AQUACULTURE PRODUCTS.—The Legislature

601-03770A-23 20231164c1

1016 intends to eliminate duplication of regulatory inspections of
 1017 aquaculture products. The regulatory and permitting authority
 1018 over all aquaculture products as defined in s. 597.0015 is
 1019 preempted to the department.

1020 (a) Shellfish processing facilities are licensed pursuant
 1021 to s. 597.020.

1022 (b) Facilities operated by state agencies, local
 1023 governments, educational institutions, research institutions, or
 1024 restoration organizations which maintain aquaculture products
 1025 for educational, scientific, demonstration, experimental, or
 1026 restoration activities related to aquaculture are licensed
 1027 pursuant to this section.

1028 (c) Facilities culturing crocodylians of the order
 1029 Crocodylia are dually regulated by the department and the Fish
 1030 and Wildlife Conservation Commission. Any alligator producer
 1031 issued an aquaculture certificate of registration pursuant to
 1032 this section must also maintain an alligator farming license
 1033 from the Fish and Wildlife Conservation Commission. This chapter
 1034 does not supersede the authority under chapter 379 to regulate
 1035 alligator farms and alligator farmers.

1036 ~~(4)(3) FEES.—Effective July 1, 1997, All fees collected~~
 1037 ~~pursuant to this section shall be deposited into the General~~
 1038 ~~Inspection Trust Fund in the Department of Agriculture and~~
 1039 ~~Consumer Services.~~

1040 ~~(6)(5) SALE OF AQUACULTURE PRODUCTS.—~~

1041 (a) Aquaculture products, except shellfish, ~~sneek,~~ and any
 1042 fish of the genus *Micropterus*, excluding *Micropterus salmoides*
 1043 *floridanus*, and prohibited and restricted nonnative freshwater
 1044 and marine species identified in the Aquaculture Best Management

601-03770A-23

20231164c1

1045 ~~Practices manual by rules of the Fish and Wildlife Conservation~~
 1046 ~~Commission~~, may be sold by an aquaculture producer certified
 1047 pursuant to this section or by a dealer licensed pursuant to
 1048 part VII of chapter 379 without restriction so long as the
 1049 product origin can be identified.

1050 Section 32. Subsection (1) and paragraph (c) of subsection
 1051 (3) of section 597.005, Florida Statutes, are amended, and
 1052 paragraph (e) of subsection (3) of that section is reenacted, to
 1053 read:

1054 597.005 Aquaculture Review Council.—

1055 (1) COMPOSITION.—There is created within the department the
 1056 Aquaculture Review Council to consist of eight members ~~as~~
 1057 ~~follows: the chair of the State Agricultural Advisory Council or~~
 1058 ~~designee and seven additional members to be appointed by the~~
 1059 commissioner, including an alligator farmer, a food fish farmer,
 1060 a shellfish farmer, a tropical fish farmer, an aquatic plant
 1061 farmer, a representative of the commercial fishing industry, and
 1062 a representative of the aquaculture industry at large. Members
 1063 shall be appointed for 4-year terms. Each member shall be
 1064 selected from no fewer than two or more than three nominees
 1065 submitted by recognized statewide organizations representing
 1066 each industry segment or the aquaculture industry at large. In
 1067 the absence of nominees, the commissioner shall appoint persons
 1068 who otherwise meet the qualifications for appointment to the
 1069 council. Members shall serve until their successors are duly
 1070 qualified and appointed. An appointment to fill a vacancy shall
 1071 be for the unexpired portion of the term.

1072 (3) RESPONSIBILITIES.—The primary responsibilities of the
 1073 Aquaculture Review Council are to:

Page 37 of 44

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601-03770A-23

20231164c1

1074 (c) Submit to the commissioner on an annual basis:

1075 1. Upon the appropriation of funds by the Legislature, a
 1076 prioritized list of research projects to be funded by the
 1077 department included in the department's legislative budget
 1078 ~~request~~. Each year, the council shall review the aquaculture
 1079 legislative budget requests submitted to the department and rank
 1080 them according to the state aquaculture plan.

1081 2. Recommendations to be forwarded to the Speaker of the
 1082 House of Representatives and the President of the Senate on
 1083 legislation needed to help the aquaculture industry.

1084 3. Recommendations on aquaculture projects, activities,
 1085 research, and regulation and other needs to further the
 1086 development of the aquaculture industry.

1087 (e) Assist the department in carrying out duties identified
 1088 in s. 597.003 by studying aquaculture issues and making
 1089 recommendations for regulating and permitting aquaculture and in
 1090 the development, revision, and implementation of the state
 1091 aquaculture plan.

1092 Section 33. Subsection (1) of section 599.002, Florida
 1093 Statutes, is amended to read:

1094 599.002 Viticulture Advisory Council.—

1095 (1) There is created within the Department of Agriculture
 1096 and Consumer Services the Viticulture Advisory Council, to
 1097 consist of eight members as follows: the president of the
 1098 Florida Grape Growers' Association or a designee thereof; ~~the~~
 1099 ~~viticulture representative of the State Agricultural Advisory~~
 1100 ~~Council~~; a representative from the Institute of Food and
 1101 Agricultural Sciences; a representative from the viticultural
 1102 science program at Florida Agricultural and Mechanical

Page 38 of 44

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601-03770A-23

20231164c1

1103 University; and five ~~four~~ additional commercial members, to be
 1104 appointed for a 2-year term each by the Commissioner of
 1105 Agriculture, including a wine producer, a fresh fruit producer,
 1106 a nonwine product (juice, jelly, pie fillings, etc.) producer,
 1107 and a viticultural nursery operator.

1108 Section 34. Paragraph (q) is added to subsection (4) of
 1109 section 934.50, Florida Statutes, to read:

1110 934.50 Searches and seizure using a drone.—

1111 (4) EXCEPTIONS.—This section does not prohibit the use of a
 1112 drone:

1113 (q) By a non-law enforcement employee of the Department of
 1114 Agriculture and Consumer Services for activities for the
 1115 purposes of managing and eradicating plant or animal diseases.

1116 Section 35. Paragraph (i) of subsection (3) of section
 1117 259.105, Florida Statutes, is amended to read:

1118 259.105 The Florida Forever Act.—

1119 (3) Less the costs of issuing and the costs of funding
 1120 reserve accounts and other costs associated with bonds, the
 1121 proceeds of cash payments or bonds issued pursuant to this
 1122 section shall be deposited into the Florida Forever Trust Fund
 1123 created by s. 259.1051. The proceeds shall be distributed by the
 1124 Department of Environmental Protection in the following manner:

1125 (i) Three and five-tenths percent to the Department of
 1126 Agriculture and Consumer Services for the acquisition of
 1127 agricultural lands, through perpetual conservation easements and
 1128 other perpetual less than fee techniques, which will achieve the
 1129 objectives of Florida Forever and s. 570.71. Rules concerning
 1130 the application, acquisition, and priority ranking process for
 1131 such easements shall be developed pursuant to s. 570.71(11) ~~s.~~

601-03770A-23

20231164c1

1132 ~~570.71(10)~~ and as provided by this paragraph. The board shall
 1133 ensure that such rules are consistent with the acquisition
 1134 process provided for in s. 570.715. The rules developed pursuant
 1135 to s. 570.71(11) ~~s. 570.71(10)~~, shall also provide for the
 1136 following:

1137 1. An annual priority list shall be developed pursuant to
 1138 s. 570.71(11) ~~s. 570.71(10)~~, submitted to the council for
 1139 review, and approved by the board pursuant to s. 259.04.

1140 2. Terms of easements and acquisitions proposed pursuant to
 1141 this paragraph shall be approved by the board and may not be
 1142 delegated by the board to any other entity receiving funds under
 1143 this section.

1144 3. All acquisitions pursuant to this paragraph shall
 1145 contain a clear statement that they are subject to legislative
 1146 appropriation.

1147 Funds provided under this paragraph may not be expended until
 1148 final adoption of rules by the board pursuant to s. 570.71.

1149 Section 36. For the purpose of incorporating the amendment
 1150 made by this act to section 500.03, Florida Statutes, in a
 1151 reference thereto, paragraph (a) of subsection (4) of section
 1152 373.016, Florida Statutes, is reenacted to read:

1153 373.016 Declaration of policy.—

1154 (4) (a) Because water constitutes a public resource
 1155 benefiting the entire state, it is the policy of the Legislature
 1156 that the waters in the state be managed on a state and regional
 1157 basis. Consistent with this directive, the Legislature
 1158 recognizes the need to allocate water throughout the state so as
 1159 to meet all reasonable-beneficial uses. However, the Legislature
 1160

601-03770A-23

20231164c1

1161 acknowledges that such allocations have in the past adversely
 1162 affected the water resources of certain areas in this state. To
 1163 protect such water resources and to meet the current and future
 1164 needs of those areas with abundant water, the Legislature
 1165 directs the department and the water management districts to
 1166 encourage the use of water from sources nearest the area of use
 1167 or application whenever practicable. Such sources shall include
 1168 all naturally occurring water sources and all alternative water
 1169 sources, including, but not limited to, desalination,
 1170 conservation, reuse of nonpotable reclaimed water and
 1171 stormwater, and aquifer storage and recovery. Reuse of potable
 1172 reclaimed water and stormwater shall not be subject to the
 1173 evaluation described in s. 373.223(3)(a)-(g). However, this
 1174 directive to encourage the use of water, whenever practicable,
 1175 from sources nearest the area of use or application shall not
 1176 apply to the transport and direct and indirect use of water
 1177 within the area encompassed by the Central and Southern Florida
 1178 Flood Control Project, nor shall it apply anywhere in the state
 1179 to the transport and use of water supplied exclusively for
 1180 bottled water as defined in s. 500.03(1)(d), nor shall it apply
 1181 to the transport and use of reclaimed water for electrical power
 1182 production by an electric utility as defined in s. 366.02(4).

1183 Section 37. For the purpose of incorporating the amendment
 1184 made by this act to section 500.03, Florida Statutes, in a
 1185 reference thereto, subsection (3) of section 373.223, Florida
 1186 Statutes, is reenacted to read:

1187 373.223 Conditions for a permit.—

1188 (3) Except for the transport and use of water supplied by
 1189 the Central and Southern Florida Flood Control Project, and

Page 41 of 44

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601-03770A-23

20231164c1

1190 anywhere in the state when the transport and use of water is
 1191 supplied exclusively for bottled water as defined in s.
 1192 500.03(1)(d), any water use permit applications pending as of
 1193 April 1, 1998, with the Northwest Florida Water Management
 1194 District and self-suppliers of water for which the proposed
 1195 water source and area of use or application are located on
 1196 contiguous private properties, when evaluating whether a
 1197 potential transport and use of ground or surface water across
 1198 county boundaries is consistent with the public interest,
 1199 pursuant to paragraph (1)(c), the governing board or department
 1200 shall consider:

1201 (a) The proximity of the proposed water source to the area
 1202 of use or application.

1203 (b) All impoundments, streams, groundwater sources, or
 1204 watercourses that are geographically closer to the area of use
 1205 or application than the proposed source, and that are
 1206 technically and economically feasible for the proposed transport
 1207 and use.

1208 (c) All economically and technically feasible alternatives
 1209 to the proposed source, including, but not limited to,
 1210 desalination, conservation, reuse of nonpotable reclaimed water
 1211 and stormwater, and aquifer storage and recovery.

1212 (d) The potential environmental impacts that may result
 1213 from the transport and use of water from the proposed source,
 1214 and the potential environmental impacts that may result from use
 1215 of the other water sources identified in paragraphs (b) and (c).

1216 (e) Whether existing and reasonably anticipated sources of
 1217 water and conservation efforts are adequate to supply water for
 1218 existing legal uses and reasonably anticipated future needs of

Page 42 of 44

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601-03770A-23 20231164c1

1219 the water supply planning region in which the proposed water
1220 source is located.

1221 (f) Consultations with local governments affected by the
1222 proposed transport and use.

1223 (g) The value of the existing capital investment in water-
1224 related infrastructure made by the applicant.

1225

1226 Where districtwide water supply assessments and regional water
1227 supply plans have been prepared pursuant to ss. 373.036 and
1228 373.709, the governing board or the department shall use the
1229 applicable plans and assessments as the basis for its
1230 consideration of the applicable factors in this subsection.

1231 Section 38. For the purpose of incorporating the amendment
1232 made by this act to section 500.03, Florida Statutes, in a
1233 reference thereto, paragraph (a) of subsection (2) of section
1234 373.701, Florida Statutes, is reenacted to read:

1235 373.701 Declaration of policy.—It is declared to be the
1236 policy of the Legislature:

1237 (2) (a) Because water constitutes a public resource
1238 benefiting the entire state, it is the policy of the Legislature
1239 that the waters in the state be managed on a state and regional
1240 basis. Consistent with this directive, the Legislature
1241 recognizes the need to allocate water throughout the state so as
1242 to meet all reasonable-beneficial uses. However, the Legislature
1243 acknowledges that such allocations have in the past adversely
1244 affected the water resources of certain areas in this state. To
1245 protect such water resources and to meet the current and future
1246 needs of those areas with abundant water, the Legislature
1247 directs the department and the water management districts to

601-03770A-23 20231164c1

1248 encourage the use of water from sources nearest the area of use
1249 or application whenever practicable. Such sources shall include
1250 all naturally occurring water sources and all alternative water
1251 sources, including, but not limited to, desalination,
1252 conservation, reuse of nonpotable reclaimed water and
1253 stormwater, and aquifer storage and recovery. Reuse of potable
1254 reclaimed water and stormwater shall not be subject to the
1255 evaluation described in s. 373.223(3) (a)-(g). However, this
1256 directive to encourage the use of water, whenever practicable,
1257 from sources nearest the area of use or application shall not
1258 apply to the transport and direct and indirect use of water
1259 within the area encompassed by the Central and Southern Florida
1260 Flood Control Project, nor shall it apply anywhere in the state
1261 to the transport and use of water supplied exclusively for
1262 bottled water as defined in s. 500.03(1)(d), nor shall it apply
1263 to the transport and use of reclaimed water for electrical power
1264 production by an electric utility as defined in s. 366.02(4).

1265 Section 39. For the 2023-2024 fiscal year, the sum of
1266 \$143,104 in nonrecurring funds is appropriated from the
1267 Operating Trust Fund to the Department of Revenue for the
1268 purpose of modifying the System for Unified Taxation to
1269 implement the Florida farm TEAM card, as created by this act.

1270 Section 40. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

1164

Bill Number or Topic

4/20/23

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Adam Basford

Phone

352-538-4299

Address

516 N Adams St

Email

abasford@a.fl.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Associated Industries of FL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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9/20

Meeting Date

1164

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Courtney Larkin

Phone

Address

Email

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Farm Bureau

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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9/20

Meeting Date

1164

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Landon Hoffman

Phone

Address

Email

Street

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Citrus Mutual

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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4/20/23

Meeting Date

Fiscal Policy

Committee

SB 1164

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Tripp Hunter

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tripp.hunter@ffva.com

Address

119 S Monroe St

Email

850-408-6092

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Fruit and Vegetable Assn.

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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4/20/23

Meeting Date

Fiscal Policy

Committee

1164

Bill Number or Topic

Amendment Barcode (if applicable)

Name Isabelle Garbarino

Phone (850) 617-7700

Address 400 S. Monroe St.

Email _____

Street

Tallahassee

FL

32399

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Dept. of Agriculture (DACs)

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

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4/20/23

Meeting Date

1164

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Jim Spratt

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Email

Jim@magnoliastrategiesllc.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Aquaculture Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04/20/23

Meeting Date

1164

Bill Number or Topic

Fiscal Policy

Committee

372800

Amendment Barcode (if applicable)

Name Lauren Jackson

Phone 931-265-8999

Address 205 S Adams St

Street

Email lauren@tsecgov.com

Tallahassee

FL

32301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Biotechnology Innovation Organization (BIO)

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1170

INTRODUCER: Fiscal Policy Committee and Senators Calatayud and Garcia

SUBJECT: Flooding and Sea Level Rise Vulnerability Studies

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Barriero</u>	<u>Rogers</u>	<u>EN</u>	Favorable
2.	<u>Reagan</u>	<u>Betta</u>	<u>AEG</u>	Favorable
3.	<u>Barriero</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1170 amends the Resilient Florida Program to authorize the Department of Environmental Protection (DEP) to provide grants to counties or municipalities for feasibility studies and the cost of permitting for innovative measures that reduce the impact of flooding and sea level rise and focus on nature-based solutions. The bill authorizes water management districts, in support of local government adaptation planning, to receive grants under the Resilient Florida Grant Program for the purpose of supporting the Florida Flood Hub for Applied Research and Innovation and the DEP for data creation and collection, modeling, and the implementation of statewide standards.

The bill substantially expands the geographical area where a sea level impact projection (SLIP) study is required and changes the types of structures that this requirement applies to. Currently, a SLIP study must be conducted before beginning construction of a new coastal structure within the coastal building zone. The bill amends this requirement by providing that, beginning July 1, 2024, a SLIP study must be conducted before beginning construction of a “potentially at-risk structure or infrastructure” in an area at risk due to sea level rise, regardless of whether it is within the coastal building zone. The bill repeals the current SLIP program on July 1, 2024.

The bill directs the DEP to update its SLIP study rules to provide for the changes required under this bill. In addition to the requirements for the existing rule, the revised rules must include a requirement that state-financed constructors assess the risk of flooding, inundation, and wave action damage to potentially at-risk structures or infrastructure and provide a list of flood mitigation strategies for consideration as part of the structure or infrastructure’s design.

The DEP will incur indeterminate costs to develop rules regarding when a state-financed constructor must conduct a SLIP study. These costs can be handled within existing resources.

The effective date of the bill is July 1, 2023.

II. Present Situation:

Flooding and Sea Level Rise

Given Florida's flat topography¹ and extreme rainfall events, flooding has been an issue throughout the state's history.² The effects of climate change—including sea level rise, increased storm intensity, and increased frequency and severity of extreme rainfall events—have increased flooding in inland and coastal areas.³

Sea level rise is a direct effect of climate change, resulting from a combination of thermal expansion of warming ocean waters and the addition of water mass into the ocean, largely associated with the loss of ice from glaciers and ice sheets.⁴ The global mean sea level has risen about eight to nine inches since 1880, and the rate of rise is accelerating: 0.06 inches per year throughout most of the twentieth century, 0.14 inches per year from 2006–2015, and 0.24 inches per year from 2018–2019.⁵ In 2021, global sea levels set a new record high—3.8 inches above 1993 levels.⁶

The latest projections from the National Oceanic and Atmospheric Administration (NOAA) estimate that an average of two feet sea level rise can be expected over the next 50 years.⁷ All coastal areas of Florida will be affected under this scenario.⁸ Miami-Dade and Monroe Counties, including the Florida Keys, are projected to be most impacted.⁹ Even under a more conservative scenario of one-foot sea level rise, three of Monroe County's four medical facilities, 65 percent of Monroe's schools, and 71 percent of emergency shelters will be below sea level.¹⁰ More than

¹ The Florida coastline has an average elevation of approximately 15 to 20 feet above mean sea level (MSL) with barrier islands typically at elevation zero to five feet above MSL. The southern portion of the state (south of Lake Okeechobee) is typically lower than 15 feet MSL. U.S. Army Corps of Engineers, *South Atlantic Coastal Study: Florida Appendix*, 3-26 (2022), available at

https://www.sad.usace.army.mil/Portals/60/siteimages/SACS/SACS_FL_Appendix_508_20220812.pdf?ver=XGRM8v-69_bdLAFPXEmlOg%3d%3d.

² Florida Office of Economic and Demographic Research (EDR), *Annual Assessment of Flooding and Sea Level Rise*, 2 (2023), available at http://edr.state.fl.us/Content/natural-resources/2023_AnnualAssessmentFloodingandSeaLevelRise_Chapter6.pdf.

³ National Aeronautics and Space Administration (NASA), *The Effects of Climate Change*, <https://climate.nasa.gov/effects/> (last visited Mar. 6, 2023).

⁴ National Oceanic and Atmospheric Administration (NOAA) et al., *Global and Regional Sea Level Rise Scenarios for the U.S.*, (2022) available at <https://oceanservice.noaa.gov/hazards/sealevelrise/sealevelrise-tech-report.html>;

⁵ NOAA, *Climate Change: Global Sea Level*, <https://www.climate.gov/news-features/understanding-climate/climate-change-global-sea-level> (last visited Mar. 6, 2023).

⁶ *Id.*

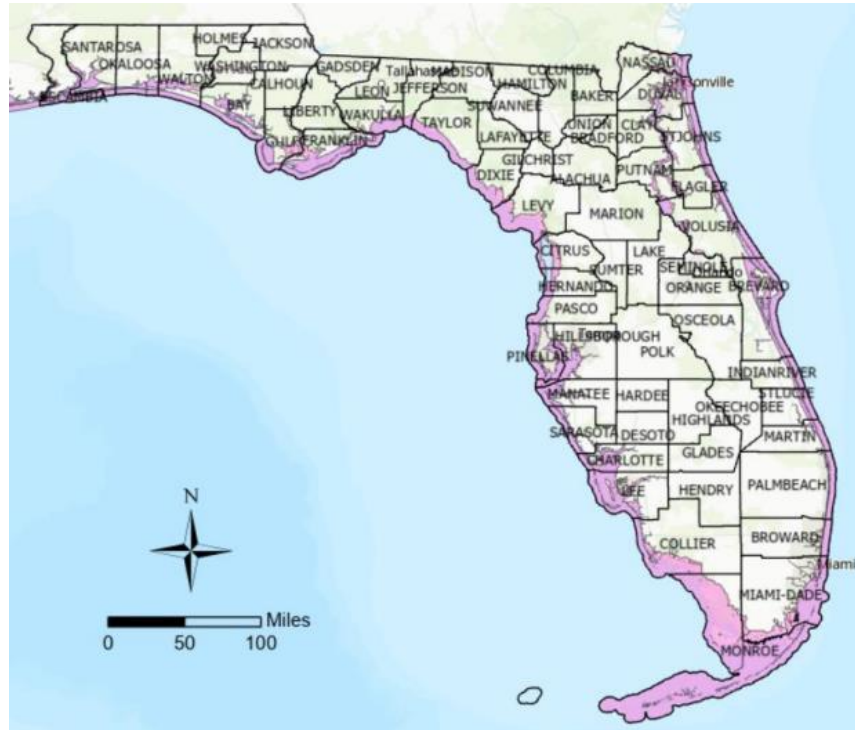
⁷ EDR, *Annual Assessment of Flooding and Sea Level Rise* at 20; NOAA, *Global and Regional Sea Level Rise Scenarios for the U.S.*, (2022) available at <https://oceanservice.noaa.gov/hazards/sealevelrise/sealevelrise-tech-report.html>;

⁸ EDR, *Annual Assessment of Flooding and Sea Level Rise* at 21.

⁹ *Id.* at 21.

¹⁰ *Id.* at 38.

81 miles of roadway from Miami-Dade through Palm Beach County would also be below sea level under the one-foot sea level rise scenario.¹¹



Projection of 2 ft. Sea Level Rise¹²

Over five million structures are estimated to be affected by flooding under a two-foot sea level rise scenario. The estimated value of these at-risk properties exceeds \$576 billion.¹³

Analyses of medical facilities, schools, and fire stations located in the two-foot sea level rise impact area indicate that the actual number of structures that may be completely or partially inundated are few.¹⁴ However, in low-lying areas, and especially on barrier islands, the submergence of the connecting routes to residential areas may greatly impact the continued use and occupation of these structures. In these cases, some neighborhoods may be disconnected from the services that this type of infrastructure provides. In addition, infrastructure on the barrier islands may be cut off from the mainland.¹⁵

Due to its porous geology, economic and property value, and the potential impact of various flooding hazards, southeast Florida is the area most at risk from sea level rise.¹⁶ The effects of sea level rise are already apparent in this region and pose a threat to lives, livelihoods,

¹¹ *Id.* at 39.

¹² *Id.* at 21.

¹³ *Id.* at 24, 25.

¹⁴ *Id.* at 27. For example, accessibility to 53 medical facilities in the coastal areas of Florida may be disrupted; eight school buildings may be partially or completely inundated; and at least seven fire stations in the coastal areas from Jacksonville to Apalachicola may be partially or completely inundated. *Id.* at 31.

¹⁵ *Id.*

¹⁶ EDR, *Annual Assessment of Flooding and Sea Level Rise* at 2.

economies, and the environment.¹⁷ Physical impacts of sea level rise include coastal inundation and erosion, increased frequency of flooding in vulnerable coastal and inland areas due to impairment of the region’s largely gravity-driven stormwater infrastructure system, reduced soil infiltration capacity, and saltwater intrusion of drinking-water supply. Moreover, the impacts of surge from tropical storms or hurricanes are exacerbated by sea level rise. Increased pollution and contamination from flooding degrades natural resources critical to the region’s economy. Sea level rise can also result in displacement, decrease in property values and tax base, increases in insurance costs, loss of services, and impairment of infrastructure such as roads and septic systems.¹⁸

Sea Level Rise Projections

Entities from the international to the local level use scientific data and modeling to create projections of future sea level rise for planning and decision-making. The NOAA operates tide gauges along the nation’s coasts and satellites that measure changes in sea level. In 2017 and 2022, the NOAA published sea level rise projections for the U.S.¹⁹ The NOAA’s projections include observation-based extrapolations and five scenarios ranging from “low” to “high.”²⁰ Interactive maps have been developed to depict local conditions under each NOAA scenario.²¹

Resilience and Nature-Based Solutions

Resilience is the ability of a community to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions.²² Resilience planning includes preparing for hazard events, risk mitigation, and post-event recovery and should be proactive, continuous, and integrated into other community goals and plans.²³

Nature-based solutions (NBSs) are an important part of resilience planning. NBSs use natural features and processes to combat climate change, reduce flood risks, improve water quality,

¹⁷ Sea Level Rise Ad Hoc Work Group, Southeast Florida Regional Climate Change Compact (SFRCCC), *Unified Sea Level Rise Projection: Southeast Florida*, 5 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf.

¹⁸ Sea Level Rise Ad Hoc Work Group, Southeast Florida Regional Climate Change Compact (SFRCCC), *Unified Sea Level Rise Projection: Southeast Florida*, 5 (2019), available at https://southeastfloridaclimatecompact.org/wp-content/uploads/2020/04/Sea-Level-Rise-Projection-Guidance-Report_FINAL_02212020.pdf.

¹⁹ NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, (2017), available at https://tidesandcurrents.noaa.gov/publications/techrpt83_Global_and_Regional_SLR_Scenarios_for_the_US_final.pdf;

NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, (2022), available at <https://aambpublicoceanservice.blob.core.windows.net/oceanserviceprod/hazards/sealevelrise/noaa-nos-techrpt01-global-regional-SLR-scenarios-US.pdf>.

²⁰ NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, 15 (2022). The 2017 projections also included an “extreme” scenario, which has been removed from the 2022 report. See NOAA, *Global and Regional Sea Level Rise Scenarios for the United States*, 23 (2017).

²¹ University of Florida, *Florida Sea Level Scenario Sketch Planning Tool*, <https://sls.geoplan.ufl.edu/viewer/> (last visited Mar. 9, 2023).

²² Federal Emergency Management Agency (FEMA), *National Risk Index: Community Resilience*, <https://hazards.fema.gov/nri/community-resilience> (last visited Mar. 8, 2023).

²³ National Institute of Standards and Technology, U.S. Dep’t of Commerce, *Community Resilience Planning Guide for Buildings and Infrastructure Systems*, 1 (2016), available at <https://nvlpubs.nist.gov/nistpubs/SpecialPublications/NIST.SP.1190v1.pdf>.

protect coastal property, restore and protect wetlands, and stabilize shorelines.²⁴ Examples of NBSs include:

- Living shorelines, which stabilize a shore by combining living components, such as plants, with structural elements, such as rock or sand. Living shorelines can slow waves, reduce erosion, and protect coastal property.
- Oyster reefs. Oysters are often referred to as “ecosystem engineers” because of their tendency to attach to hard surfaces and create large reefs made of thousands of individuals. In addition to offering shelter and food to coastal species, oyster reefs buffer coasts from waves and filter surrounding waters.
- Dunes, which often have dune grasses or other vegetation and serve as a barrier between the water’s edge and inland areas.²⁵

Statewide Resilience Programs

The Florida Legislature has established several statewide resilience programs, including the Resilient Florida Grant Program, the Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set, and the Statewide Flooding and Sea Level Rise Resilience Plan.

The Resilient Florida Grant Program provides grants to counties or municipalities for community resilience planning, including vulnerability assessments, plan development, and projects to adapt critical assets.²⁶ In the programs first two years, 263 implementation projects have been awarded a total of nearly \$954 million.²⁷ Vulnerability assessments funded through this program must encompass the entire county or municipality; use the most recent publicly available Digital Elevation Model and dynamic modeling techniques, if available; and analyze the vulnerability of and risks to critical assets,²⁸ including regionally significant assets.²⁹ In addition, vulnerability assessments must include, where applicable:

- Peril of flood comprehensive plan amendments that address the requirements of s. 163.3178(2)(f), F.S.,³⁰ if the county or municipality is subject to, but has not complied with, such requirements;

²⁴ FEMA, *FEMA Resources for Climate Resilience*, 5 (2021), available at

https://www.fema.gov/sites/default/files/documents/fema_resources-climate-resilience.pdf.

²⁵ FEMA, *Types of Nature-Based Solutions*, <https://www.fema.gov/emergency-managers/risk-management/nature-based-solutions/types> (last visited Mar. 8, 2023).

²⁶ Section 380.093(2)(a), F.S. “Critical asset” is defined to include broad lists of assets relating to transportation, critical infrastructure, emergency facilities, natural resources, and historical and cultural resources.

²⁷ This figure includes \$270 million of state funding for the Statewide Flooding and Sea Level Resilience Plan. DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resources* (Feb. 23, 2023), available at https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150_MeetingPacket_5700_2.23.23.pdf.

²⁸ Critical assets include transportation assets and evacuation routes (airports, bridges, bus terminals, major roadways, etc.), critical infrastructure (wastewater and stormwater treatment facilities, drinking water facilities, solid and hazardous waste facilities, etc.), critical community and emergency facilities (schools, correctional facilities, fire stations, hospitals, etc.), and natural, cultural, and historical resources (conservation lands, parks, shorelines, wetlands, etc.). Section 380.093(2)(a), F.S.

²⁹ Section 380.093(3)(c), F.S. Regionally significant assets are critical assets that support the needs of communities spanning multiple geopolitical jurisdictions. Section 380.093(2)(d), F.S.

³⁰ This section provides that, in communities abutting the Gulf of Mexico or Atlantic Ocean or other coastal areas defined by statute, a local government’s comprehensive plan must include a coastal management element. Sections 163.3178(2) and 163.3177(6)(g), F.S. This element must contain a redevelopment component that outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. Section 163.3178(2)(f), F.S.

- The depth of tidal flooding, current and future storm surge flooding, rainfall-induced flooding (including for a 100-year and 500-year storm), and compound flooding or the combination of tidal, storm surge, and rainfall-induced flooding; and
- The following scenarios and standards:
 - All analyses in the North American Vertical Datum of 1988;³¹
 - At least two local sea level rise scenarios, which must include the 2017 NOAA intermediate-low and intermediate-high sea level rise projections;
 - At least two planning horizons that include planning horizons for the years 2040 and 2070; and
 - Local sea level data that has been interpolated between the two closest NOAA tide gauges.³²

The Comprehensive Statewide Flood Vulnerability and Sea Level Rise Data Set and Assessment will provide information necessary to determine the risks to inland and coastal communities.³³ By July 1, 2023, the DEP must develop a data set providing statewide sea level rise projections and information necessary to determine the risks of flooding and sea level rise to inland and coastal communities. By July 1, 2024, the DEP must develop a statewide assessment (using the statewide data set) identifying vulnerable infrastructure, geographic areas, and communities. The statewide assessment must include an inventory of critical assets and be updated every five years.³⁴

The Statewide Flooding and Sea Level Rise Resilience Plan consists of ranked projects that address risks of flooding and sea level rise to coastal and inland communities.³⁵ Examples of projects include construction of living shorelines, seawalls, and pump stations, elevation projects, and infrastructure hardening.³⁶ Counties, municipalities, water management districts, regional water supply authorities, and other entities may submit to the DEP an annual list of proposed projects. Each project must have a minimum 50 percent cost share, unless the project assists or is within a financially disadvantaged community.³⁷ The DEP ranks the projects using a four-tier scoring system.³⁸ The DEP has adopted rules to implement s. 380.093, F.S., relating to the Statewide Flooding and Sea Level Rise Resilience Plan and project submittal requirements.

³¹ A vertical datum is a surface of zero elevation to which heights of various points are referenced. Traditionally, vertical datums have used classical survey methods to measure height differences (i.e. geodetic leveling) to best fit the surface of the earth. The current vertical datum for the contiguous United States and Alaska is the North American Vertical Datum of 1988. NOAA, *National Geodetic Survey: Vertical Datums*,

<https://www.ngs.noaa.gov/datums/vertical/#:~:text=TABLE%201%3A%20Current%20Vertical%20Datums%20for%20Unit%20States,%20%202002-present%20%201%20more%20rows%20> (last visited Mar. 9, 2023).

³² Section 380.093(3)(d)

³³ Section 380.093(4), F.S.; DEP, *Resilient Florida Program – Statewide Assessment*, <https://floridadep.gov/rcp/resilient-florida-program/content/resilient-florida-program-statewide-assessment> (last visited Mar. 9, 2023).

³⁴ *Id.* See also DEP, *Resilient Florida Program – Statewide Assessment*, <https://floridadep.gov/rcp/resilient-florida-program/content/resilient-florida-program-statewide-assessment> (last visited Mar. 7, 2023).

³⁵ Section 380.093(5), F.S.

³⁶ DEP, *2022-2023 Statewide Flooding and Sea Level Rise Resilience Plan*, available at https://floridadep.gov/sites/default/files/FY22.23%20Statewide%20Flooding%20and%20Sea%20Level%20Rise%20Resilience%20Plan_0.pdf.

³⁷ Section 380.093(5)(e), F.S. A financially disadvantaged small community is a municipality with a population of 10,000 or fewer, or a county with a population of 50,000 or fewer, where the per capita annual income is less than the state's per capita annual income. *Id.*

³⁸ Section 380.093(5)(h), F.S.

These rules can be found in Chapter 62S-8 of the Florida Administrative Code.³⁹ In December 2022, the DEP submitted the Fiscal Year 23-24 Statewide Flooding and Sea Level Rise Resilience Plan totaling nearly \$408 million over the next three years.⁴⁰

The DEP may also provide funding for regional resilience entities to assist local governments with planning for the resilience needs of communities and coordinating intergovernmental solutions to mitigate adverse impacts of flooding and sea level rise.⁴¹ To date, \$4 million has been appropriated to regional resilience entities.⁴²

In 2022, the Statewide Office of Resilience was created within the Executive Office of the Governor for the purpose of reviewing all flood resilience and mitigation activities in the state and coordinating flood resilience and mitigation efforts with federal, state, and local governmental entities and other stakeholders. The office's Chief Resilience Officer and the DEP worked together to provide the Governor and Legislature with a report on flood resilience and mitigation efforts across Florida. The report includes:

- A list of local governments that are required to comply with the requirements of s. 163.3178(2)(f), F.S.,⁴³ but are not in compliance, as reported by the Department of Economic Opportunity;
- A list of local governments that have completed vulnerability assessments in compliance with the requirements of the Resilient Florida grant program in s. 380.093(3), F.S.;⁴⁴
- An overview of the geographic distribution of entities with funded projects in the Statewide Flooding and Sea Level Rise Resilience Plan;⁴⁵ and
- A statewide inventory of basin-level flooding assessments and other related basin-level planning efforts self-reported by water management districts or special districts authorized to submit projects pursuant to s. 380.093(5), F.S.⁴⁶

³⁹ Fla. Admin. Code Chapter 62S-8, available at https://floridadep.gov/sites/default/files/Final%20Rule%20Language_0.pdf.

⁴⁰ DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 9, available at https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf

⁴¹ Section 380.093(6), F.S.

⁴² DEP, *Presentation to the Florida Senate Committee on Environment and Natural Resources*, 18 (Feb. 23, 2023), available at https://www.flsenate.gov/Committees/Show/SSHR/MeetingPacket/5700/10150_MeetingPacket_5700_2.23.23.pdf.

⁴³ Section 163.3178(2)(f), F.S., requires local coastal governments to include a redevelopment component within their comprehensive plans' coastal management element, which outlines the principles that must be used to eliminate inappropriate and unsafe development in the coastal areas when opportunities arise. See DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 2, available at https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf; Letter from Department of Economic Opportunity to DEP, 1-2 (Nov. 9, 2022), available at https://floridadep.gov/DEO_PoF_Letter2022.

⁴⁴ DEP and Florida Statewide Office of Resilience, *2022 Flood Resilience and Mitigation Efforts Across Florida*, 3, available at https://floridadep.gov/sites/default/files/2022%20Flood%20Resilience%20and%20Mitigation%20Efforts%20Report%20Only_0.pdf

⁴⁵ *Id.* at 7-9.

⁴⁶ *Id.* at 10-12.

Florida Flood Hub for Applied Research and Innovation

The Florida Flood Hub for Applied Research and Innovation was established within the University of South Florida College of Marine Science to coordinate efforts between the academic and research institutions of the state.⁴⁷ The Florida Flood Hub is tasked with, among other things, organizing existing data needs for a comprehensive statewide flood vulnerability and sea level rise analysis and performing gap analyses to determine data needs; developing statewide open source hydrologic models for physically based flood frequency estimation and real-time forecasting of flood; establishing community-based programs to improve flood monitoring and prediction along major waterways; and providing tidal and storm surge flooding data to counties and municipalities for vulnerability assessments.⁴⁸

Sea Level Impact Projection (SLIP) Studies

SLIP studies analyze the potential impact of sea level rise and other coastal hazards on state-funded coastal construction projects.⁴⁹ These studies are critical to understanding the safety and economic impacts of sea level rise and coastal flooding.⁵⁰

State-financed constructors⁵¹ must conduct a SLIP study before commencing construction of a new coastal structure within the coastal building zone.⁵² Coastal structures include major structures and uninhabitable major structures:

- Major structure means houses, mobile homes, apartment buildings, condominiums, motels, hotels, restaurants, towers, other types of residential, commercial, or public buildings, and other construction having the potential for substantial impact on coastal zones.⁵³
- Uninhabitable major structure means swimming pools; parking garages; pipelines; piers; canals, lakes, ditches, drainage structures, and other water retention structures; water and sewage treatment plants; electrical power plants, and all related structures or facilities, transmission lines, distribution lines, transformer pads, vaults, and substations; roads, bridges, streets, and highways; and underground storage tanks.

SLIP studies are only required within the coastal building zone. The coastal building zone includes:

- The land area from the seasonal high-water line landward to a line 1,500 feet landward from the coastal construction control line (CCCL) as established pursuant to s. 161.053, F.S., and, for those coastal areas fronting on the Gulf of Mexico, Atlantic Ocean, Florida Bay, or Straits of Florida and not included under s. 161.053, F.S., the land area seaward of the most landward velocity zone (V-zone) line as established by the Federal Emergency Management Agency and shown on flood insurance rate maps;

⁴⁷ Section 380.0933(1), F.S.

⁴⁸ Section 380.0933(2) and (3), F.S.

⁴⁹ DEP, *Slip Studies*, <https://floridadep-slip.org/AboutSLIPStudies.aspx> (last visited Mar. 6, 2023).

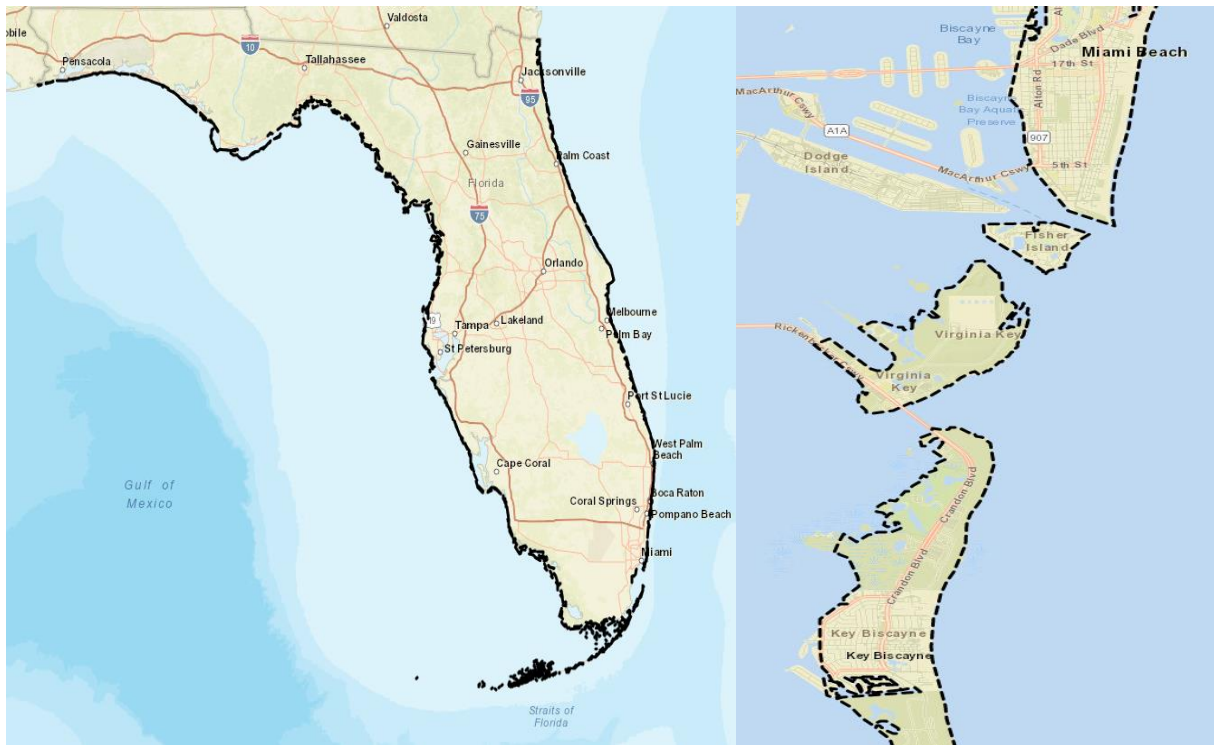
⁵⁰ *Id.*

⁵¹ “State-financed constructor” is defined as a public entity that commissions or manages a construction project using funds appropriated from the state. Section 161.551(1)(d), F.S.

⁵² Section 161.551, F.S.; Fla. Admin. Code R. 62S-7.011(1).

⁵³ Section 161.54(6)(a), F.S.

- On coastal barrier islands, it includes the land area from the seasonal high-water line to a line 5,000 feet landward from the CCCL or the entire island, whichever is less; and
- All land area in the Florida Keys located within Monroe County.⁵⁴



Coastal Building Zone for Florida and parts of Miami-Dade County⁵⁵

At a minimum, a SLIP study must include:⁵⁶

- A systematic, interdisciplinary, and scientifically accepted approach in the natural sciences and construction design in conducting the study;
- Alternatives for the coastal structure’s design and siting, including discussion of how such alternatives would affect the potential public safety and environmental impacts assessed in the study, as well as the risks and costs associated with maintaining, repairing, and constructing the coastal structure; and
- An assessment of the flooding, inundation, and wave action damage risks relating to the coastal structure over its expected life or 50 years, whichever is less. This assessment must:
 - Take into account potential sea-level rise and increased storm risk during the expected life of the coastal structure or 50 years, whichever is less;
 - Provide scientific and engineering evidence of the risk to the coastal structure and methods used to mitigate, adapt to, or reduce this risk;
 - Use available scientific research and generally accepted industry practices;
 - Provide the mean average annual chance of substantial flood damage over the expected life of the coastal structure or 50 years, whichever is less; and

⁵⁴ Fla. Admin. Code R. 62S-7.010; section 161.54(1), F.S.

⁵⁵ DEP, *SLIP Tool*, <https://floridadep-slip.org/Map.aspx> (last visited Mar. 9, 2023).

⁵⁶ Section 161.551(3), F.S.

- Analyze potential public safety and environmental impacts resulting from damage to the coastal structure including, but not limited to, leakage of pollutants, electrocution and explosion hazards, and hazards resulting from floating or flying structural debris.⁵⁷

“Substantial flood damage” as used in this section means flood, inundation, or wave action damage resulting from a single event, such as a flood or tropical weather system, where such damage exceeds 25 percent of the market value of the coastal structure at the time of the event.⁵⁸

The SLIP study must be submitted to the DEP and published on the DEP’s website before construction can commence.⁵⁹ If a state-financed constructor begins construction of a coastal structure without first submitting a SLIP study, the DEP is authorized to institute a civil action for injunctive relief to cease further construction of the coastal structure and recovery of all or a portion of state funds expended on the coastal structure.⁶⁰ The DEP is required to maintain a copy of all SLIP studies on its website for ten years.⁶¹

The DEP has adopted Chapter 62S-7 of the Florida Administrative Code, which implements s. 161.551, F.S., and provides for the requirements for state-financed constructors, SLIP study standards, and the implementation and enforcement of SLIP study requirements. These rules went into effect July 1, 2022. In addition, the DEP created a SLIP Study Tool that provides an interactive map with information on coastal flooding spatial data and details on current SLIP studies.⁶²

III. Effect of Proposed Changes:

Section 1 authorizes the Department of Environmental Protection (DEP) to provide Resilient Florida Program grants to counties or municipalities for feasibility studies and the cost of permitting for innovative measures that reduce the impact of flooding and sea level rise and focus on nature-based solutions. The bill provides that the water management districts are eligible to receive grants under the Resilient Florida Program for the purpose of supporting the Florida Flood Hub for Applied Research and Innovation and the DEP through data creation and collection, modeling, and the implementation of statewide standards.

Section 2 creates s. 380.0937, F.S., which substantially revises the existing sea level impact projection (SLIP) study requirements under s. 161.551, F.S.

The bill substantially expands the geographical area where SLIP studies are required and changes the types of structures that this requirement applies to. Currently, a SLIP study must be conducted before a state-financed constructor begins construction of a new coastal structure within the coastal building zone. The bill amends this requirement by providing that, beginning July 1, 2024, a SLIP study must be conducted before a state-financed constructor begins

⁵⁷ Section 161.551(3), F.S.

⁵⁸ Section 161.551(1)(e), F.S.

⁵⁹ Section 161.551(6)(a), F.S.

⁶⁰ Section 161.551(4), F.S.

⁶¹ Section 161.551(6)(a), F.S.

⁶² DEP, *SLIP Studies*, <https://floridadep-slip.org/AboutSLIPStudies.aspx> (last visited Mar. 8, 2023); DEP, *SLIP Map*, <https://floridadep-slip.org/Map.aspx> (last visited Mar. 8, 2023).

construction of a certain critical assets (called “potentially at-risk structure or infrastructure”) in an “area at risk due to sea level rise.”

The bill defines “area at risk due to sea level rise” as any location projected to be below the threshold for tidal flooding within the next 50 years by adding sea level rise using the highest of the sea level rise projections required under s. 380.093(3)(d)3.b., F.S.⁶³ For the purposes of this definition, the threshold for tidal flooding is two feet above the mean higher high water.⁶⁴ The bill defines “potentially at-risk structure or infrastructure” to mean certain types of critical assets when those assets are within an area at risk due to sea level rise. The types of critical assets for which a slip study would be required include:

- Transportation assets and evacuation routes, including airports, bridges, bus terminals, ports, major roadways, marinas, rail facilities, and railroad bridges;
- Critical infrastructure, including wastewater treatment facilities and lift stations, stormwater treatment facilities and pump stations, drinking water facilities, water utility conveyance systems, electric production and supply facilities, solid and hazardous waste facilities, military installations, communications facilities, and disaster debris management sites;
- Critical community and emergency facilities, including schools, colleges, universities, community centers, correctional facilities, disaster recovery centers, emergency medical service facilities, emergency operation centers, fire stations, health care facilities, hospitals, law enforcement facilities, local government facilities, logistical staging areas, affordable public housing, risk shelter inventory, and state government facilities; and
- Historical or cultural assets.

The bill will require the DEP to update its SLIP rules. The bill retains existing rule requirements with the following changes. The bill:

- Replaces the phrase “mean average annual change of substantial flood damage” with “estimated probability of significant flood damage” in the context of the assessment; and
- Adds a requirement that the state-financed constructor provide a list of flood mitigation strategies evaluated as part of the design of the potentially at-risk structure or infrastructure and identify appropriate flood mitigation strategies for consideration as part of the potentially at-risk structure or infrastructure design.

The bill revises the definition of “substantial flood damage” to “significant flood damage.” The bill adds the term erosion as a type of damage covered in the definition and clarifies that the damage can result from a “discrete or compound natural hazard event” rather than a single event. Under the bill, the damage must exceed:

- Twenty-five percent of the “replacement cost” (existing law uses market value) of the potentially at-risk structure or infrastructure at the time of the event; or

⁶³ This section requires vulnerability assessments to provide at least two local sea level rise scenarios, which must include the 2017 National Oceanic and Atmospheric Administration (NOAA) intermediate-low and intermediate-high sea level rise projections. Section 380.093(3)(d)3.b., F.S.

⁶⁴ Higher high water means the higher of the two high waters of a tidal day where the tide is of the semidiurnal or mixed type. NOAA, *NOAA Shoreline: Glossary*, <https://shoreline.noaa.gov/glossary.html#partg> (last visited Mar. 9, 2023). An area has a semidiurnal tidal cycle if it experiences two high and two low tides of approximately equal size every lunar day. Many areas on the eastern coast of North America experience these tidal cycles. NOAA, *Tides and Water Levels*, https://oceanservice.noaa.gov/education/tutorial_tides/tides07_cycles.html (last visited Mar. 9, 2023).

- A defined threshold established by the DEP, in coordination with the Department of Transportation and the water management districts, for a potentially at-risk structure or infrastructure for which replacement cost is not an appropriate metric, such as roadways. The threshold must be established by July 1, 2024.

Section 3 repeals s. 161.551, F.S., containing the current SLIP study program on July 1, 2024.

Section 4 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Environmental Protection may incur costs to develop rules regarding when a state-financed constructor must conduct a sea level impact projection (SLIP) study. These costs can be handled within existing resources. State-financed constructors may also incur costs to conduct additional SLIP studies.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 380.093 of the Florida Statutes.

This bill creates section 380.0937 of the Florida Statutes.

This bill repeals section 161.551 of the Florida Statutes.

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

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

CS by Fiscal Policy on April 20, 2023:

The amendment moves the substance of the new SLIP study program to a newly created section of law instead of amending, transferring, and renumbering the statute that contains the current SLIP study program. The amendment also repeals the current SLIP study program on July 1, 2024.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
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	.	

The Committee on Fiscal Policy (Calatayud) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

380.093 Resilient Florida Grant Program; comprehensive
statewide flood vulnerability and sea level rise data set and
assessment; Statewide Flooding and Sea Level Rise Resilience
Plan; regional resilience entities.—



922214

11 (3) RESILIENT FLORIDA GRANT PROGRAM.—

12 (b) Subject to appropriation, the department may provide
13 grants to each of the following entities:

14 1. A county or municipality to fund:

15 ~~a.1.~~ The costs of community resilience planning and
16 necessary data collection for such planning, including
17 comprehensive plan amendments and necessary corresponding
18 analyses that address the requirements of s. 163.3178(2)(f).

19 ~~b.2.~~ Vulnerability assessments that identify or address
20 risks of inland or coastal flooding and sea level rise.

21 ~~c.3.~~ The development of projects, plans, and policies that
22 allow communities to prepare for threats from flooding and sea
23 level rise.

24 ~~d.4.~~ Preconstruction activities for projects to be
25 submitted for inclusion in the Statewide Flooding and Sea Level
26 Rise Resilience Plan that are located in a municipality that has
27 a population of 10,000 or fewer or a county that has a
28 population of 50,000 or fewer, according to the most recent
29 April 1 population estimates posted on the Office of Economic
30 and Demographic Research's website.

31 e. Feasibility studies and the cost of permitting for
32 nature-based solutions that reduce the impact of flooding and
33 sea level rise.

34 2. A water management district identified in s. 373.069 to
35 support local government adaptation planning, which may be
36 conducted by the water management district or by a third party
37 on behalf of the water management district. Such grants must be
38 used for the express purpose of supporting the Florida Flood Hub
39 for Applied Research and Innovation and the department in



922214

40 implementing this section through data creation and collection,
41 modeling, and the implementation of statewide standards.

42 Priority must be given to filling critical data gaps identified
43 by the Florida Flood Hub for Applied Research and Innovation
44 under s. 380.0933(2)(a).

45 Section 2. Section 380.0937, Florida Statutes, is created
46 to read:

47 380.0937 Public financing of construction projects within
48 areas at risk due to sea level rise.—

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

50 (a) "Area at risk due to sea level rise" means any location
51 that is projected to be below the threshold for tidal flooding
52 within the next 50 years by adding sea level rise using the
53 highest of the sea level rise projections required by s.
54 380.093(3)(d)3.b. For purposes of this paragraph, the threshold
55 for tidal flooding is 2 feet above mean higher high water.

56 (b) "Department" means the Department of Environmental
57 Protection.

58 (c) "Potentially at-risk structure or infrastructure" means
59 any of the following when within an area at risk due to sea
60 level rise:

61 1. A critical asset as defined in s. 380.093(2)(a)1., 2.,
62 and 3.

63 2. A historical or cultural asset.

64 (d) "Public entity" means the state or any of its political
65 subdivisions, or any municipality, county, agency, special
66 district, authority, or other public body corporate of the state
67 which is demonstrated to perform a public function or to serve a
68 governmental purpose that could properly be performed or served



922214

69 by an appropriate governmental unit.

70 (e) "Significant flood damage" means flood, erosion,
71 inundation, or wave action damage resulting from a discrete or
72 compound natural hazard event, such as a flood or tropical
73 weather system, where such damage exceeds:

74 1. Twenty-five percent of the replacement cost of the
75 potentially at-risk structure or infrastructure at the time of
76 the event; or

77 2. A defined threshold established by the department by
78 rule, in coordination with the Department of Transportation and
79 water management districts, for a potentially at-risk structure
80 or infrastructure for which replacement cost is not an
81 appropriate metric, such as roadways. The threshold must be
82 established by July 1, 2024.

83 (f) "SLIP study" means a sea level impact projection study
84 as established by the department pursuant to subsection (3).

85 (g) "State-financed constructor" means a public entity that
86 commissions or manages a construction project using funds
87 appropriated from the state.

88 (2) Beginning July 1, 2024, a state-financed constructor
89 may not commence construction of a potentially at-risk structure
90 or infrastructure without:

91 (a) Conducting a SLIP study that meets the requirements
92 established by the department;

93 (b) Submitting the study to the department; and

94 (c) Receiving notification from the department that the
95 study was received and that it has been published on the
96 department's website pursuant to paragraph (6) (a) for at least
97 30 days. The state-financed constructor is solely responsible



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98 for ensuring that the study submitted to the department for
99 publication meets the requirements of subsection (3).

100 (3) The department shall develop by rule a standard by
101 which a state-financed constructor must conduct a SLIP study and
102 may require that a professional engineer sign off on the study.
103 The rule applies only to projects not yet commenced as of the
104 date the rule is finalized. The rule may not apply retroactively
105 to projects that commenced before the date the rule is
106 finalized. At a minimum, the standard must require that a state-
107 financed constructor do all of the following:

108 (a) Use a systematic, interdisciplinary, and scientifically
109 accepted approach in the natural sciences and construction
110 design in conducting the study.

111 (b) Assess the flooding, inundation, and wave action damage
112 risks relating to the potentially at-risk structure or
113 infrastructure over its expected life or 50 years, whichever is
114 less.

115 1. The assessment must take into account potential relative
116 local sea level rise and increased storm risk during the
117 expected life of the potentially at-risk structure or
118 infrastructure or 50 years, whichever is less, and, to the
119 extent possible, account for the construction of sea level rise
120 versus land subsidence to the relative local sea level rise.

121 2. The assessment must provide scientific and engineering
122 evidence of the risk to the potentially at-risk structure or
123 infrastructure and methods used to mitigate, adapt to, or reduce
124 this risk.

125 3. The assessment must use and consider available
126 scientific research and generally accepted industry practices.



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127 4. The assessment must provide an estimated probability of
128 significant flood damage to the potentially at-risk structure or
129 infrastructure over the expected life of the structure or
130 infrastructure or 50 years, whichever is less.

131 5. The assessment must analyze potential public safety and
132 environmental impacts resulting from damage to the potentially
133 at-risk structure or infrastructure, including, but not limited
134 to, leakage of pollutants, electrocution and explosion hazards,
135 and hazards resulting from floating or flying structural debris.

136 (c) Provide alternatives for the design and siting of the
137 potentially at-risk structure or infrastructure and analyze how
138 such alternatives would impact the risks specified in
139 subparagraph (b)5., as well as the risk and cost associated with
140 maintaining, repairing, and constructing the potentially at-risk
141 structure or infrastructure.

142 (d) Provide a list of flood mitigation strategies evaluated
143 as part of the design of the potentially at-risk structure or
144 infrastructure and identify appropriate flood mitigation
145 strategies for consideration as part of the potentially at-risk
146 structure or infrastructure design.

147
148 If multiple potentially at-risk structures or infrastructure are
149 to be built concurrently within one project, a state-financed
150 constructor may conduct and submit one SLIP study for the entire
151 project for publication by the department.

152 (4) If a state-financed constructor commences construction
153 of a potentially at-risk structure or infrastructure but has not
154 complied with the SLIP study requirement under subsection (2),
155 the department may bring a civil action in a court of competent



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156 jurisdiction to:

157 (a) Seek injunctive relief to cease further construction of
158 the potentially at-risk structure or infrastructure or to
159 enforce compliance with this section or with rules adopted by
160 the department pursuant to this section.

161 (b) If the potentially at-risk structure or infrastructure
162 has been completed or has been substantially completed, seek
163 recovery of all or a portion of state funds expended on the
164 potentially at-risk structure or infrastructure.

165 (5) This section does not create a cause of action for
166 damages or otherwise authorize the imposition of penalties by a
167 public entity for failure to implement what is contained in the
168 SLIP study.

169 (6) The department:

170 (a) Shall publish and maintain a copy of each SLIP study
171 submitted pursuant to this section on its website for at least
172 10 years after the date the department receives the study.

173 However, any portion of a study containing information that is
174 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
175 Constitution must be redacted by the department before
176 publication.

177 (b) Shall adopt rules as necessary to administer this
178 section.

179 (c) May enforce the requirements of this section.

180 Section 3. Subsection (8) is added to section 161.551,
181 Florida Statutes, to read:

182 161.551 Public financing of construction projects within
183 the coastal building zone.—

184 (8) This section is repealed July 1, 2024.



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185 Section 4. This act shall take effect July 1, 2023.

186

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

188 And the title is amended as follows:

189 Delete everything before the enacting clause
190 and insert:

191 A bill to be entitled
192 An act relating to flooding and sea level rise
193 vulnerability studies; amending s. 380.093, F.S.;
194 revising the purposes for which the Department of
195 Environmental Protection may provide grants under the
196 Resilient Florida Grant Program to counties or
197 municipalities; authorizing the department to provide
198 such grants to water management districts for a
199 specified purpose; requiring that such grants be
200 prioritized; creating s. 380.0937, F.S.; defining
201 terms; requiring state-financed constructors to take
202 specified actions before commencing construction of
203 potentially at-risk structures or infrastructure
204 beginning on a specified date; requiring the
205 department to develop by rule a specified sea level
206 impact projection study standard; specifying
207 requirements for the standard; authorizing the
208 department to bring civil actions, seek injunctive
209 relief, recover certain funds, and enforce specified
210 requirements; providing construction; requiring the
211 department to publish sea level impact projection
212 studies on its website, subject to certain conditions,
213 and adopt rules; amending s. 161.551, F.S.; providing



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214 | for future repeal of requirements for the construction
215 | of certain structures in the coastal building zone;
216 | providing an effective date.

By Senator Calatayud

38-00767A-23

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1 A bill to be entitled
 2 An act relating to flooding and sea level rise
 3 vulnerability studies; amending s. 380.093, F.S.;
 4 revising the purposes for which the Department of
 5 Environmental Protection may provide grants under the
 6 Resilient Florida Grant Program to counties or
 7 municipalities; authorizing the department to provide
 8 such grants to water management districts for a
 9 specified purpose; providing for the prioritization of
 10 such grants; transferring, renumbering, and amending
 11 s. 161.551, F.S.; defining and redefining terms;
 12 requiring state-financed constructors to take
 13 specified actions before commencing construction of
 14 potentially at-risk structures or infrastructure
 15 beginning on a specified date; revising requirements
 16 for the sea level impact projection study standard the
 17 department is required to develop by rule; conforming
 18 provisions to changes made by the act; providing an
 19 effective date.

20
 21 Be It Enacted by the Legislature of the State of Florida:

22
 23 Section 1. Paragraph (b) of subsection (3) of section
 24 380.093, Florida Statutes, is amended to read:
 25 380.093 Resilient Florida Grant Program; comprehensive
 26 statewide flood vulnerability and sea level rise data set and
 27 assessment; Statewide Flooding and Sea Level Rise Resilience
 28 Plan; regional resilience entities.—
 29 (3) RESILIENT FLORIDA GRANT PROGRAM.—

Page 1 of 8

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38-00767A-23

20231170__

30 (b) Subject to appropriation, the department may provide
 31 grants to all of the following entities:
 32 1. A county or municipality to fund:
 33 ~~a.1-~~ The costs of community resilience planning and
 34 necessary data collection for such planning, including
 35 comprehensive plan amendments and necessary corresponding
 36 analyses that address the requirements of s. 163.3178(2)(f).
 37 ~~b.2-~~ Vulnerability assessments that identify or address
 38 risks of inland or coastal flooding and sea level rise.
 39 ~~c.3-~~ The development of projects, plans, and policies that
 40 allow communities to prepare for threats from flooding and sea
 41 level rise.
 42 ~~d.4-~~ Preconstruction activities for projects to be
 43 submitted for inclusion in the Statewide Flooding and Sea Level
 44 Rise Resilience Plan that are located in a municipality that has
 45 a population of 10,000 or fewer or a county that has a
 46 population of 50,000 or fewer, according to the most recent
 47 April 1 population estimates posted on the Office of Economic
 48 and Demographic Research's website.
 49 e. Feasibility studies and the cost of permitting for
 50 innovative measures that reduce the impact of flooding and sea
 51 level rise and focus on nature-based solutions.
 52 2. In support of local government adaptation planning, a
 53 water management district as identified in s. 373.069, either
 54 directly or through contracted services. Such grants must be
 55 used for the express purpose of supporting the Florida Flood Hub
 56 for Applied Research and Innovation and the department in
 57 implementing this section through data creation and collection,
 58 modeling, and the implementation of statewide standards.

Page 2 of 8

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38-00767A-23

20231170__

59 Priority must be given to filling critical data gaps identified
 60 by the Florida Flood Hub for Applied Research and Innovation
 61 under s. 380.0933(2)(a).

62 Section 2. Section 161.551, Florida Statutes, is
 63 transferred, renumbered as section 380.0937, Florida Statutes,
 64 and amended to read:

65 380.0937 ~~161.551~~ Public financing of construction projects
 66 within areas at risk due to sea level rise ~~the coastal building~~
 67 ~~zone.~~

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

69 (a) "Area at risk due to sea level rise" means any location
 70 projected to be below the threshold for tidal flooding within
 71 the next 50 years by adding sea level rise using the highest of
 72 the sea level rise projections required by s. 380.093(3)(d)3.b.
 73 For purposes of this paragraph, the threshold for tidal flooding
 74 is 2 feet above mean higher high water.

75 (b) "Department" means the Department of Environmental
 76 Protection.

77 (c) ~~(a)~~ "Potentially at-risk ~~coastal~~ structure or
 78 infrastructure" means any of the following when within an area
 79 at risk due to sea level rise:

80 1. A critical asset as defined in s. 380.093(2)(a)1., 2.,
 81 or 3.

82 2. A historical or cultural asset ~~a major structure or~~
 83 ~~nonhabitable major structure within the coastal building zone.~~

84 (d) ~~(b)~~ "Public entity" means the state or any of its
 85 political subdivisions, or any municipality, county, agency,
 86 special district, authority, or other public body corporate of
 87 the state which is demonstrated to perform a public function or

38-00767A-23

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88 to serve a governmental purpose that could properly be performed
 89 or served by an appropriate governmental unit.

90 (f) ~~(e)~~ "SLIP study" means a sea level impact projection
 91 study as established by the department pursuant to subsection
 92 (3).

93 (g) ~~(d)~~ "State-financed constructor" means a public entity
 94 that commissions or manages a construction project using funds
 95 appropriated from the state.

96 (e) "Significant ~~Substantial~~ flood damage" means flood,
 97 erosion, inundation, or wave action damage resulting from a
 98 discrete or compound natural hazard ~~single~~ event, such as a
 99 flood or tropical weather system, where such damage exceeds:

100 1. Twenty-five ~~25~~ percent of the replacement cost ~~market~~
 101 value of the potentially at-risk ~~coastal~~ structure or
 102 infrastructure at the time of the event; or

103 2. A defined threshold established by the department by
 104 rule, in coordination with the Department of Transportation and
 105 water management districts, for a potentially at-risk structure
 106 or infrastructure for which replacement cost is not an
 107 appropriate metric, such as roadways. The threshold must be
 108 established by July 1, 2024.

109 (2) Beginning July 1, 2024 ~~1 year after the date the rule~~
 110 ~~developed by the department pursuant to subsection (3) is~~
 111 ~~finalized and is otherwise in effect~~, a state-financed
 112 constructor may not commence construction of a potentially at-
 113 risk ~~coastal~~ structure or infrastructure without:

114 (a) Conducting a SLIP study that meets the requirements
 115 established by the department;

116 (b) Submitting the study to the department; and

38-00767A-23

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117 (c) Receiving notification from the department that the
 118 study was received and that it has been published on the
 119 department's website pursuant to paragraph (6) (a) for at least
 120 30 days. The state-financed constructor is solely responsible
 121 for ensuring that the study submitted to the department for
 122 publication meets the requirements under subsection (3).

123 (3) The department shall develop by rule a standard by
 124 which a state-financed constructor must conduct a SLIP study and
 125 may require that a professional engineer sign off on the study.
 126 The rule ~~must be effective 1 year after the date it is finalized~~
 127 ~~and~~ applies only to projects not yet commenced as of the date
 128 the rule is finalized. The rule may not apply retroactively to
 129 projects that commenced before the date the rule is finalized.
 130 At a minimum, the standard must require that a state-financed
 131 constructor do all of the following:

132 (a) Use a systematic, interdisciplinary, and scientifically
 133 accepted approach in the natural sciences and construction
 134 design in conducting the study.

135 (b) Assess the flooding, inundation, and wave action damage
 136 risks relating to the potentially at-risk coastal structure or
 137 infrastructure over its expected life or 50 years, whichever is
 138 less.

139 1. The assessment must take into account potential relative
 140 local sea level sea-level rise and increased storm risk during
 141 the expected life of the potentially at-risk coastal structure
 142 or infrastructure or 50 years, whichever is less, and, to the
 143 extent possible, account for the contribution of sea level sea-
 144 level rise versus land subsidence to the relative local sea
 145 level sea-level rise.

38-00767A-23

20231170__

146 2. The assessment must provide scientific and engineering
 147 evidence of the risk to the potentially at-risk coastal
 148 structure or infrastructure and methods used to mitigate, adapt
 149 to, or reduce this risk.

150 3. The assessment must use and consider available
 151 scientific research and generally accepted industry practices.

152 4. The assessment must provide an estimated probability of
 153 significant the mean average annual chance of substantial flood
 154 damage to the potentially at-risk structure or infrastructure
 155 over the expected life of the coastal structure or
 156 infrastructure or 50 years, whichever is less.

157 5. The assessment must analyze potential public safety and
 158 environmental impacts resulting from damage to the potentially
 159 at-risk coastal structure or infrastructure, including, but not
 160 limited to, leakage of pollutants, electrocution and explosion
 161 hazards, and hazards resulting from floating or flying
 162 structural debris.

163 (c) Provide alternatives for the ~~coastal structure's~~ design
 164 and siting of the potentially at-risk structure or
 165 infrastructure, and analyze how such alternatives would impact
 166 the risks specified in subparagraph (b)5. as well as the risk
 167 and cost associated with maintaining, repairing, and
 168 constructing the potentially at-risk coastal structure or
 169 infrastructure.

170 (d) Provide a list of flood mitigation strategies evaluated
 171 as part of the design of the potentially at-risk structure or
 172 infrastructure and identify appropriate flood mitigation
 173 strategies for consideration as part of the potentially at-risk
 174 structure or infrastructure design.

38-00767A-23

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If multiple potentially at-risk coastal structures or infrastructure are to be built concurrently within one project, a state-financed constructor may conduct and submit one SLIP study for the entire project for publication by the department.

(4) If a state-financed constructor commences construction of a potentially at-risk coastal structure or infrastructure but has not complied with the SLIP study requirement under subsection (2), the department may institute a civil action in a court of competent jurisdiction to:

(a) Seek injunctive relief to cease further construction of the potentially at-risk coastal structure or infrastructure or to enforce compliance with this section or with rules adopted by the department pursuant to this section.

(b) If the potentially at-risk coastal structure or infrastructure has been completed or has been substantially completed, seek recovery of all or a portion of state funds expended on the potentially at-risk coastal structure or infrastructure.

(5) This section does not ~~may not be construed to~~ create a cause of action for damages or otherwise authorize the imposition of penalties by a public entity for failure to implement what is contained in the SLIP study.

(6) The department:

(a) Shall publish and maintain a copy of each SLIP study ~~all SLIP studies~~ submitted pursuant to this section on its website for at least 10 years after the date the department receives the study receipt. However, any portion of a study containing information that is exempt from s. 119.07(1) and s.

Page 7 of 8

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38-00767A-23

20231170__

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24(a), Art. I of the State Constitution must be redacted by the department before publication.

(b) Shall adopt rules as necessary to administer this section.

(7) The department may enforce the requirements of this section.

Section 3. This act shall take effect July 1, 2023.

Page 8 of 8

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The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

Rules

Committee

1170

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ellyn Bogdanoff

Phone

954 364 6005

Address

1 E Brd Blvd

Email

Street

Ft LAUD

33301

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

American Flood Coalition Action

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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

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9/20/23
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Meeting Date

1170/SLIV

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Kate Weiner

Phone (561) 722-3659

Address 1501 N St Washington DC

Email Kate@hoodcoalition.org

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

APPEARANCE RECORD

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Senate professional staff conducting the meeting

4/20/23 412 kb

Meeting Date

1170

Bill Number or Topic

FP

Committee

Amendment Barcode (if applicable)

Name **David Cullen**

Phone **941-323-2404**

Address **2838 Little Deal Rd**

Email **cullenasea@gmail.com**

Street

Tallahassee

FL

32308

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Sierra Club Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1182

INTRODUCER: Appropriations Committee on Health and Human Services; Children, Families, and Elder Affairs Committee; and Senator Simon and others

SUBJECT: Education and Training for Alzheimer’s Disease and Related Forms of Dementia

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Delia</u>	<u>Cox</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Barr</u>	<u>Money</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	<u>Delia</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1182 creates s. 430.5025, F.S., to establish the Florida Alzheimer’s Disease and Dementia Training Act. The bill establishes universal Alzheimer’s disease and related disorder (ADRD) training requirements to be used by nursing homes, home health agencies, nurse registries, companion or homemaker service providers, health care services pools, assisted living facilities (ALF), adult family-care homes (AFCH), adult day care centers (ADCC), and ADCCs that provide specialized Alzheimer’s services to replace each license type’s individual training requirements on that topic.

The bill defines a number of terms, including “covered provider,” “department,” “employee,” “personal care,” and “regular contact.”

The bill requires that all employees of covered providers receive basic written information about interacting with persons who have ADRD upon beginning employment. Employees of covered providers who provide personal care to or have regular contact with patients, participants, or residents, must also complete one hour of dementia-related training within 30 days of his or her initial employment.

The bill also requires that each employee of a home health agency, nurse registry, or companion or homemaker service provider who provides personal care receive two hours of additional training within the first seven months of employment. Each employee of a nursing home, ALF,

AFCH or ADCC who provides personal care must receive three hours of additional training within the first seven months of employment. Employees of ALFs with a limited mental health license are not required to complete this additional training.

Additionally, an employee of an ALF, AFCH, or ADCC that advertises and provides specialized care for persons with Alzheimer's disease must also receive the following additional training:

- Three hours of additional training within the first three months of employment, rather than the first seven months as with the non-specialize facilities;
- Four hours of dementia-specific training within the first six months of employment; and
- Four hours of continuing education each calendar year through:
 - Contact hours;
 - On-the-job training, limited to a certain amount of credit in each calendar year; or
 - Electronic learning technology.

Employees of a health care services pool must complete the training that correlates with the training required for the position and facility in which the employee will be working.

The bill directs the Department of Elder Affairs (DOEA) to provide the initial one hour of dementia-related training in an online format at no cost. The training must contain information on the following topics:

- Understanding the basics about the most common forms of dementia;
- How to identify the signs and symptoms of dementia; and
- Skills for communicating and interacting with persons with ADRD.

The bill requires the DOEA to make a record of the completion of the one-hour training program available to covered providers. The record must include the training, the name of the employee, and the date of completion. The bill also requires covered providers to maintain a record of each employee's completion of the training and, upon request, provide the employee with a copy of the completion record consistent with the employer's written policies.

Employees hired, contracted, or referred to provide services before July 1, 2023, must complete the training before July 1, 2026. However, proof of completion of equivalent training that has been completed prior to July 1, 2023, may substitute for the training. Employees hired, contracted, or referred to provide services on or after July 1, 2023, may satisfy training requirements by completing current training curricula approved by the DOEA until the effective date of the rules adopted by the DOEA under the bill.

The bill also requires the DOEA to offer education to the general public about ADRD. The education must provide basic information about:

- The most common forms of dementia;
- How to identify the signs and symptoms of dementia;
- Coping skills;
- How to respond to changes;
- Planning for the future; and
- How to access additional resources about dementia.

The bill may have a negative fiscal impact on private sector health care providers and an insignificant negative fiscal impact on the Department of Elder Affairs. *See* Section V of this analysis.

The bill takes effect on July 1, 2023.

II. Present Situation:

Dementia and Alzheimer's Disease

Dementia is the loss of cognitive functioning—thinking, remembering, and reasoning—and behavioral abilities to such an extent that it interferes with a person's daily life and activities. These functions include memory, language skills, visual perception, problem solving, self-management, and the ability to focus and pay attention. Some people with dementia cannot control their emotions, and their personalities may change. Dementia ranges in severity from the mildest stage, when it is just beginning to affect a person's functioning, to the most severe stage, when the person must depend completely on others for basic activities of living.¹

Alzheimer's disease is the most common type of dementia. It is a progressive disease that begins with mild memory loss and can lead to loss of the ability to carry on a conversation and respond to one's environment. Alzheimer's disease affects parts of the brain that control thought, memory, and language. It can seriously affect a person's ability to carry out daily activities. Although scientists are studying the disease, what causes Alzheimer's disease is unknown.²

There are an estimated 580,000 individuals living with Alzheimer's disease in the state of Florida.³ By 2025, it is projected that 720,000 Floridians will have Alzheimer's disease. More than 6 million Americans are living with Alzheimer's and the cost of caring for Alzheimer's disease and related disorders (ADRD) patients is estimated to total nearly \$1 trillion by mid-century.⁴

¹ National Institute on Aging, *What is Dementia? Symptoms, Types, and Diagnosis*, available at <https://www.nia.nih.gov/health/what-dementia-symptoms-types-and-diagnosis>, (last visited on March 11, 2023).

² Centers for Disease Control and Prevention, *Alzheimer's Disease and Healthy Aging*, available at <https://www.cdc.gov/aging/aginginfo/alzheimers.htm#AlzheimersDisease>, (last visited March 11, 2023).

³ Alzheimer's Association, *Alzheimer's Statistics Florida*, available at <https://www.alz.org/media/Documents/florida-alzheimers-facts-figures-2022.pdf> (last visited March 11, 2023).

⁴ *Id.*

Dementia and Alzheimer’s Disease Training

Overview of Current ADRD Training by Facility/Agency Type

Entity	All Employees	Employees with Expected or Required Direct Contact	Employees Providing Direct Care	Health Care Practitioner Continuing Education Sufficient?	Training Approved By?	Additional Reqs.
Nursing Homes	Provided with basic written information about interacting with persons with ADRD upon beginning employment	1 hour of training within the first 3 months of employment	3 additional hours of training within the first 9 months of employment	Yes	DOEA	
Home Health Agencies (HHA)		Not specified	2 hours of training within the first 9 months of employment	Yes	DOEA	HHAs that serve 90% individuals under age 21 are exempt.
Hospice Providers	ADRD upon beginning employment	1 hour of training within the first 3 months of employment	3 additional hours of training within the first 9 months of employment	Yes	DOEA	
Special Care Assisted Living Facilities (ALF)⁵	Employees with incidental contact must be given information within 3 months	4 hours within 3 months of employment	4 additional hours within 9 months of employment + 4 hours CE annually	Not specified.	DOEA	
Adult Day Care Centers	Same as nursing homes, home health agencies, and Hospice	1 hour of training within the first 3 months of employment	3 additional hours of training within the first 9 months of employment	Yes	DOEA	
Specialized Alzheimer’s Services Adult Day Care Centers	Same as nursing homes, home health agencies, and Hospice	4 hours of training within the first 3 months of employment	4 additional hours of training within the first 6 months of employment	Yes	DOEA	
Adult Family-Care Homes	None	None	None	Not Specified.	AHCA	
Nurse Registries/ Companion or Homemaker Services	None	None	None	Not specified.		

⁵ Training is required if the ALF advertises that it provides special care for persons with Alzheimer’s disease or related disorders. Section 429.178, F.S.

Specific details for each facility/agency type are below:

Nursing Homes

A nursing home is a facility that provides 24-hour nursing care, personal care, or custodial care to individuals who are ill or physically infirm.⁶ Nursing homes are licensed and regulated by the Agency for Health Care Administration (AHCA) under part II of ch. 400, F.S.

Section 400.1755, F.S., requires each nursing home to provide the following training:

- Provide employees basic written information about interacting with persons with ADRD upon beginning employment.
- All employees who are expected to, or whose responsibilities require them to, have direct contact with residents with ADRD must also have an initial training of at least one hour completed in the first three months after beginning employment. This training must include, but is not limited to, an overview of dementias and must provide basic skills in communicating with persons with dementia.
- An individual who provides direct care must complete the required initial training and an additional three hours of training within nine months after beginning employment. This training must include, but is not limited to, managing problem behaviors, promoting the resident's independence in activities of daily living, and skills in working with families and caregivers. Health care practitioners' continuing education can be counted toward the required training hours.
- The Department of Elder Affairs (DOEA) or its designee must approve the initial and continuing training provided in the facilities. The DOEA must approve training offered in a variety of formats, including, but not limited to, internet-based training, videos, teleconferencing, and classroom instruction. The DOEA must keep a list of current providers who are approved to provide initial and continuing training. The DOEA must adopt rules to establish standards for the trainers and the training required in this section of statute.
- Upon completing any training listed in the section, the employee or direct caregiver must be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility or to an assisted living facility, home health agency, adult day care center, or adult family-care home. The direct caregiver must also comply with other applicable continuing education requirements.

Home Health Agencies

A home health agency provides one or more of the following home health services: nursing care; therapy; home health aide services; dietetics and nutrition; or medical supplies.⁷ Home health agencies are licensed and regulated by the AHCA under part III of ch. 400, F.S.

Section 400.4785, F.S., requires a home health agency to provide the following staff training:

⁶ Section 400.021(7), F.S.

⁷ Section 400.462(12) and (14), F.S.

- Upon beginning employment with the agency, each employee must receive basic written information about interacting with participants who have ADRD.
- Newly-hired home health agency personnel who will be providing direct care to patients must complete two hours of training in ADRD within nine months after beginning employment with the agency. This training must include, but is not limited to, an overview of dementia, a demonstration of basic skills in communicating with persons who have dementia, the management of problem behaviors, information about promoting the client's independence in activities of daily living, and instruction in skills for working with families and caregivers.
- For certified nursing assistants, the required two hours of training are part of the total hours of training required annually.
- For a health care practitioner, as defined in s. 456.001, F.S.,⁸ continuing education hours taken as required by that practitioner's licensing board are counted toward the total of two hours.
- For an employee who is a licensed health care practitioner, training that is sanctioned by that practitioner's licensing board must be considered to be approved by the DOEA.
- The DOEA, or its designee, must approve the required training. The DOEA must consider for approval training offered in a variety of formats. The DOEA must keep a list of current providers who are approved to provide the two-hour training. The DOEA must adopt rules to establish standards for the employees who are subject to this training, for the trainers, and for the training required in this section of statute.
- Upon completing the training listed in the section, the employee must be issued a certificate that states that the training mandated under the section has been received. The certificate must be dated and signed by the training provider. The certificate is evidence of completion of this training, and the employee is not required to repeat this training if the employee changes employment to a different home health agency.
- A licensed home health agency whose unduplicated census during the most recent calendar year was composed of at least 90 percent of individuals aged 21 years or younger at the date of admission is exempt from the training requirements in this section of statute.

Assisted Living Facilities

An assisted living facility (ALF) is a residential establishment, or part of a residential establishment, that provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.⁹ ALFs are licensed and regulated by the AHCA under part I of ch. 429, F.S. An ALF that advertises that it provides special care for individuals with ADRD is required to meet certain staffing and ADRD training requirements that are not required of other ALFs.¹⁰

⁸ Section 456.001(4), F.S., defines "health care practitioner" as any person licensed under ch. 457, F.S.; ch. 458, F.S.; ch. 459, F.S.; ch. 460, F.S.; ch. 461, F.S.; ch. 462, F.S.; ch. 463, F.S.; ch. 464, F.S.; ch. 465, F.S.; ch. 466, F.S.; ch. 467, F.S.; part I, part II, part III, part V, part X, part XII, or part XIV of ch. 468, F.S.; ch. 478, F.S.; ch. 480, F.S.; part I or part II of ch. 483, F.S.; ch. 484, F.S.; ch. 486, F.S.; ch. 490, F.S.; or ch. 491, F.S.

⁹ Section 429.02(5), F.S.

¹⁰ Sections 429.177 and 429.178(1), F.S.

All ALF employees are required to attend a preservice orientation provided by the facility prior to interacting with residents. The preservice orientation must be at least two hours and must cover certain topics, including resident's rights and the services offered by the facility.¹¹ ADRD training is only required for employees of ALFs that provide special care for residents with ADRD.¹² Further, s. 429.178, F.S., requires an ALF that advertises it provides special care for persons with ADRD to provide the following training:

- An employee who has regular contact with such residents must complete up to four hours of initial dementia-specific training developed or approved by the DOEA. The training must be completed within three months after beginning employment and satisfy the core training requirements of s. 429.52(3)(g), F.S.
- A direct caregiver who provides direct care to such residents must complete the required initial training and four additional hours of training developed or approved by the DOEA. The training must be completed within nine months after beginning employment and satisfy the core training requirements of s. 429.52(3)(g), F.S.
- An individual who is employed by a facility that provides special care for residents with ADRD, but who only has incidental contact with such residents, must be given, at a minimum, general information on interacting with individuals with ADRD, within three months after beginning employment.
- A direct caregiver must also participate in a minimum of four contact hours of continuing education each calendar year. The continuing education must include one or more topics included in the dementia-specific training, developed or approved by the DOEA, in which the caregiver has not received previous training.
- Upon completing any specified training, the employee or direct caregiver must be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat training in that topic if the employee or direct caregiver changes employment to a different facility. The employee or direct caregiver must comply with other applicable continuing education requirements.
- The DOEA, or its designee, must approve the initial and continuing education courses and providers.
- The DOEA must keep a current list of providers who are approved to provide initial and continuing education for staff of facilities that provide special care for persons with ADRD.

Adult Family-Care Homes

An adult family-care home (AHCA) is a private home, under which a person who owns or rents the home provides room, board, and personal care in a family-like living arrangement, on a 24-hour basis, for no more than five disabled adults or frail elders who are not relatives of the homeowner.¹³ AFCHs are licensed and regulated by the AHCA under part II of ch. 429, F.S.

¹¹ Section 429.52(1), F.S., and Rule 59A-36.011(2), F.A.C.

¹² Section 429.178(1), F.S., requires an ALF that advertises that it provides special care for persons with ADRD to meet certain standards of operation that are not required of other ALFs. This is not a separate licensure category. The additional standards of operation include: have an awake staff member on duty 24 hours a day, if the facility has 17 or more residents; if the facility has fewer than 17 residents, the facility may have mechanisms in place to monitor residents instead of having an awake staff member on duty 24 hours a day; offer activities specifically designed for persons who are cognitively impaired; have a physical environment that provides for the safety and welfare of the residents; and employ staff who have completed the required training and continuing education.

¹³ Section 429.65(2), F.S.

AFCH providers are required to undergo 12 hours of training some of which must be related to Identifying and meeting the special needs of disabled adults and frail elders. However, providers are not currently required to undergo training specific to ADRD.¹⁴

Adult Day Care Centers

Adult day care centers (ADCC) provide therapeutic services and activities for adults in a non-institutional setting.¹⁵ Participants may utilize a variety of services offered during any part of a day totaling less than 24-hours. Basic services provided by ADCCs include leisure activities, self-care training, nutritional services, and respite care.¹⁶

Section 429.917, F.S., requires an ADCC to provide the following staff training:

- Upon beginning employment with the facility, each employee must receive basic written information about interacting with participants who have ADRD.
- In addition to the information provided, newly-hired adult day care center personnel who are expected to, or whose responsibilities require them to, have direct contact with participants who have ADRD must complete initial training of at least one hour within the first three months after beginning employment. The training must include an overview of dementias and must provide instruction in basic skills for communicating with persons who have dementia.
- In addition to the previous requirements, an employee who will be providing direct care to a participant who has ADRD must complete an additional three hours of training within nine months after beginning employment. This training must include, but is not limited to, the management of problem behaviors, information about promoting the participant's independence in activities of daily living, and instruction in skills for working with families and caregivers.
- For certified nursing assistants, the required four hours of training is part of the total hours of training required annually.
- For a health care practitioner as defined in s. 456.001, F.S., continuing education hours taken as required by that practitioner's licensing board are counted toward the total of four hours.
- For an employee who is a licensed health care practitioner as defined in s. 456.001, F.S., training that is sanctioned by that practitioner's licensing board is considered to be approved by the DOEA.
- The DOEA or its designee must approve the one-hour and three-hour training provided to employees and direct caregivers under this section of statute. The DOEA must consider for approval training offered in a variety of formats. The DOEA must keep a list of current providers who are approved to provide the one-hour and three-hour training. The DOEA must adopt rules to establish standards for the employees who are subject to this training, for the trainers, and for the training required in this section of statute.
- Upon completing any training described in the section, the employee or direct caregiver must be issued a certificate that includes the name of the training provider, the topic covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topic, and the employee or direct caregiver is not required to repeat

¹⁴ See s. 429.75, F.S., and Fla. Admin. Code R. 59A-37.007 (2020).

¹⁵ Section 429.901(3), F.S.

¹⁶ *Id.*

training in that topic if the employee or direct caregiver changes employment to a different ADCC or to an ALF, nursing home, home health agency, or hospice. The direct caregiver must comply with other applicable continuing education requirements.

Specialized Alzheimer's Services Adult Day Care Centers

An ADCC may hold a license designated by the AHCA as a specialized Alzheimer's services adult day care center if it meets certain requirements.¹⁷ Employees of specialized Alzheimer's services ADCCs, who have direct contact with, or provide direct care to, individuals with ADRD are required to receive four hours of ADRD training within three months of beginning employment.¹⁸ Employees of specialized Alzheimer's services ADCCs who provide direct care to participants with ADRD are required to receive an additional four hours of training within six months of beginning employment. The curriculum for the additional four hours of training must address the following subject areas:

- Understanding brain disease;
- Normal brain functions and normal aging;
- Understanding treatable and irreversible dementia;
- Mental status tests;
- Communication and the effects of damage to brain cells;
- Influences on behavior and brain deterioration;
- Interventions;
- Physical causes and pain indications;
- Common ADRD medications and side effects;
- Malnutrition and dehydration;
- Activities of daily living;
- Validation therapy;
- Safety; and
- Caregiver stress management.¹⁹

Employees of specialized Alzheimer's services ADCCs who provide direct care to participants with ADRD are also required to receive 4-hours of continuing education annually in topics related to ADRD.²⁰

Nurse Registries and Companion and Homemaker Services

A nurse registry is an agency licensed to secure employment for registered nurses, licensed practical nurses, certified nursing assistants, home health aides, companions, and homemakers, who are compensated by fees as independent contractors to provide services in a patient's home or with health care facilities or other entities.²¹ Nurse registries are governed by part II of chapter 408, F.S., and the nurse registry rules in ch. 59A-18, F.A.C. A nurse registry must be licensed by

¹⁷ Section 429.918(4), F.S.

¹⁸ Rule 59A-16.111(2), F.A.C.

¹⁹ Rule 59A-16.111(3), F.A.C.

²⁰ Rule 59A-16.111(5), F.A.C.

²¹ Section 400.462(21), F.S.

the AHCA to offer contracts in Florida.²² Current law does not require contracted personnel of nurse registries to complete training on ADRD.

Companions spend time with and care for elderly, handicapped, or convalescent individuals, prepare and serve meals to such individuals, and accompany such individuals on trips and outings. Companions are prohibited from providing hands-on personal care to a client.²³ Homemakers perform household chores that include housekeeping, meal planning and preparation, shopping assistance, and routine household activities for elderly, handicapped, or convalescent individuals. Homemakers are prohibited from providing hands-on personal care to a client.²⁴ Current law does not require companions or homemakers to complete training on ADRD.

Health Care Services Pools

A health care services pool is a business that provides licensed, certified, or trained health care personnel to work as temporary staff in health care facilities and residential facilities to support or supplement the facilities' work force as necessary to cover employee absences, temporary skill shortages, seasonal workloads, and special assignments and projects.²⁵ Health care services pools are governed by part II of chapter 408, F.S., and Rule 59A-27, F.A.C., and must be licensed by the AHCA to offer services to Florida facilities.²⁶

A health care services pool must document that each temporary employee provided to a health care facility has met the licensing, certification, training, or continuing education requirements for the position in which her or she will be working.²⁷

ADRD Training Providers and Curricula

The DOEA or its designee is responsible for approving ADRD training providers and curricula for employees of nursing homes, home health agencies, ALFs, and adult day care centers.²⁸ The University of South Florida (USF) administers the program through a contract with DOEA.²⁹ To be approved as a training provider, an applicant must provide proof of certain educational and experience requirements, including:

- A Master's degree from an accredited college in health care, human services, or gerontology; or
- A Bachelor's degree from an accredited college, or licensure as a registered nurse; and
- One year of experience as an educator of caregivers for individuals with ADRD; or
- Completion of a specialized training program relating to ADRD and a minimum of two years of practical experience in a program providing direct care to individuals with ADRD; or

²² Section 400.506(1), F.S.

²³ Section 400.462(7), F.S.

²⁴ Section 400.462(18), F.S.

²⁵ Section 400.980(1), F.S.

²⁶ Rule 58A-27.002, F.A.C.

²⁷ Section 400.980(5), F.S.

²⁸ Sections 400.1755(5), 400.4785(1)(f), 429.178(5), and 429.917(1)(g), F.S.

²⁹ The University of South Florida, College of Behavioral & Community Sciences, USF's Training Academy on Aging, *Alzheimer's Disease and Related Disorders*

Frequently Asked Questions, available at <http://www.trainingonaging.usf.edu/products/faq.cfm> (last visited March 11, 2023).

- Three years of practical experience in a program providing direct care to individuals with ADRD.³⁰

Upon successful completion of training, the trainer is required to issue the trainee a certificate of completion.³¹ Training curricula is certified for a period of three years and must be resubmitted for approval.³² Approval of training curricula is based on how well it addresses the required subject areas.³³

The table below depicts the number of approved trainers and training curricula by facility/provider type.³⁴

Facility/Provider Type	Approved Training Providers	Approved Training Curricula
Nursing Home	1,865	24
Assisted Living Facility	800	66
Home Health Agency	750	22
Adult Day Care Center	133	17
Total	3,548	129

Quality of Long-Term Care Facility Improvement Trust Fund

The Quality of Long-Term Care Facility Improvement Trust Fund (“Trust Fund”), created in 2001,³⁵ supports innovative ideas that directly impact quality of care or quality of life of nursing home residents beyond minimum standards.³⁶ Section 400.0239, F.S., places the Trust Fund within the AHCA.³⁷ Trust Fund expenditures can be made for:

- Development and operation of a mentoring program for increasing the competence, professionalism, and career preparation of long-term care facility direct care staff, including nurses, nursing assistances, and social service and dietary personnel;
- Development and implementation of specialized training programs for long-term care facility personnel who provide direct care of residents:
 - With ADRD;
 - At risk of developing pressure sores; and
 - With special nutrition and hydration needs.
- Provision of economic and other incentives to enhance the stability and career development of the nursing home direct care workforce, including paid sabbaticals for exemplary direct

³⁰ Rule 58A-5.0194(1)(a), F.A.C.

³¹ Rule 58A-5.0194(3), F.A.C.

³² Rule 58A-5.0194(1)(b), F.A.C.

³³ *Id.*

³⁴ The University of South Florida’s Training Academy on Aging, *Find Approved Applications*, available at <https://usfweb.usf.edu/trainingonAging/default.aspx>, (last visited March 11, 2023).

³⁵ Ch. 2001-205, L.O.F.

³⁶ The AHCA, *Quality of Long-Term Care Facility Improvement Trust Fund*, available at https://ahca.myflorida.com/MCHQ/Health_Facility_Regulation/Long_Term_Care/Trust_Fund.shtml (last visited March 11, 2023).

³⁷ Section 400.0239(1), F.S.

care career staff to visit facilities throughout the state to train and motivate younger workers to commit to long-term care careers; and

- Promotion and support for the formation and active involvement of resident and family councils in the improvement of nursing home care.³⁸

The Trust Fund is funded through a combination of:

- General Revenue;
- The Civil Money Penalty Fund; and
- Fifty percent of any punitive damages awarded in lawsuits against a nursing home or ALF.³⁹

III. Effect of Proposed Changes:

Alzheimer’s Disease and Related Disorders (ADRD) Training Requirements

Section 1 creates s. 430.5025, F.S., which may be cited as the “Florida Alzheimer’s Disease and Dementia Training Act”, to establish universal Alzheimer’s disease and related disorders (ADRD) training requirements for nursing homes, home health agencies, nurse registries, companion and homemaker service providers, health care services pools, assisted living facilities (ALF), adult family-care homes (AFCH), and adult day care centers (ADCC) with limited exception.

The bill defines the following terms:

- “Covered provider” means a nursing home, a home health agency, a nurse registry, health care services pool, a companion or homemaker service provider, an ALF, an AFCH, or an ADCC licensed or registered under ch. 400, F.S., or ch. 429, F.S.
- “Department” means the Department of Elderly Affairs.⁴⁰
- “Employee” means a person, contracted staff, or independent contractor employed or referred by a covered provider who is required to have a level 2 background screening as required by s. 408.809, F.S., and ch. 435, F.S.
- “Personal care” means providing, through in-person contact, assistance with activities of daily living, assistance with self-administration of medication, homemaker or companion services, nursing services, or other services that promote the physical, mental, and psychosocial well-being of participants, patients, and residents of covered providers. The term does not include duties involving administrative functions or maintaining the physical environment of a licensed facility, including grounds maintenance, building maintenance, housekeeping, laundry, or food preparation.
- “Regular contact” means the performance of duties other than personal care which may require employees to interact in person on a daily basis with participants, patients, or residents.

The bill requires the Department of Elder Affairs (DOEA) to offer education about ADRD to the general public. The education must provide basic information about:

- The most common forms of dementia;

³⁸ Section 400.0239(2), F.S.

³⁹ Section 400.0238(4), F.S.

⁴⁰ Also known as the Department of Elder Affairs (DOEA).

- How to identify the signs and symptoms of dementia;
- Coping skills;
- How to respond to changes;
- Planning for the future; and
- How to access additional resources about dementia.

The bill also requires employees of covered providers who provide personal care to or have regular contact with patients, participants, or residents, one hour of dementia-related training within 30 days of his or her employment. All employees must also receive basic written information about interacting with persons who have ADRD upon beginning employment.

The bill directs the DOEA to provide the initial one hour of dementia-related training. The training must be provided in an online format at no cost and must contain information on the following topics:

- Understanding the basics about the most common forms of dementia;
- How to identify the signs and symptoms of dementia; and
- Skills for communicating and interacting with persons with ADRD.

The table below summarizes the changes (indicated by red font) to training requirements for all employees of covered providers.

Initial Training for all “Employees”					
		Basic Written Info		Hours	
		Current	Effect of the Bill	Current	Effect of the Bill
Nursing Homes		Basic written info upon beginning employment	Basic written info upon beginning employment	None.	1 hr w/in 1 st 30 days
Home Health Agencies		Basic written info upon beginning employment	Basic written info upon beginning employment	None.	1 hr w/in 1 st 30 days
Nurse Registry Companion or Homemaker Service		None.	Basic written info upon beginning employment	None.	1 hr w/in 1 st 30 days
ALFs	Generally	None.	Basic written info upon beginning employment	None.	1 hr w/in 1 st 30 days
	Special Care	Basic written info w/in 1 st 3 months	Basic written info upon beginning employment	None.	1 hr w/in 1 st 30 days
Adult Family-Care Home	Generally	None.	Basic written info upon beginning employment	None.	1 hr w/in 1 st 30 days
	Special Care	None.	Basic written info upon beginning employment	None.	1 hr w/in 1 st 30 days
Adult Day Care Centers	Generally	Basic written info upon beginning employment	Basic written info upon beginning employment	None.	1 hr w/in 1 st 30 days
	Special Care	Basic written info upon beginning employment	Basic written info upon beginning employment	None.	1 hr w/in 1 st 30 days

The bill also makes the following changes (indicated by red font) to the ADRD training requirements for direct care workers employed by nursing homes, home health agencies, nurse registries, ALFs, and ADCCs.

		Direct Care Workers Providing Personal Care to Individuals with ADRD ⁴¹					
		Initial Training ⁴²		Additional 1 st Year Training		Continuing	
		Current	Effect of the Bill	Current	Effect of the Bill	Current	Effect of the Bill
Nursing Homes		1 hr. w/in 1 st 3 months	1 hr w/in 1st 30 days	3 hrs. w/in 1 st 9 months	3 hrs. w/in 1 st 7 months	None.	No change.
Home Health Agencies		None.	1 hr w/in 1st 30 days	2 hrs. w/in 1 st 9 months	2 hrs. w/in 1 st 7 months	None.	No change.
Nurse Registry Companion or Homemaker Service		None.	1 hr w/in 1st 30 days	None.	2 hrs. w/in 1 st 7 months	None.	No change.
ALFs	Generally	None.	1 hr w/in 1st 30 days	None.	3 hrs. w/in 1 st 7 months ⁴³	None.	No change.
	Special Care	4 hrs. w/in 1 st 3 months	1 hr w/in 1st 30 days	4 hrs. w/in 1 st 9 months	3 hrs. w/in 1 st 3 months plus 4 hrs. w/in 1 st 6 months	4 hrs., annually	No change.
Adult Family-Care Home	Generally	None.	1 hr w/in 1st 30 days	None.	3 hrs. w/in 1 st 7 months	None.	No change.
	Special Care	None.	1 hr w/in 1st 30 days	None.	3 hrs. w/in 1 st 3 months plus 4 hrs. w/in 1 st 6 months	None.	4 hrs., annually
Adult Day Care Centers	Generally	1 hr. w/in 1 st 3 months	1 hr w/in 1st 30 days	3 hrs. w/in 1 st 9 months	3 hrs. w/in 1 st 7 months	None.	No change.
	Special Care	4 hrs. w/in 1 st 3 months	1 hr w/in 1st 30 days	4 hrs. w/in 1 st 6 months	3 hrs. w/in 1 st 3 months plus 4 hrs. w/in 1 st 6 months	4 hrs., annually, per rule	4 hrs., annually, per statute

⁴¹ Note: New training requirements only apply to employees providing direct care to patients/residents with ADRD, as compared to training requirements in current law which apply to employees providing direct care to any patient/resident.

⁴² Current law only provides an initial hour-based training requirement for the direct care workers of certain provider types. The proposed initial hourly training requirement applicable to all “employees” is repeated here since all “direct care workers” will have to complete this training. This initial training requirement is not in addition to the initial hour-based training that is currently applicable.

⁴³ Note: Employees of an ALF licensed as a limited mental health facility will not be required to complete the additional three hours of training within the first seven months of employment.

The bill requires each employee of a home health agency, nurse registry, or companion or homemaker service provider who provides personal care to receive two hours of additional training within the first seven months of employment. The additional training must include, but is not limited to:

- Behavior management;
- Promoting the person's independence in activities of daily living; and
- Skills for working with families and caregivers.

Each employee of a nursing home, ALF, AFCH or ADCC who provides personal care must receive three hours of additional training within the first seven months of employment. The additional training must include the three above-mentioned topics and also include, but not be limited to:

- Group and individual activities;
- Maintaining an appropriate environment; and
- Ethical issues.

Each employee of an ALF, AFCH, or ADCC that advertises and provides specialized care for persons with Alzheimer's disease must also receive the following additional training if such employee provides personal care, as defined in the bill:

- Three hours of additional training within the first three months of employment, rather than the first seven months;
- Four hours of dementia-specific training within the first six months of employment; and
- Four hours of continuing education each calendar year through:
 - Contact hours;
 - On-the-job training⁴⁴ which can account for no more than 2 hours of continuing education credit each calendar year; or
 - Electronic learning technology.

The bill requires the continuing education to cover at least one of the topics included in the dementia-specific training in which the employee has not received previous training within the last calendar year.

The bill allows ADRD training hours required under the bill to count toward the total hours of training required for certified nursing assistants to maintain certification. The bill also allows ADRD training hours to count toward the total hours of continuing education required for health care practitioners, as defined in s. 456.001, F.S.

Employees of a health care services pool must complete the training that correlates with the training required for the position and facility in which the employee will be working.

⁴⁴ The bill defines "on-the-job training" to mean a form of direct coaching in which a facility administrator or his or her designee instructs an employee who provides personal care with guidance, support, or hands-on experience to help develop and refine the employee's skills for caring for a person with ADRD.

ADRD Training Providers and Curricula

Current law authorizes DOEA or its designee to approve the initial 1-hour training curricula, the additional training (post-initial training) curricula, and the continuing education curricula for nursing homes, ALFs, adult family-care homes, home health agencies, and adult day care centers. The bill adds the authority for DOEA to approve such training curricula for nurse registries and homemaker and companion services.

The bill provides that any ADRD training and curriculum that has been approved before July 1, 2023 remains in effect until the curriculum's expiration date. The bill authorizes the DOEA to create training curricula guidelines and adopt rules to establish requirements for the approval of other qualified training providers, and to conduct samplings of training curricula as necessary to monitor for compliance with curriculum guidelines. The bill also permits the DOEA to develop or provide continuing education training or curricula as an option for covered providers and employees.

For the post-initial training and continuing education, the bill allows training providers who meet certain qualifications to offer training without prior approval, including:

- A person approved by the DOEA or its designee before July 1, 2023.
- An individual who is approved by an applicable board or the Department of Health (DOH) to provide training, is registered with the DOH electronic continuing education tracking system, and meets one of the following experience requirements:
 - At least one year of teaching experience as an educator for caregivers of persons with ADRD;
 - At least one year of practical experience in a program providing care to persons with ADRD; or
 - Completion of a specialized ADRD training program from an accredited health care, human services, or gerontology education provider.

Training Records

Under the bill, employees are not required to repeat any of the training requirements in the bill upon a change of employment to a different covered provider. To facilitate this, the bill addresses employee access to their own training records.

For the initial training, the bill requires trainers to provide a record of an employee's completion of training to the covered provider. The bill requires the covered provider to maintain a record of the employee's completion of the training, and upon written request by the employee, provide a copy of the record of completion to the employee.

For post-initial training and continuing education, the bill requires trainers to provide a record of an employee's completion of training and continuing education, but it does not specify to whom the record must be provided (covered provider or employee). Further, the bill does not require a covered provider to maintain the record of completion or provide a copy of the record of completion as it does for records of completion of initial training.

Health care services pools will be required to verify and maintain documentation that each employee or independent contractor has met the ADRD training requirements of the position in which he or she will be working prior to assigning or referring the employee. The health care services pool must provide supporting documentation to the covered provider upon request.

Implementation

The bill requires all employees hired before July 1, 2023, to complete the training requirements of the bill by July 1, 2026. Individuals newly employed, contracted, or referred to provide services on or after the effective date of the bill may complete training using any existing training curriculum approved by DOEA. The bill provides a grandfather clause for an employee who shows proof of completion of training that is equivalent to the training requirements of the bill.

Section 2 amends s. 400.0239, F.S., to allow funds from the Quality of Long-Term Care Facility Improvement Trust Fund to be allocated for direct support of the development and implementation of specialized training programs for long-term care facility personnel who provide direct care for residents with ADRD as provided under the bill.

Section 3 amends s. 400.1755, F.S., to repeal the individual ADRD training requirements in the licensure statutes for nursing homes and related facilities in favor of the uniform training requirements established by the bill.

Section 4 amends s. 400.4785, F.S., to repeal the specific ADRD training requirements for home health agencies in favor of the uniform training requirements established by the bill.

Section 5 creates s. 400.51, F.S., implementing the training requirements established by the bill for persons employed, contracted, or referred by a nurse registry or a person registered with an agency to provide companion or homemaker services.

Section 6 amends s. 400.980, F.S., to require a health care services pool to verify and maintain documentation that each employee or independent contractor provided, assigned, or referred to a health care facility has met all training and certification requirements for the position in which he or she will be working. The bill specifically prohibits a health care services pool from delegating this responsibility to another provider.

Section 7 amends s. 429.178, F.S., to repeal the specific ADRD training requirements for ALFs in favor of the uniform training requirements established by the bill.

Section 8 amends s. 429.52, F.S., to require all ALF employees to complete the training requirements established by the bill. An exception is created for an employee of an ALF licensed as a limited mental health facility who is not required to complete the additional three hours of training within seven months after beginning employment that is required under the newly created s. 430.5025(4)(d), F.S.

The bill also allows the 1-hour training requirement for ALF employees to count toward an existing mandatory 2-hour preservice orientation, if completed before interacting with residents.

Section 9 amends s. 429.83, F.S., to require all adult family-care homes to provide ADRD staff training pursuant to the requirements established in the bill.

Section 10 amends s. 429.917, F.S., to repeal the specific ADRD training requirements for AFCHs in favor of the uniform training requirements established by the bill.

Section 11 amends s. 429.918, F.S., to repeal the specific ADRD training requirements for ADCCs and specialized Alzheimer's services ADCCs in favor of the uniform training requirements established by the bill.

Section 12 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill is likely to have a negative fiscal impact on health care facilities and providers as a result of the increased training requirements of the bill. The level of fiscal impact is indeterminate.

C. Government Sector Impact:

The Department of Elder Affairs (DOEA) states that there are potential expenditures to develop and distribute informational materials beyond what is currently provided, potential expenditures for developed training curricula, approval and monitoring beyond what is currently provided, and potential expenditures to develop a database to store training participant information.⁴⁵ The DOEA anticipates that any expenditures generated by the bill can be absorbed by existing resources.⁴⁶

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 400.0239, 400.1755, 400.4785, 400.980, 429.178, 429.52, 429.83, 429.917, and 429.918.

This bill creates the following sections of the Florida Statutes: 430.5025 and 400.510.

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

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

CS/CS by Appropriations Committee on Health and Human Services on April 12, 2023:

The committee substitute:

- Requires employees who are provided, assigned, or referred by a health care services pool to complete the Alzheimer's training and continuing education contemplated by the bill as applicable to the covered provider and position in which the employee will be working;
- Requires a health care services pool to verify and maintain proper documentation before providing, assigning, or referring an employee to a covered provider;
- Requires a health care services pool to provide documentation verifying the completed training and continuing education of the employee to the covered provider upon request;
- Prohibits health care service pools from delegating documentation and verification of the training requirements to other employers; and

⁴⁵ E-mail from Tyler Jefferson, Legislative Affairs Director, the DOEA, *RE: SB 1182 - Education and Training for Alzheimer's Disease and Related Forms of Dementia*, March 11, 2023 (on file with the Senate Committee on Children, Families, and Elder Affairs).

⁴⁶ *Id.*

- Clarifies that employees of assisted living facilities licensed as limited mental health facilities are exempt from a portion of the training requirements of the bill.

CS by Children, Families, and Elder Affairs on March 14, 2023:

- Removes authority for the Department of Elder Affairs (DOEA) to delegate the administration of any of the bill provisions;
- Makes employees responsible for compliance with the training requirements instead of employers;
- Requires the DOEA to provide a record of the completion of the 1-hour training program to the covered provider, rather than a record of the training program;
- Makes the training requirements apply to employees who provide personal care to any resident of a facility, instead of only to residents with Alzheimer's disease.
- Authorizes the DOEA to develop or provide continuing education training or curricula;
- Removes authority for a person with a master's or doctoral degree in health care, social services, or gerontology to act as a training provider;
- Authorizes the DOEA to adopt rules to create training curriculum guidelines;
- Retains current law relating to training requirements on Alzheimer's disease for hospice employees;
- Clarifies that all assisted living facility (ALF) employees must complete Alzheimer's disease and related disorder training under the bill, rather than adding training as a topic on the core competency test for ALF administrators; and
- Allows the 1-hour training requirement for ALF employees to count toward the 2-hour preservice orientation, if completed before interacting with residents.

B. Amendments:

None.

By the Appropriations Committee on Health and Human Services;
the Committee on Children, Families, and Elder Affairs; and
Senators Simon and Book

603-03746-23

20231182c2

1 A bill to be entitled
2 An act relating to education and training for
3 Alzheimer's disease and related forms of dementia;
4 creating s. 430.5025, F.S.; providing a short title;
5 defining terms; requiring the Department of Elderly
6 Affairs to offer certain education about Alzheimer's
7 disease and related forms of dementia to the general
8 public; specifying uniform dementia-related education
9 and training for employees of covered providers;
10 requiring the department to provide certain dementia-
11 related employee training in an online format and at
12 no cost; providing minimum requirements for the
13 training; requiring the department to make a record of
14 the completion of the training; providing requirements
15 for the record; requiring covered providers to
16 maintain such records of training completion for their
17 employees; providing that an employee does not have to
18 repeat such training after changing employment to
19 another covered provider; providing additional
20 training and continuing education requirements for
21 certain employees who provide direct care to patients
22 with Alzheimer's disease or related forms of dementia;
23 authorizing the department to establish training
24 curriculum guidelines; authorizing the department to
25 approve training providers and curricula and maintain
26 a list of approved providers; authorizing training to
27 be offered in a variety of formats; providing that
28 certain continuing education does not require the
29 adoption of curriculum guidelines by the department or

Page 1 of 23

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603-03746-23

20231182c2

30 provider or curriculum approval by the department;
31 authorizing the department to develop or provide
32 continuing education training or curricula as an
33 option for covered providers and their employees;
34 providing qualifications and requirements for training
35 providers; providing that training curricula approved
36 before the effective date of the act remain in effect
37 until their respective expiration dates; authorizing
38 the department to adopt rules related to training
39 curriculum guidelines, qualified training providers,
40 and compliance monitoring procedures; authorizing
41 certified nursing assistants to count the dementia-
42 related training toward their annual certification
43 training requirements; authorizing health care
44 practitioners to count the dementia-related training
45 requirements toward their continuing education
46 requirements for licensure; authorizing persons
47 employed, contracted, or referred to provide services
48 before the effective date of the act to complete the
49 required training by a specified date; providing for
50 the substitution of equivalent training for training
51 required by this act; authorizing persons to satisfy
52 the training requirements of this act using training
53 curricula approved before the effective date of the
54 act until the department adopts rules for training
55 curricula guidelines; amending ss. 400.0239, 400.1755,
56 and 400.4785, F.S.; conforming provisions to changes
57 made by the act; creating s. 400.51, F.S.; requiring a
58 person employed, contracted, or referred by a nurse

Page 2 of 23

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603-03746-23

20231182c2

59 registry or a person registered with the Agency for
 60 Health Care Administration to provide companion or
 61 homemaker services to complete specified training;
 62 amending s. 400.980, F.S.; requiring health care
 63 services pools to verify and maintain documentation
 64 that certain employees or independent contractors have
 65 met specified licensing, certification, training, and
 66 continuing education requirements; prohibiting
 67 delegation of specified responsibilities; amending s.
 68 429.178, F.S.; conforming provisions to changes made
 69 by the act; amending s. 429.52, F.S.; conforming
 70 provisions to changes made by the act; exempting
 71 certain employees of assisted living facilities from
 72 specified training requirements; amending ss. 429.83,
 73 429.917, and 429.918, F.S.; conforming provisions to
 74 changes made by the act; providing an effective date.

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

77
 78 Section 1. Section 430.5025, Florida Statutes, is created
 79 to read:

80 430.5025 Alzheimer's disease and related forms of dementia;
 81 education and training.—

82 (1) This section may be cited as the "Alzheimer's Disease
 83 and Related Forms of Dementia Education and Training Act."

84 (2) As used in this section, the term:

85 (a) "Covered provider" means a nursing home, a home health
 86 agency, a nurse registry, a companion or homemaker service
 87 provider, a health care services pool, an assisted living

Page 3 of 23

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603-03746-23

20231182c2

88 facility, an adult family-care home, or an adult day care center
 89 licensed or registered under chapter 400 or chapter 429.

90 (b) "Department" means the Department of Elderly Affairs.

91 (c) "Employee" means a person, contracted staff, or an
 92 independent contractor employed or referred by a covered
 93 provider who is required to undergo a level 2 background
 94 screening under s. 408.809 and chapter 435.

95 (d) "Personal care" means providing, through in-person
 96 contact, assistance with activities of daily living, assistance
 97 with self-administration of medication, homemaker or companion
 98 services, nursing services, or other services that promote the
 99 physical, mental, and psychosocial well-being of participants,
 100 patients, and residents of covered providers. The term does not
 101 include duties involving administrative functions or maintaining
 102 the physical environment of a licensed facility, including
 103 grounds maintenance, building maintenance, housekeeping,
 104 laundry, or food preparation.

105 (e) "Regular contact" means the performance of duties other
 106 than personal care which may require employees to interact in
 107 person on a daily basis with participants, patients, or
 108 residents.

109 (3) The department shall offer to the general public
 110 education about Alzheimer's disease and related forms of
 111 dementia. Such education must provide basic information about
 112 the most common forms of dementia, how to identify the signs and
 113 symptoms of dementia, coping skills, how to respond to changes,
 114 planning for the future, and how to access additional resources
 115 about dementia.

116 (4) Employees of covered providers must complete the

Page 4 of 23

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603-03746-23 20231182c2

117 following training for Alzheimer's disease and related forms of
 118 dementia:

119 (a) Upon beginning employment, each employee must receive
 120 basic written information about interacting with persons who
 121 have Alzheimer's disease or related forms of dementia.

122 (b) Within 30 days after beginning employment, each
 123 employee who provides personal care to or has regular contact
 124 with participants, patients, or residents must complete a 1-hour
 125 training program provided by the department.

126 1. The department shall provide the training in an online
 127 format at no cost. The 1-hour training program must contain
 128 information on understanding the basics about the most common
 129 forms of dementia, how to identify the signs and symptoms of
 130 dementia, and skills for communicating and interacting with
 131 persons with Alzheimer's disease or related forms of dementia. A
 132 record of the completion of the training program must be made
 133 available to the covered provider which identifies the training
 134 course, the name of the employee, and the date of completion.

135 2. A covered provider must maintain a record of the
 136 employee's completion of the training and, upon written request
 137 of the employee, must provide the employee with a copy of the
 138 record of completion consistent with the employer's written
 139 policies.

140 3. An employee who has completed the training required in
 141 this subsection is not required to repeat the program upon
 142 changing employment to a different covered provider.

143 (c) Within 7 months after beginning employment for a home
 144 health agency, nurse registry, or companion or homemaker service
 145 provider, each employee who provides personal care must complete

603-03746-23 20231182c2

146 2 hours of training in addition to the training required in
 147 paragraphs (a) and (b). The additional training must include,
 148 but is not limited to, behavior management, promoting the
 149 person's independence in activities of daily living, and skills
 150 in working with families and caregivers.

151 (d) Within 7 months after beginning employment for a
 152 nursing home, an assisted living facility, an adult family-care
 153 home, or an adult day care center, each employee who provides
 154 personal care must complete 3 hours of training in addition to
 155 the training required in paragraphs (a) and (b). The additional
 156 training must include, but is not limited to, behavior
 157 management, promoting the person's independence in activities of
 158 daily living, skills in working with families and caregivers,
 159 group and individual activities, maintaining an appropriate
 160 environment, and ethical issues.

161 (e) For an assisted living facility, adult family-care
 162 home, or adult day care center that advertises and provides, or
 163 is designated to provide, specialized care for persons with
 164 Alzheimer's disease or related forms of dementia, in addition to
 165 the training specified in paragraphs (a) and (b), employees must
 166 receive the following training:

167 1. Within 3 months after beginning employment, each
 168 employee who provides personal care to or has regular contact
 169 with the residents or participants must complete the additional
 170 3 hours of training as provided in paragraph (d).

171 2. Within 6 months after beginning employment, each
 172 employee who provides personal care must complete an additional
 173 4 hours of dementia-specific training. Such training must
 174 include, but is not limited to, understanding Alzheimer's

603-03746-23

20231182c2

175 disease and related forms of dementia, the stages of Alzheimer's
 176 disease, communication strategies, medical information, and
 177 stress management.

178 3. Thereafter, each employee who provides personal care
 179 must participate in at least 4 hours of continuing education
 180 each calendar year through contact hours, on-the-job training,
 181 or electronic learning technology. For this subparagraph, the
 182 term "on-the-job training" means a form of direct coaching in
 183 which a facility administrator or his or her designee instructs
 184 an employee who provides personal care with guidance, support,
 185 or hands-on experience to help develop and refine the employee's
 186 skills for caring for a person with Alzheimer's disease or a
 187 related form of dementia. The continuing education must cover at
 188 least one of the topics included in the dementia-specific
 189 training in which the employee has not received previous
 190 training in the previous calendar year. The continuing education
 191 may be fulfilled and documented in a minimum of one quarter-hour
 192 increments through on-the-job training of the employee by a
 193 facility administrator or his or her designee or by an
 194 electronic learning technology chosen by the facility
 195 administrator. On-the-job training may not account for more than
 196 2 hours of continuing education each calendar year.

197 (f)1. An employee provided, assigned, or referred by a
 198 health care services pool must complete the training required in
 199 paragraph (c), paragraph (d), or paragraph (e) as applicable to
 200 the covered provider and the position in which the employee will
 201 be working. The documentation verifying the completed training
 202 and continuing education of the employee must, if applicable, be
 203 provided to the covered provider upon request.

Page 7 of 23

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603-03746-23

20231182c2

204 2. A health care services pool must verify and maintain
 205 documentation as required under s. 400.980(5) before providing,
 206 assigning, or referring an employee to a covered provider.

207 (5) The department may establish training curricula
 208 guidelines for the training required in paragraphs (4)(c), (d),
 209 and (e). The department may approve training providers and
 210 training curricula and maintain a list of approved providers.
 211 Approved training may be offered in a variety of formats,
 212 including, but not limited to, in person, electronically, or on-
 213 the-job by a facility administrator or his or her designee.
 214 Continuing education under this section does not require the
 215 adoption of training curricula guidelines by the department or
 216 approval of the training provider and curricula by the
 217 department. The department may develop or provide continuing
 218 education training or curricula as an option for covered
 219 providers and employees.

220 (a) A training provider meeting one of the following
 221 qualifications may offer training in compliance with the
 222 training curricula guidelines without prior approval of the
 223 department:

224 1. A person approved by an applicable board or the
 225 Department of Health to provide training who is registered with
 226 the electronic continuing education tracking system under s.
 227 456.025; or

228 2. A training provider approved by the department or its
 229 designee before July 1, 2023.

230 (b) Training providers qualified under subparagraph (a)1.
 231 must also have:

232 1. At least 1 year of teaching experience as an educator

Page 8 of 23

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603-03746-23 20231182c2

233 for caregivers of persons with Alzheimer's disease or related
 234 forms of dementia;

235 2. At least 1 year of practical experience in a program
 236 providing care to persons with Alzheimer's disease or related
 237 forms of dementia; or

238 3. Completed a specialized training program in the subject
 239 matter of Alzheimer's disease and related forms of dementia from
 240 an accredited health care, human services, or gerontology
 241 education provider.

242 (c) Upon an employee's completion of the training specified
 243 in paragraphs (4) (c), (d), and (e), the training provider must
 244 provide a record of the completion of the training which
 245 includes the name of the employee, the name of the training
 246 provider, the topics covered, and the date of completion. The
 247 training record is evidence of completion of training in the
 248 identified topic and the employee is not required to repeat
 249 training in that topic if the employee changes employment to a
 250 different covered provider.

251 (d) Any Alzheimer's disease and related forms of dementia
 252 training curriculum approved by the department or its designee
 253 before July 1, 2023, remains in effect until the curriculum's
 254 expiration date.

255 (6) The department may adopt rules to establish training
 256 curriculum guidelines, requirements for the approval of other
 257 qualified training providers, and a process for conducting a
 258 sampling of training or training curricula as necessary to
 259 monitor for compliance with curricula guidelines.

260 (7) For a certified nursing assistant as defined in s.
 261 464.201, training hours completed as required under this section

603-03746-23 20231182c2

262 may count toward the total hours of training required to
 263 maintain certification as a nursing assistant.

264 (8) For a health care practitioner as defined in s.
 265 456.001, training hours completed as required under this section
 266 may count toward the total hours of continuing education
 267 required by that practitioner's licensing board.

268 (9) Each person employed, contracted, or referred to
 269 provide services before July 1, 2023, must complete the training
 270 required in this section before July 1, 2026. Proof of
 271 completion of equivalent training completed before July 1, 2023,
 272 shall substitute for the training required in subsection (4).
 273 Each person employed, contracted, or referred to provide
 274 services on or after July 1, 2023, may satisfy the training
 275 requirements by completing training using approved curricula as
 276 specified in paragraph (5) (d) until the effective date of the
 277 rules adopted by the department under subsection (6).

278 Section 2. Paragraph (b) of subsection (2) of section
 279 400.0239, Florida Statutes, is amended to read:

280 400.0239 Quality of Long-Term Care Facility Improvement
 281 Trust Fund.—

282 (2) Expenditures from the trust fund shall be allowable for
 283 direct support of the following:

284 (b) Development and implementation of specialized training
 285 programs for long-term care facility personnel who provide
 286 direct care for residents with Alzheimer's disease and other
 287 dementias, including training provided under s. 430.5025,
 288 residents at risk of developing pressure sores, and residents
 289 with special nutrition and hydration needs.

290 Section 3. Section 400.1755, Florida Statutes, is amended

603-03746-23

20231182c2

291 to read:

292 400.1755 Care for persons with Alzheimer's disease or
 293 related disorders; staff training requirements.-

294 ~~(1) As a condition of licensure, the employees of~~
 295 facilities licensed under this part must complete the training
 296 required under s. 430.5025 provide to each of their employees,
 297 upon beginning employment, basic written information about
 298 interacting with persons with Alzheimer's disease or a related
 299 disorder.

300 ~~(2) All employees who are expected to, or whose~~
 301 ~~responsibilities require them to, have direct contact with~~
 302 ~~residents with Alzheimer's disease or a related disorder must,~~
 303 ~~in addition to being provided the information required in~~
 304 ~~subsection (1), also have an initial training of at least 1 hour~~
 305 ~~completed in the first 3 months after beginning employment. This~~
 306 ~~training must include, but is not limited to, an overview of~~
 307 ~~dementias and must provide basic skills in communicating with~~
 308 ~~persons with dementia.~~

309 ~~(3) An individual who provides direct care shall be~~
 310 ~~considered a direct caregiver and must complete the required~~
 311 ~~initial training and an additional 3 hours of training within 9~~
 312 ~~months after beginning employment. This training shall include,~~
 313 ~~but is not limited to, managing problem behaviors, promoting the~~
 314 ~~resident's independence in activities of daily living, and~~
 315 ~~skills in working with families and caregivers.~~

316 ~~(a) The required 4 hours of training for certified nursing~~
 317 ~~assistants are part of the total hours of training required~~
 318 ~~annually.~~

319 ~~(b) For a health care practitioner as defined in s.~~

603-03746-23

20231182c2

320 ~~456.001, continuing education hours taken as required by that~~
 321 ~~practitioner's licensing board shall be counted toward this~~
 322 ~~total of 4 hours.~~

323 ~~(4) For an employee who is a licensed health care~~
 324 ~~practitioner as defined in s. 456.001, training that is~~
 325 ~~sanctioned by that practitioner's licensing board shall be~~
 326 ~~considered to be approved by the Department of Elderly Affairs.~~

327 ~~(5) The Department of Elderly Affairs or its designee must~~
 328 ~~approve the initial and continuing training provided in the~~
 329 ~~facilities. The department must approve training offered in a~~
 330 ~~variety of formats, including, but not limited to, Internet-~~
 331 ~~based training, videos, teleconferencing, and classroom~~
 332 ~~instruction. The department shall keep a list of current~~
 333 ~~providers who are approved to provide initial and continuing~~
 334 ~~training. The department shall adopt rules to establish~~
 335 ~~standards for the trainers and the training required in this~~
 336 ~~section.~~

337 ~~(6) Upon completing any training listed in this section,~~
 338 ~~the employee or direct caregiver shall be issued a certificate~~
 339 ~~that includes the name of the training provider, the topic~~
 340 ~~covered, and the date and signature of the training provider.~~
 341 ~~The certificate is evidence of completion of training in the~~
 342 ~~identified topic, and the employee or direct caregiver is not~~
 343 ~~required to repeat training in that topic if the employee or~~
 344 ~~direct caregiver changes employment to a different facility or~~
 345 ~~to an assisted living facility, home health agency, adult day~~
 346 ~~care center, or adult family care home. The direct caregiver~~
 347 ~~must comply with other applicable continuing education~~
 348 ~~requirements.~~

603-03746-23

20231182c2

349 Section 4. Section 400.4785, Florida Statutes, is amended
350 to read:

351 400.4785 Patients with Alzheimer's disease or other related
352 disorders; staff training requirements; certain disclosures.-

353 (1) The employees of a home health agency must complete the
354 training required under s. 430.5025 ~~A home health agency must~~
355 ~~provide the following staff training:~~

356 ~~(a) Upon beginning employment with the agency, each~~
357 ~~employee must receive basic written information about~~
358 ~~interacting with participants who have Alzheimer's disease or~~
359 ~~dementia-related disorders.~~

360 ~~(b) In addition to the information provided under paragraph~~
361 ~~(a), newly hired home health agency personnel who will be~~
362 ~~providing direct care to patients must complete 2 hours of~~
363 ~~training in Alzheimer's disease and dementia-related disorders~~
364 ~~within 9 months after beginning employment with the agency. This~~
365 ~~training must include, but is not limited to, an overview of~~
366 ~~dementia, a demonstration of basic skills in communicating with~~
367 ~~persons who have dementia, the management of problem behaviors,~~
368 ~~information about promoting the client's independence in~~
369 ~~activities of daily living, and instruction in skills for~~
370 ~~working with families and caregivers.~~

371 ~~(c) For certified nursing assistants, the required 2 hours~~
372 ~~of training shall be part of the total hours of training~~
373 ~~required annually.~~

374 ~~(d) For a health care practitioner as defined in s.~~
375 ~~456.001, continuing education hours taken as required by that~~
376 ~~practitioner's licensing board shall be counted toward the total~~
377 ~~of 2 hours.~~

603-03746-23

20231182c2

378 ~~(e) For an employee who is a licensed health care~~
379 ~~practitioner as defined in s. 456.001, training that is~~
380 ~~sanctioned by that practitioner's licensing board shall be~~
381 ~~considered to be approved by the Department of Elderly Affairs.~~

382 ~~(f) The Department of Elderly Affairs, or its designee,~~
383 ~~must approve the required training. The department must consider~~
384 ~~for approval training offered in a variety of formats. The~~
385 ~~department shall keep a list of current providers who are~~
386 ~~approved to provide the 2-hour training. The department shall~~
387 ~~adopt rules to establish standards for the employees who are~~
388 ~~subject to this training, for the trainers, and for the training~~
389 ~~required in this section.~~

390 ~~(g) Upon completing the training listed in this section,~~
391 ~~the employee shall be issued a certificate that states that the~~
392 ~~training mandated under this section has been received. The~~
393 ~~certificate shall be dated and signed by the training provider.~~
394 ~~The certificate is evidence of completion of this training, and~~
395 ~~the employee is not required to repeat this training if the~~
396 ~~employee changes employment to a different home health agency.~~

397 (2)(h) A licensed home health agency whose unduplicated
398 census during the most recent calendar year was composed
399 comprised of at least 90 percent of individuals aged 21 years or
400 younger at the date of admission is exempt from the training
401 requirements in this section.

402 (3)(2) An agency licensed under this part which claims that
403 it provides special care for persons who have Alzheimer's
404 disease or other related disorders must disclose in its
405 advertisements or in a separate document those services that
406 distinguish the care as being especially applicable to, or

603-03746-23

20231182c2

407 suitable for, such persons. The agency must give a copy of all
 408 such advertisements or a copy of the document to each person who
 409 requests information about the agency and must maintain a copy
 410 of all such advertisements and documents in its records. The
 411 Agency for Health Care Administration shall examine all such
 412 advertisements and documents in the agency's records as part of
 413 the license renewal procedure.

414 Section 5. Section 400.51, Florida Statutes, is created to
 415 read:

416 400.51 Patients with Alzheimer's disease or other related
 417 disorders; staff training requirements.—A person employed,
 418 contracted, or referred by a nurse registry or a person
 419 registered with the agency to provide companion or homemaker
 420 services must complete the training required under s. 430.5025.

421 Section 6. Subsection (5) of section 400.980, Florida
 422 Statutes, is amended to read:

423 400.980 Health care services pools.—

424 (5) A health care services pool shall verify and maintain
 425 documentation document that each temporary employee or
 426 independent contractor provided, assigned, or referred to a
 427 health care facility has met the licensing, certification,
 428 training, or continuing education requirements, as established
 429 by the appropriate regulatory agency, for the position in which
 430 he or she will be working. The requirements of this subsection
 431 may not be delegated to another provider as defined in s.
 432 408.803.

433 Section 7. Section 429.178, Florida Statutes, is amended to
 434 read:

435 429.178 Special care for persons with Alzheimer's disease

603-03746-23

20231182c2

436 or other related disorders.—

437 ~~(1)~~ A facility that ~~which~~ advertises that it provides
 438 special care for persons with Alzheimer's disease or other
 439 related disorders must meet the following standards of
 440 operation:

441 (1) ~~(a)~~ If the facility has 17 or more residents, have an
 442 awake staff member on duty at all hours of the day and night; or
 443 (b) ~~2~~ If the facility has fewer than 17 residents, have an
 444 awake staff member on duty at all hours of the day and night or
 445 have mechanisms in place to monitor and ensure the safety of the
 446 facility's residents.

447 (2) ~~(b)~~ Offer activities specifically designed for persons
 448 who are cognitively impaired.

449 (3) ~~(e)~~ Have a physical environment that provides for the
 450 safety and welfare of the facility's residents.

451 (4) ~~(d)~~ Require employed ~~Employ~~ staff to complete who have
 452 completed the training and continuing education required under
 453 s. 430.5025 in subsection (2).

454 ~~(2)~~ ~~(a)~~ ~~An individual who is employed by a facility that~~
 455 ~~provides special care for residents who have Alzheimer's disease~~
 456 ~~or other related disorders, and who has regular contact with~~
 457 ~~such residents, must complete up to 4 hours of initial dementia-~~
 458 ~~specific training developed or approved by the department. The~~
 459 ~~training must be completed within 3 months after beginning~~
 460 ~~employment and satisfy the core training requirements of s.~~
 461 ~~429.52(3)(g).~~

462 ~~(b)~~ ~~A direct caregiver who is employed by a facility that~~
 463 ~~provides special care for residents who have Alzheimer's disease~~
 464 ~~or other related disorders and provides direct care to such~~

603-03746-23

20231182c2

465 residents must complete the required initial training and 4
 466 additional hours of training developed or approved by the
 467 department. The training must be completed within 9 months after
 468 beginning employment and satisfy the core training requirements
 469 of s. 429.52(3)(g).

470 ~~(e) An individual who is employed by a facility that~~
 471 ~~provides special care for residents with Alzheimer's disease or~~
 472 ~~other related disorders, but who only has incidental contact~~
 473 ~~with such residents, must be given, at a minimum, general~~
 474 ~~information on interacting with individuals with Alzheimer's~~
 475 ~~disease or other related disorders, within 3 months after~~
 476 ~~beginning employment.~~

477 ~~(3) In addition to the training required under subsection~~
 478 ~~(2), a direct caregiver must participate in a minimum of 4~~
 479 ~~contact hours of continuing education each calendar year. The~~
 480 ~~continuing education must include one or more topics included in~~
 481 ~~the dementia-specific training developed or approved by the~~
 482 ~~department, in which the caregiver has not received previous~~
 483 ~~training.~~

484 ~~(4) Upon completing any training listed in subsection (2),~~
 485 ~~the employee or direct caregiver shall be issued a certificate~~
 486 ~~that includes the name of the training provider, the topic~~
 487 ~~covered, and the date and signature of the training provider.~~
 488 ~~The certificate is evidence of completion of training in the~~
 489 ~~identified topic, and the employee or direct caregiver is not~~
 490 ~~required to repeat training in that topic if the employee or~~
 491 ~~direct caregiver changes employment to a different facility. The~~
 492 ~~employee or direct caregiver must comply with other applicable~~
 493 ~~continuing education requirements.~~

Page 17 of 23

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603-03746-23

20231182c2

494 ~~(5) The department, or its designee, shall approve the~~
 495 ~~initial and continuing education courses and providers.~~

496 ~~(6) The department shall keep a current list of providers~~
 497 ~~who are approved to provide initial and continuing education for~~
 498 ~~staff of facilities that provide special care for persons with~~
 499 ~~Alzheimer's disease or other related disorders.~~

500 ~~(7) Any facility more than 90 percent of whose residents~~
 501 ~~receive monthly optional supplementation payments is not~~
 502 ~~required to pay for the training and education programs required~~
 503 ~~under this section. A facility that has one or more such~~
 504 ~~residents shall pay a reduced fee that is proportional to the~~
 505 ~~percentage of such residents in the facility. A facility that~~
 506 ~~does not have any residents who receive monthly optional~~
 507 ~~supplementation payments must pay a reasonable fee, as~~
 508 ~~established by the department, for such training and education~~
 509 ~~programs.~~

510 ~~(8) The department shall adopt rules to establish standards~~
 511 ~~for trainers and training and to implement this section.~~

512 Section 8. Subsection (1) of section 429.52, Florida
 513 Statutes, is amended to read:

514 429.52 Staff training and educational requirements.—

515 (1) (a) Each new assisted living facility employee who has
 516 not previously completed core training must attend a preservice
 517 orientation provided by the facility before interacting with
 518 residents. The preservice orientation must be at least 2 hours
 519 in duration and cover topics that help the employee provide
 520 responsible care and respond to the needs of facility residents.
 521 Upon completion, the employee and the administrator of the
 522 facility must sign a statement that the employee completed the

Page 18 of 23

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603-03746-23 20231182c2

523 required preservice orientation. The facility must keep the
524 signed statement in the employee's personnel record.

525 (b) Each assisted living facility employee must complete
526 the training required under s. 430.5025. However, an employee of
527 an assisted living facility licensed as a limited mental health
528 facility under s. 429.075 is exempt from the training
529 requirements under s. 430.5025(4)(d).

530 (c) If completed before interacting with residents, the 1-
531 hour training required in s. 430.5025 concerning information on
532 Alzheimer's disease and related forms of dementia may count
533 toward the 2 hours of preservice orientation required under
534 paragraph (a).

535 Section 9. Section 429.83, Florida Statutes, is amended to
536 read:

537 429.83 Residents with Alzheimer's disease or other related
538 disorders; training; certain disclosures.-

539 (1) The employees of an adult family-care home must
540 complete the training required under s. 430.5025.

541 (2) An adult family-care home licensed under this part
542 which claims that it provides special care for persons who have
543 Alzheimer's disease or other related disorders must disclose in
544 its advertisements or in a separate document those services that
545 distinguish the care as being especially applicable to, or
546 suitable for, such persons. The home must give a copy of all
547 such advertisements or a copy of the document to each person who
548 requests information about programs and services for persons
549 with Alzheimer's disease or other related disorders offered by
550 the home and must maintain a copy of all such advertisements and
551 documents in its records. The agency shall examine all such

603-03746-23 20231182c2

552 advertisements and documents in the home's records as part of
553 the license renewal procedure.

554 Section 10. Subsection (1) of section 429.917, Florida
555 Statutes, is amended to read:

556 429.917 Patients with Alzheimer's disease or other related
557 disorders; staff training requirements; certain disclosures.-

558 (1) The employees of an adult day care center licensed
559 under this part must complete the training required under s.
560 430.5025 provide the following staff training:

561 ~~(a) Upon beginning employment with the facility, each~~
562 ~~employee must receive basic written information about~~
563 ~~interacting with participants who have Alzheimer's disease or~~
564 ~~dementia-related disorders.~~

565 ~~(b) In addition to the information provided under paragraph~~
566 ~~(a), newly hired adult day care center personnel who are~~
567 ~~expected to, or whose responsibilities require them to, have~~
568 ~~direct contact with participants who have Alzheimer's disease or~~
569 ~~dementia-related disorders must complete initial training of at~~
570 ~~least 1 hour within the first 3 months after beginning~~
571 ~~employment. The training must include an overview of dementias~~
572 ~~and must provide instruction in basic skills for communicating~~
573 ~~with persons who have dementia.~~

574 ~~(c) In addition to the requirements of paragraphs (a) and~~
575 ~~(b), an employee who will be providing direct care to a~~
576 ~~participant who has Alzheimer's disease or a dementia-related~~
577 ~~disorder must complete an additional 3 hours of training within~~
578 ~~9 months after beginning employment. This training must include,~~
579 ~~but is not limited to, the management of problem behaviors,~~
580 ~~information about promoting the participant's independence in~~

603-03746-23

20231182c2

581 activities of daily living, and instruction in skills for
582 working with families and caregivers.

583 ~~(d) For certified nursing assistants, the required 4 hours~~
584 ~~of training shall be part of the total hours of training~~
585 ~~required annually.~~

586 ~~(e) For a health care practitioner as defined in s.~~
587 ~~456.001, continuing education hours taken as required by that~~
588 ~~practitioner's licensing board shall be counted toward the total~~
589 ~~of 4 hours.~~

590 ~~(f) For an employee who is a licensed health care~~
591 ~~practitioner as defined in s. 456.001, training that is~~
592 ~~sanctioned by that practitioner's licensing board shall be~~
593 ~~considered to be approved by the Department of Elderly Affairs.~~

594 ~~(g) The Department of Elderly Affairs or its designee must~~
595 ~~approve the 1-hour and 3-hour training provided to employees and~~
596 ~~direct caregivers under this section. The department must~~
597 ~~consider for approval training offered in a variety of formats.~~
598 ~~The department shall keep a list of current providers who are~~
599 ~~approved to provide the 1-hour and 3-hour training. The~~
600 ~~department shall adopt rules to establish standards for the~~
601 ~~employees who are subject to this training, for the trainers,~~
602 ~~and for the training required in this section.~~

603 ~~(h) Upon completing any training described in this section,~~
604 ~~the employee or direct caregiver shall be issued a certificate~~
605 ~~that includes the name of the training provider, the topic~~
606 ~~covered, and the date and signature of the training provider.~~
607 ~~The certificate is evidence of completion of training in the~~
608 ~~identified topic, and the employee or direct caregiver is not~~
609 ~~required to repeat training in that topic if the employee or~~

Page 21 of 23

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603-03746-23

20231182c2

610 ~~direct caregiver changes employment to a different adult day~~
611 ~~care center or to an assisted living facility, nursing home,~~
612 ~~home health agency, or hospice. The direct caregiver must comply~~
613 ~~with other applicable continuing education requirements.~~

614 ~~(i) An employee who is hired on or after July 1, 2004, must~~
615 ~~complete the training required by this section.~~

616 Section 11. Subsection (6) of section 429.918, Florida
617 Statutes, is amended to read:

618 429.918 Licensure designation as a specialized Alzheimer's
619 services adult day care center; training.-

620 (6)~~(a)~~ An adult day care center having a license designated
621 under this section must provide the following staff training and
622 supervision:

623 (a)1- A registered nurse or licensed practical nurse must
624 be on site daily for at least 75 percent of the time that the
625 center is open to ADRD participants. Each licensed practical
626 nurse who works at the center must be supervised in accordance
627 with chapter 464.

628 (b) Each employee must complete the training and continuing
629 education required under s. 430.5025.

630 ~~2. Upon beginning employment with the center, each employee~~
631 ~~must receive and review basic written information about~~
632 ~~interacting with ADRD participants.~~

633 ~~3. In addition to the information provided in subparagraph~~
634 ~~2., every employee hired on or after July 1, 2012, who has~~
635 ~~direct contact with ADRD participants shall complete 4 hours of~~
636 ~~dementia-specific training within 3 months after employment.~~

637 ~~4. In addition to the requirements of subparagraphs 2. and~~
638 ~~3., each employee hired on or after July 1, 2012, who provides~~

Page 22 of 23

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603-03746-23

20231182c2

639 ~~direct care to ADRD participants shall complete an additional 4~~
640 ~~hours of dementia-specific training within 6 months after~~
641 ~~employment.~~

642 ~~(b) The Department of Elderly Affairs or its designee shall~~
643 ~~approve the training required under this section. The department~~
644 ~~shall adopt rules to establish standards for employees who are~~
645 ~~subject to this training, for trainers, and for the training~~
646 ~~required in this section.~~

647 ~~(c) Upon completing any training described in this section,~~
648 ~~the employee shall be issued a certificate that includes the~~
649 ~~name of the training provider, the topics covered, and the date~~
650 ~~and signature of the training provider. The certificate is~~
651 ~~evidence of completion of training in the identified topics, and~~
652 ~~the employee is not required to repeat training in those topics~~
653 ~~if the employee changes employment to a different adult day care~~
654 ~~center.~~

655 (c) ~~(d)~~ Each employee hired on or after July 1, 2012, who
656 provides direct care to ADRD participants, must receive and
657 review an orientation plan that includes, at a minimum:

658 1. Procedures to locate an ADRD participant who has
659 wandered from the center. These procedures must ~~shall~~ be
660 reviewed regularly with all direct care staff.

661 2. Information on the Silver Alert program in this state.

662 3. Information regarding available products or programs
663 used to identify ADRD participants or prevent them from
664 wandering away from the center, their home, or other locations.

665 Section 12. This act shall take effect July 1, 2023.

4-20-23

The Florida Senate APPEARANCE RECORD

1182

Meeting Date

FP

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Jason Hand

Amendment Barcode (if applicable)

850-443-0024

Name

Phone

Address

229L Wednesday St., Ste. 1

Email

jhand@floridaseriorliving.org

Street

Tallahassee FL 32308

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

Florida Senior Living Association

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
APPEARANCE RECORD

Deliver both copies of this form to
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April 20, 2023

Meeting Date

Fiscal Policy

Committee

Cs/Cs/SB 1182

Bill Number or Topic

Amendment Barcode (if applicable)

Name Hayden Dempsey

Phone 850.556.1985

Address 101 East College Ave

Street

Email dempseyh@gtlaw.com

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

LeadingAge Florida

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

SB 1182

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name AARP - Karen Murillo

Phone 850-567-0414

Address 215 S. Monroe St., Ste. 603

Email kmurillo@aarp.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

AARP

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

1182

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name ADAM POTTS

Phone 850 591-5921

Address 113 E. College Ave.

Street

Email adam@libertypartnersfl.com

Tallahassee

FL

32301

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Assisted Living Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

4/20

The Florida Senate APPEARANCE RECORD

SB 1182

Meeting Date

Bill Number or Topic

Fiscal Policy

Deliver both copies of this form to
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name Alex Anderson

Phone 904 502 2506

Address 325 John Knox C-128

Email AJAnderson@ALZ.org

Street

Tallahassee

FL

32309

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:
Alzheimer's Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 1198

INTRODUCER: Senators Simon and Davis

SUBJECT: Operation New Hope

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Erickson</u>	<u>Stokes</u>	<u>CJ</u>	Favorable
2.	<u>Atchley</u>	<u>Harkness</u>	<u>ACJ</u>	Favorable
3.	<u>Erickson</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 1198 authorizes the Department of Corrections (DOC) to contract with Operation New Hope (ONH), a nonprofit organization exempt from taxation pursuant to s. 501(c)(3) of the Internal Revenue Code, to provide reentry services to inmates both before and after release from incarceration. A contract with ONH must be authorized by and consistent with funding appropriated in the General Appropriations Act.

The bill does not result in a fiscal impact to the DOC. It simply authorizes the DOC to contract with ONH, contingent upon appropriated funding. The DOC currently contracts with ONH and with other organizations to provide pre-release and post-release reintegration services. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2023.

II. Present Situation:

Operation New Hope (ONH)

ONH is a nonprofit organization exempt from taxation pursuant to s. 501(c)(3) of the Internal Revenue Code.¹ The organization was founded in 1999 in Jacksonville, Florida.² Since its

¹ Operation New Hope, *Annual Report 2022*, available at <https://operationnewhope.org/wp-content/uploads/2022/07/Annual-Report-2022-updated-7.21.22.pdf> (last visited on March 2023). A nonprofit organization, as defined in 26 U.S.C.

s. 501(c)(3), is an organization that is organized and operated exclusively for religious, charitable, scientific, public safety, literary, or educational purposes, or to foster specified national or international amateur sports competition, or for the prevention of cruelty to children or animals. None of such an organizations earnings may benefit any private shareholder or individual. No substantial part of the organizations activities may be directed towards attempting to influence legislation or any political campaign.

² Operation New Hope, *Our History*, available at <https://operationnewhope.org/our-stories/our-history/> (last visited on March 30, 2023).

founding, ONH has served over 9,000 people impacted by the criminal justice system.³ The following information about the ONH's mission and programs is provided on the ONH's website:

- ONH's mission is to provide "support, life and job skills training for people with a history of involvement with the criminal justice system, and places them in employment that offers a sustainable quality of life."⁴
- ONH offers the Ready4Release program, Ready4Work program, and Ready4Success program.⁵ It also hosts "parenting and family reunification workshops featuring subject matter experts," and delivers "the National Fatherhood Initiatives' InsideOut Dads program within prisons to help incarcerated fathers become better dads." ONH's programs also "support continued growth as moms and dads transition home."⁶
- In implementing the Ready4Release program, the ONH works "in collaboration" with the DOC to deliver "pre-release services to 30 facilities in Florida." The "Ready4Release team targets qualified inmates and presents Ready4Work program details. Experienced Case Managers enroll interested clients and build an individualized release plan to facilitate a smooth transition back into the community." The ONH states that "[b]y meeting with clients monthly during the 90 days prior to their release, we bridge the reentry divide to ensure adequate housing, transportation, and job training."⁷
- The Ready4Work program implements "a comprehensive 4-pronged approach (case management and mental health, supportive services, job training, and job placement assistance). The ONH states that the program "ensures each client succeeds at reconnecting to the workforce, their families, and community."⁸
- The Ready4Success program is ONH's newest program and it delivers "case management, career development, and other crucial program services in a blended service model that is primarily virtual." The ONH states that this program "builds on lessons learned over the many years and most recently during the COVID pandemic, where we learned that we can successfully deliver critical support services to individuals through a predominately virtual platform."⁹

³ Operation New Hope, *Hope Starts Here!*, available at <https://operationnewhope.org/wp-content/uploads/2022/08/Operation-New-Hope-Overview.pdf> (last visited on March 30, 2023).

⁴ Operation New Hope, *Our Mission*, available at <https://operationnewhope.org/find-hope/our-mission/> (last visited on March 30, 2023).

⁵ Operation New Hope, *Our Programs*, available at <https://operationnewhope.org/our-programs/> (last visited on March 30, 2023).

⁶ Operation New Hope, *Hope Starts Here!*, *supra*.

⁷ Operation New Hope, *Ready4Release*, available at <https://operationnewhope.org/our-programs/ready4release/> (last visited on March 30, 2023).

⁸ Operation New Hope, *Ready4Work*, available at <https://operationnewhope.org/our-programs/ready4work/> (last visited on March 30, 2023). "Participants are required to remain drug-free and attend a comprehensive job training program featuring personal and professional development. Clients are paired with a Licensed Mental Health Counselor, Case Manager, and Job Coach to provide guidance and support, leading to job placement with targeted employment partners." ONH also offers career and technical training courses. Operation New Hope, *Hope Starts Here!*, *supra*.

⁹ Operation New Hope, *Ready4Success*, available at <https://operationnewhope.org/our-programs/ready4success/> (last visited on March 30, 2023).

Reentry Programming

The Transition Assistance Program Act¹⁰ directs the DOC to assist incarcerated individuals who are re-entering society, and in accordance with adopted administrative rules.¹¹ The DOC is authorized to pay contractual services in support of such re-entry programs and activities that address the needs of individuals re-entering society, subject to the requirements of chs. 215, 216, and 287, F.S.¹²

Section 944.706, F.S., provides that any inmate eligible for release is eligible for transition assistance.

The DOC may contract with the Department of Children and Families, the Salvation Army, and other public or private organizations, including faith-based service groups, for the provision of basic support services for releasees.¹³

The DOC currently contracts with a number of organizations, including ONH, to provide pre-release and post-release reintegration services.¹⁴ Funding is provided for these programs through recurring and nonrecurring appropriations provided in the General Appropriations Act (GAA).¹⁵

Procurement of Contractual Services with ONH

The DOC has provided the following information regarding its current contract with ONH:

Presently, the Department contracts with ONH to facilitate delivery of pre-release services to incarcerated individuals and post-release services to ex-offenders. This contractual relationship was authorized pursuant to Specific Appropriation 726 of the 2022-2023 General Appropriations Act, and the Department received non-recurring funds for this purpose.

Through Contractual Purchase Order PO C03D83, ONH provides case management, career development, life skills training, job skills training, family reunification, financial assistance, and job placement assistance. Case management includes referrals to resources and services that assist with re-integration to society. Pre-release services can be provided to incarcerated individuals within 12 months of release and housed in any

¹⁰ Sections 944.701-944.708, F.S.

¹¹ Rule 33-601.504, F.A.C.

¹² Chapter 215, F.S., provides general provisions related to financial matters, including transparency in government spending requirements; ch. 216, F.S., provides provisions related to overall state planning and budgeting; and ch. 287, F.S., provides provisions related to the procurement of personal property and services, including competitive procurement requirements.

¹³ Section 944.706, F.S.

¹⁴ 2023 Agency Legislative Bill Analysis (SB 1198) (March 15, 2023), Florida Department of Corrections (on file with the Senate Committee on Criminal Justice). This analysis is further referenced as "DOC Analysis." The other organizations identified by the DOC include: Re-Entry Alliance Pensacola, Inc. (REAP), serving Escambia and Santa Rosa Counties; WestCare GulfCoast - Florida, Inc. (mental health overlay) serving Pinellas County; Abe Brown Ministries, Inc., serving Hillsborough and Polk Counties; The Re-Entry Center of Brevard (Brevard County Re-Entry Portal), serving Brevard County; Regional & State Transition Offender Re-Entry (Restore) Initiative of Palm Beach, serving Palm Beach County; South Florida Behavioral Health Network, dba Thriving Mind, serving Miami-Dade County; and Home Builders Institute, Inc., serving Palm Beach County. *Id.*

¹⁵ *DOC Analysis, supra.*

Department facility. Post-release services can be provided to any ex-offender within travel distance of ONH locations. “Ex-offender” includes ex-offenders on felony supervision, ex-offenders who have served time in a Department facility, participants of any State Attorney’s Office Diversion or Pretrial Intervention Program, or adult ex-offenders who served time in a Department of Juvenile Justice facility. ONH currently serves Duval, Columbia, Gadsden, Volusia, Putnam, and St. Johns Counties.¹⁶

State Funding for ONH

Beginning in FY 2015-16, ONH received a recurring appropriation of \$2,225,000 in the GAA.¹⁷ Prior to FY 2015-16, ONH had received different recurring appropriation amounts. Contracts for commodities or services may be awarded without competitive procurement if state or federal law prescribes with whom the agency must contract or if the rate of payment or recipient of funds is established during the appropriations process.¹⁸

Additionally, ONH requested and received \$3,450,000 in nonrecurring funding as appropriations projects in the FY 2022-23 GAA.¹⁹ Legislative Joint Rules require, for an “appropriations project” to be included in a budget conference committee report, the project must be included in a bill or an amendment placed into a budget conference and specified information about the project must have been published online.²⁰ Funding of an “appropriations project” is limited to nonrecurring funds. Appropriations for projects are not subject to the “appropriations project” requirements and limitations if specifically authorized by statute.²¹

III. Effect of Proposed Changes:

The bill authorizes²² the DOC to contract with ONH, a nonprofit organization exempt from taxation pursuant to s. 501(c)(3) of the Internal Revenue Code, to provide reentry services to inmates both before and after release from incarceration. A contract with ONH must be authorized by and consistent with funding appropriated in the GAA.

The bill takes effect July 1, 2023.

¹⁶ *Id.*

¹⁷ Specific Appropriation 766, ch. 15-232, L.O.F.

¹⁸ Section 287.057(10), F.S.

¹⁹ Specific Appropriation 726, ch. 22-156, L.O.F.

²⁰ Joint Rule 2.3, Joint Rules of the Florida Legislature (2022-2024).

²¹ Joint Rule 2.2(4)(b), Joint Rules of the Florida Legislature (2022-2024).

²² The DOC notes: “Presently, substance abuse and mental health (medical services) providers can contract with the State of Florida outside of the competitive-solicitation requirements listed in s. 287.057, F.S. More specifically, s. 287.057 (3)(e)5, F.S., provides the competitive-solicitation exemption related to substance abuse programs. The current proposed language in SB 1198 Line 14 which states “may” minimizes the risk of contract challenge.” *DOC Analysis, supra.*

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

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

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

The bill may positively impact ONH if the organization becomes eligible for additional funding.

C. Government Sector Impact:

The bill has no fiscal impact on the DOC. The bill provides that a contract with ONH must be authorized by and consistent with funding appropriated in the GAA.

The DOC states the bill:

[a]uthorizes the Department to contract with ONH, a non-profit organization, contingent on appropriated funding. The bill does not require the Department to contract with ONH. Additionally, the Department is currently in a contractual relationship with ONH. The bill does not exempt the Department from the provisions of s. 287.057, F.S.²³

²³ *Id.* See “Present Situation” section of this analysis for a discussion of that contract.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 944.7071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By Senator Simon

3-01042-23

20231198__

1 A bill to be entitled
2 An act relating to Operation New Hope; creating s.
3 944.7071, F.S.; authorizing the Department of
4 Corrections, contingent upon appropriation, to
5 contract with Operation New Hope for specified
6 services; providing an effective date.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Section 944.7071, Florida Statutes, is created
11 to read:

12 944.7071 Operation New Hope; reentry services.-As
13 authorized by and consistent with funding appropriated in the
14 General Appropriations Act, the department may contract with
15 Operation New Hope, a nonprofit organization exempt from
16 taxation pursuant to s. 501(c)(3) of the Internal Revenue Code,
17 to provide reentry services to inmates both before and after
18 release from incarceration.

19 Section 2. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

April 20, 2023

Meeting Date

1198

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Darrick D. McGhee, Sr.

Phone (850) 321-6989

Address 537 East Park Avenue

Email darrick@teamjb.com

Street

Tallahassee, FL 32301

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

Operation New Hope

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1252

INTRODUCER: Fiscal Policy Committee; Transportation Committee; and Senator DiCeglie

SUBJECT: Department of Highway Safety and Motor Vehicles

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Jones</u>	<u>Vickers</u>	<u>TR</u>	<u>Fav/CS</u>
2.	<u>Wells</u>	<u>Jerrett</u>	<u>ATD</u>	<u>Favorable</u>
3.	<u>Jones</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1252 makes numerous changes relating to the Department of Highway Safety and Motor Vehicles (DHSMV). Specifically, the bill:

- Allows “authorized agents” of the DHSMV to conduct International Fuel Tax Agreement transactions;
- Requires all law enforcement agencies to submit crash reports in a nonproprietary, interchangeable format to the DHSMV solely by electronic means as of July 1, 2025;
- Exempts motor vehicle dealers from air pollution control equipment certification requirements if the motor vehicle purchaser is the current lessee of the motor vehicle that is not in the possession of the dealer at the time of sale;
- Updates the date of adoption of federal regulations and rules for commercial motor vehicles (CMVs) from December 31, 2020, to December 31, 2022, updates federal references, and removes an expired exemption for CMV operators;
- Expressly states that the DHSMV is charged with the administration and enforcement of specified federal laws relating to CMVs;
- Requires the DHSMV to brand certificates of title of flood vehicles with words indicating the type of water that flooded the vehicle;
- Revises a requirement for a rightful heir to transfer ownership of a motor vehicle or mobile home if the previous owner died testate;
- Clarifies that no additional fee can be charged by the DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered;

- Defines “major component parts” of electric, hybrid, and plug-in hybrid motor vehicles for the purpose of verifying the sources of these parts during the rebuilt inspection process;
- Adds damaged or dismantled “vessel” to the salvage statute and provides procedures for the release and application for titling by an independent entity in possession of the vessel;
- Allows owners of rental trucks that have a gross vehicle weight up to 15,000 pounds to elect to have a permanent registration period for such vehicle, provided appropriate license taxes and fees are paid;
- Authorizes DHSMV to issue reduced dimension license plates for trailers;
- Authorizes, effective January 1, 2024, acceptance of electronic motor vehicle registrations as proof of registration when operating a motor vehicle;
- Exempts Florida collegiate specialty license plates from the provision requiring DHSMV to discontinue the specialty license plate with the fewest plates in circulation each year;
- Makes changes to four existing specialty license plates, and authorizes creation of a Florida Association of Realtors specialty license plate;
- Provides that a disabled veteran who qualifies for a free “DV” license plate may choose a military or specialty license plate he or she qualifies for in lieu of the “DV” license plate;
- Requires, as of January 1, 2024, that the designation on a driver license or identification card indicating an individual is a sexual predator or sexual offender be in a distinctive format and printed in the color red;
- Removes requirements that certain insurance coverage be noncancelable following reinstatement of a driver license; and
- Makes numerous clarifying, technical, and conforming changes.

The bill also creates a new section of statute and amends various sections of law to adopt requirements related to the federal Drug and Alcohol Clearinghouse program. States must be compliant with this program by November 18, 2024, or risk losing federal grant funding.

The bill may have an indeterminate fiscal impact on state and local government and the private sector. See Section V. Fiscal Impact Statement.

Except as otherwise provided, the bill takes effect July 1, 2023.

II. Present Situation:

Due to the disparate issues in the bill, for ease of organization and readability, the *Present Situation* for each issue is discussed below in conjunction with the *Effect of Proposed Changes*.

III. Effect of Proposed Changes:

International Fuel Tax Agreement (IFTA) Registration (Section 1)

Present Situation

The IFTA is a reciprocal tax collection agreement by and among the 48 contiguous states and the ten Canadian provinces bordering the United States. IFTA qualified commercial motor vehicles (CMVs) registered in Florida report and pay all motor fuel taxes to the state (its base

jurisdiction), which distributes such taxes to other member jurisdictions in which the vehicle travelled and incurred motor fuel use tax liability.¹

CMVs are IFTA qualified if they are used, designed, or maintained for the interstate transportation of persons or property and:

- Have two axles and a gross vehicle weight (GVW) or registered GVW exceeding 26,000 pounds;
- Have three or more axles, regardless of weight; or
- Are used in combination with a trailer, for a combined GVW or registered GVW in excess of 26,000 pounds.

CMVs that fall under IFTA must obtain an IFTA license and a set of two IFTA decals per qualified vehicle annually. The IFTA license and decals are valid from January 1 through December 31.² According to the DHSMV, a licensee can only obtain a new IFTA license and accompanying decals by mail from the DHSMV or in person at the Neil Kirkman Building in Tallahassee.³

Current law allows county tax collectors, as authorized agents of the DHSMV, to provide motor vehicle and driver license services, including the issuance of registration certificates, license plates, and validation stickers.⁴ However, Florida law does not expressly allow “authorized agents” of the DHSMV to conduct IFTA transactions.

Effect of Proposed Changes

The bill amends s. 207.004, F.S., to specify that the DHSMV or its authorized agent shall issue licenses and fuel tax decals for CMVs requiring IFTA registration.

This change may provide CMV operators more options for conducting IFTA registration transactions and may reduce in-person traffic and wait times at the Neil Kirkman Building in Tallahassee for IFTA transactions.

Electronic Crash Reporting (Sections 2 and 3)

Present Situation

The DHSMV is the official custodian of Florida’s crash data. The DHSMV is responsible for preparing and supplying Florida’s crash report forms to law enforcement agencies in the state,⁵ and crash reports prepared by law enforcement agencies must be submitted to the DHSMV.⁶ The DHSMV aggregates this data submitted by law enforcement agencies, and uses such data to develop reports and distribute data to safety stakeholders and other interested parties.⁷

¹ Chapter 207, F.S. and DHSMV, *International Fuel Tax Agreement*, <https://www.flhsmv.gov/driver-licenses-id-cards/commercial-motor-vehicle-drivers/international-fuel-tax-agreement/> (last visited March 6, 2023).

² *Id.*

³ DHSMV, *2023 Agency Legislative Bill Analysis - SB 1252* (March 1, 2023) at 2.

⁴ See ss. 320.02(1) and 320.03, F.S.

⁵ Section 316.068, F.S.

⁶ Section 316.066(1)(f), F.S.

⁷ Section 316.069, F.S., and DHSMV, *supra* note 3.

Florida law does not mandate how crash report forms are to be submitted to the DHSMV. DHSMV receives approximately 750,000 crash report forms annually. Currently, less than two percent of crash reports received by the DHSMV are paper crash reports.⁸ Paper crash reports are received by the DHSMV via regular postal services and are then delivered to a third-party, PRIDE Enterprises, to be manually key punched and submitted electronically to the DHSMV database where the data is validated prior to acceptance.⁹

Effect of Proposed Changes

The bill amends s. 316.066, F.S., effective July 1, 2025, to require all Florida law enforcement agencies to submit crash reports to the DHSMV solely by electronic means instead of mailing paper crash reports. The bill requires entities submit such crash reports to the DHSMV using a nonproprietary, interchangeable electronic form and reporting method. For purposes of this provision, “nonproprietary” means commonly used and commercially available report formats and reporting methods.

The bill contains a legislative finding that the requirement that entities submit crash reports electronically to DHSMV fulfills an important state interest by expediting the availability of crash reports and crash data as well as the availability of information derived from such reports to improve highway safety.

Air Pollution Certificate Exemption for Leased Vehicles (Section 4)

Present Situation

Section 316.2935, F.S., prohibits a person or motor vehicle dealer from offering for sale or lease, selling or leasing, or transferring title to, a motor vehicle in Florida that has had its air pollution control equipment tampered with.¹⁰ The motor vehicle seller, lessor, or transferor must certify in writing that the air pollution control equipment has not been tampered with by the certifier or with his or her permission, or by the certifier’s agent, employee, or other representative.

Additionally, a licensed motor vehicle dealer also must certify that he, she, or persons under his or her supervision visually observed the air pollution control equipment of the motor vehicle and determined such equipment is in place and appears properly connected and undamaged.¹¹

The following transactions are exempt from this requirement:¹²

- Motor vehicles from the manufacturer or distributor provided to a franchise motor vehicle dealer;

⁸ DHSMV, *supra* note 3.

⁹ DHSMV, *supra* note 3.

¹⁰ Section 316.2935(1)(a), F.S., defines “tampering” as “the dismantling, removal, or rendering ineffective of any air pollution control device or system which has been installed on a motor vehicle by the vehicle manufacturer except to replace such device or system with a device or system equivalent in design and function to the part that was originally installed on the motor vehicle.”

¹¹ Rule 62-243.500, F.A.C., specifies the “air pollution equipment” to be visually observed includes the catalytic converter, fuel inlet instructor, unvented fuel cap, exhaust gas recirculation system, air pump and/or air injection system, and fuel evaporative system, if applicable based on vehicle age.

¹² Section 316.2935(1), F.S. and Rule 62-243.500(2), F.A.C.

- First time lease or sale of new motor vehicles subject to certification under s. 207, Clean Air Act, 42 U.S.C. s. 7541;
- Motor vehicles provided to a licensed motor vehicle dealer who elects to not receive the certification form;
- Motor vehicles transferred between licensed motor vehicle dealers;
- Lease agreements for 30 days or less; and
- Sales of motor vehicles for salvage purposes only.

Any person or motor vehicle dealer who knowingly and willingly violates this requirement:¹³

- For a first violation, a person is guilty of second degree misdemeanor and a motor vehicle dealer is guilty of a first degree misdemeanor.
- For a second or subsequent violation, any violator is guilty of a first degree misdemeanor, and the DHSMV may temporarily or permanently revoke or suspend the motor vehicle dealer license of the violator.

All other violators shall be charged with a noncriminal traffic infraction, punishable as a moving violation. However, the penalty may be reduced if the violation is corrected.¹⁴

Effect of Proposed Changes

The bill amends s. 316.2935, F.S., to exempt licensed motor vehicle dealers from being required to visually inspect and certify that a vehicle's air pollution control equipment has not been tampered with by the dealer or his or her agents when the vehicle is being purchased by the current lessee and is not in the possession of the dealer at the time of sale.

Federal CMV Regulations (Sections 5, 17, and 18)

Present Situation

The primary mission of the Federal Motor Carrier Safety Administration (FMCSA), an agency within the U.S. Department of Transportation, is to prevent CMV-related fatalities and injuries.¹⁵

Section 316.003(14), F.S., defines "commercial motor vehicle" as any self-propelled or towed vehicle used on public highways in commerce to transport passengers or cargo, if such vehicle:

- Has a gross vehicle weight rating of 10,000 pounds or more;
- Is designed to transport more than 15 passengers, including the driver; or
- Is used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act,¹⁶ as amended.

Section 316.302(1)(a), F.S., provides that all owners and drivers of a CMV operating on the state's public highways while engaged in *interstate* commerce are subject to rules and regulations contained in the following parts of the Federal Motor Carrier Safety Regulations¹⁷:

¹³ Section 316.2935(5), F.S.

¹⁴ Sections 316.2935(6) and 316.6105, F.S.

¹⁵ FMCSA, *About Us*, available at <https://www.fmcsa.dot.gov/mission/about-us> (last visited March 6, 2023).

¹⁶ 49 U.S.C. ss. 1801 et seq.

¹⁷ 49 C.F.R. ch III, subchapter B.

Part	Heading
382	Controlled Substances and Alcohol Use and Testing
383	Commercial Driver's License Standards; Requirements and Penalties
385	Safety Fitness Procedures
386	Rules of Practice for FMCSA Proceedings
390	Federal Motor Carrier Safety Regulations; General
391	Qualifications of Drivers and Longer Combination Vehicle (LCV) Driver Instructors
392	Driving of Commercial Motor Vehicles
393	Parts and Accessories Necessary for Safe Operation
395	Hours of Service Drivers
396	Inspection, Repair, and Maintenance
397	Transportation of Hazardous Materials; Driving and Parking Rules

Section 316.302(1)(b), F.S., provides that owners or drivers of CMVs engaged in *intrastate* commerce are subject to the same federal regulations, unless otherwise provided in s. 316.302, F.S., as such regulations existed on December 31, 2020.

States generally have three years to adopt such rules to remain compatible with federal regulations. States that remain incompatible after the compliance date risk losing federal grant funding.

During the most recent Annual Program Review of the DHSMV's compliance with these regulations, the FMCSA noted that Florida law does not expressly subject the DHSMV to comply with the provisions of 49 CFR part 384.¹⁸

Effect of Proposed Changes

The bill amends s. 316.302, F.S., to provide that all owners and drivers of CMVs engaged in *intrastate* commerce be subject to CMV rules and regulations, unless otherwise specified, as they existed on December 31, 2022. According to the DHSMV, the FMCSA has adopted or amended six rules between December 31, 2020, and December 31, 2022, which impact the DHSMV.

This update results in the following changes:

- Removes a duplicative requirement that drivers prepare and submit a list of traffic violations annually to their employer;¹⁹
- Increases the area on the interior of a CMV windshield where vehicle safety technology devices may be mounted;²⁰
- Expands the definition of "vehicle safety technology" to include, "systems and items of equipment to promote driver, occupant, and roadway safety," including "systems and devices that contain cameras, lidar, radar, and/or video";²¹
- Permits individuals who do not satisfy certain vision standards to be physically qualified by an ophthalmologist or optometrist annually to operate a CMV;²²

¹⁸ DHSMV, *supra* note 3, at 3.

¹⁹ 87 FR 13192 (March 9, 2022).

²⁰ 49 C.F.R. s. 393.60(e)(1).

²¹ 49 C.F.R. s. 393.5.

²² 49 C.F.R. s. 391.44.

- Requires rear impact guards be examined as part of the required CMV annual inspection and updates certification and labeling requirements for rear impact protection guards;²³ and
- Requires compliance with regulations related to the Drug and Alcohol Clearinghouse (this issue is described in detail in this analysis under the “Commercial Driver Licenses and the Drug and Alcohol Clearinghouse” subheading).

The bill also makes changes in the following sections related to CMVs:

- Amends s. 316.302(1)(a) and (b), F.S., to include that all owners and drivers of CMVs are subject to the rules and regulations contained in 49 C.F.R. part 384, which requires state compliance with the federal CDL program.
- Removes s. 316.302(1)(c), F.S., which is now obsolete. The paragraph allowed a delay in compliance with the requirements of electronic logging devices and hours of service supporting documents until December 31, 2019.
- Amends s. 316.302(2)(d), F.S., to update to the appropriate federal references.
- Amends s. 322.02, F.S., to provide that the DHSMV is charged with the enforcement and administration of 49 C.F.R. parts 382-386 and 390-397.
- Clarifies in s. 322.05(4), F.S., that the DHSMV is prohibited from issuing a commercial license to any person who is ineligible to operate a CMV pursuant to 49 C.F.R. part 383.

Branding of a Certificate of Title as a “Flood Vehicle” (Section 6)

Present Situation

Florida law prohibits a person knowingly offering for sale, selling, or exchanging a flood vehicle until the DHSMV has stamped in a conspicuous place on the certificate of title that the vehicle is a flood vehicle.²⁴ A “flood vehicle” is defined as a motor vehicle or mobile home declared as a total loss²⁵ resulting from damage caused by water.²⁶

Current law does not differentiate between the types of water that impacted a flood vehicle. In September 2022, Hurricane Ian made landfall in Florida and numerous electric vehicles caught fire from what is believed to be exposure to or submersion in salt water.²⁷ Lithium-ion batteries power most electric vehicles. Damage to such batteries by salt water, heat, or force can cause a chemical reaction called thermal runaway, which causes batteries to heat up uncontrollably and be prone to fires and off-gassing, which can lead to explosions.²⁸

²³ 86 FR 62105 (November 9, 2021).

²⁴ Section 319.14(1)(b), F.S.

²⁵ Pursuant to 319.30(3)(a), F.S., which defines “total loss” as when an insurance company pays to replace the damaged vehicle or mobile home, or when an uninsured motor vehicle or mobile home is damaged and the cost to repair or rebuild the vehicle is 80 percent or more of the replacement cost.

²⁶ Section 319.14 (1)(c)8., F.S.

²⁷ DHSMV, *supra* note 3, at 3-4.

²⁸ Verzoni, Angelo, *Experts Warn of Electric Fires After Hurricane Ian Damages Lithium-Ion Batteries*, National Fire Protection Association (October 9, 2022), <https://www.nfpa.org/News-and-Research/Publications-and-media/Blogs-Landing-Page/NFPA-Today/Blog-Posts/2022/10/19/Experts-Warn-of-Electric-Vehicle-Fires-After-Hurricane-Ian-Damages-Lithium-Ion-Batteries> (last visited February 21, 2023).

According to the National Highway Traffic Safety Administration (NHTSA):

Lithium-ion vehicle battery fires have been observed both rapidly igniting and igniting several weeks after battery damage occurred. The timing of the fire initiation is specific to the battery design, chemistry, and damage to the battery pack. Test results specific to saltwater submersion show that salt bridges can form within the battery pack and provide a path for short circuit and self-heating. This can lead to fire ignition. As with other forms of battery degradation, the time period for this transition from self-heating to fire ignition can vary greatly.²⁹

Even for electric vehicles that did not combust in fire following submersion in salt water during Hurricane Ian, a concern may exist that the vehicles' batteries may be considered a hazardous material.

Effect of Proposed Changes

The bill amends s. 319.14, F.S., to require the DHSMV to brand the certificate of title of a flood vehicle with reference to the water type that flooded the vehicle. The certificate of title of a flood vehicle will be branded as either:

- “Flood Vehicle - Salt Water”;
- “Flood Vehicle - Fresh Water”; or
- “Flood Vehicle - Other or Unknown Water Type.”

Including this additional information may provide increased consumer protections. By knowing what type of water a flood vehicle has been exposed to, vehicle purchasers and owners may be more aware of any potential risks associated with fire and hazardous materials.

Certificate of Title Transfer of Ownership (Section 8)

Present Situation

Florida law states that in the case of transfer of ownership of a motor vehicle or mobile home by operation of law, such as inheritance, the DHSMV must receive satisfactory proof of ownership and right of possession to such motor vehicle or mobile home, and payment of the required certificate of title application fee, before the DHSMV can issue the applicant a certificate of title.³⁰

If the previous owner died testate, the application must be accompanied by:³¹

- A certified copy of the will, if probated, and an affidavit that the estate is solvent with sufficient assets to pay all just claims; or
- A sworn copy of the will, if the will is not being probated, and an affidavit that the estate is not indebted.

²⁹ Letter to Florida Chief Financial Officer Jimmy Patronis from NHTSA (October 14, 2022) on p. 2.

³⁰ Section 319.28(1)(a), F.S.

³¹ Section 319.28(1)(b), F.S.

Effect of Proposed Changes

The bill amends s. 319.28, F.S., to provide, if the previous owner died testate, an application for the certificate of title may be made by and accompanied with an affidavit attested by a Florida-licensed attorney in good standing with the Florida Bar who represents the previous owner's estate, that such heir or heirs are lawfully entitled to the rights of ownership and possession of the motor vehicle or mobile home. Such affidavit constitutes satisfactory proof of ownership and right of possession, and is not required to be accompanied by a copy of the will or other testamentary instrument.

Lost Certificates of Title (Section 9)

Present Situation

Under current law, if a certificate of title is lost or destroyed, the owner of the motor vehicle or mobile home, or the holder of a lien, must apply to the DHSMV for a duplicate copy.³² Upon receiving an application signed and sworn to by the applicant, and accompanied by the required fee,³³ the DHSMV must issue a duplicate copy of the certificate of title.³⁴

If an original, duplicate, or corrected certificate of title issued by the DHSMV is lost in transit and is not delivered to the addressee, the owner or holder must, within 180 days of the date of issuance of the title, apply to the DHSMV for the reissuance of the certificate of title without an additional fee.³⁵ Florida law provides that tax collectors can handle certificate of title applications and collect the associated fees.³⁶

Effect of Proposed Changes

The bill amends s. 319.29, F.S., to clarify that the DHSMV *or a tax collector* may reissue a certificate of title without an additional fee when the certificate of title is lost in transit and not delivered. The bill requires the applicant to apply for such reissuance within 180 days *after* the date of issuance of the certificate of title.

Electric, Hybrid, and Plug-in Hybrid Vehicle Component Parts (Section 10)

Present Situation

Salvage motor vehicle dealers who purchase a major component part of a vehicle must record the date of purchase and the name, address, and personal identification card number of the seller, as well as the vehicle identification number, if available.³⁷ Before a salvage motor vehicle dealer can resell a salvage motor vehicle or its parts, the motor vehicle's title must indicate it is rebuilt, which requires a rebuilt inspection to assure the identity of the vehicle and all major component parts repaired or replaced.³⁸

³² Section 319.29(1), F.S.

³³ The fee for a duplicate title is generally \$75.25. See Section 319.32(1) and (2), F.S., and DHSMV, *Fees - Motor Vehicle Title Fees*, <https://www.flhsmv.gov/fees/> (last visited March 26, 2023).

³⁴ Section 319.29(1), F.S.

³⁵ Section 319.29(3), F.S.

³⁶ Section 319.32(2)(b), F.S.

³⁷ Section 319.30(6)(a), F.S.

³⁸ Sections 319.141 and 319.14, F.S.

The definition of “major component parts” provided in s. 319.30(1)(j), F.S., is specific to combustion engines and does not include parts of electric, hybrid, and plug-in hybrid motor vehicles that may be considered major component parts of the vehicle.

Effect of Proposed Changes

The bill amends s. 319.30(1)(j), F.S., to define “major component parts” of electric, hybrid, and plug-in hybrid vehicles as all the major component parts of a combustible engine vehicle as well as the following parts: electronic transmission, charge port, DC power converter, onboard charger, power electronics controller, thermal system, and traction battery pack.

Independent Entities Possessing Damaged or Dismantled Vehicles or Vessels (Section 10)

Present Situation

Currently, independent entities can temporarily store damaged or dismantled motor vehicles pursuant to an agreement with an insurance company and participate in the sale or resale of such motor vehicles.³⁹

When an independent entity is in possession of a damaged or dismantled motor vehicle, an insurance company can notify the independent entity, with a form prescribed by the DHSMV, authorizing the release of the vehicle to the owner. The form contains: the policy and claim number, the name and address of the insured, the vehicle identification number, and the signature of an authorized representative of the insurance company.⁴⁰

Upon receiving this form, the independent entity must notify the owner that the vehicle is available for pickup. The notification must be sent by certified mail or another commercially available delivery service that provides proof of delivery to the owner at the owner’s address contained in the DHSMV’s records. If the vehicle is not claimed within 30 days after delivery or attempted delivery of the notice, the independent entity may apply for a certificate of destruction or a certificate of title.⁴¹

If the DHSMV records do not contain the motor vehicle owner’s address, the independent entity must do the following:

- Send the required notification to the owner’s address that is provided by the insurance company in the release statement; and⁴²
- Identify the latest titling jurisdiction of the vehicle through the National Motor Vehicle Title Information System (NMVTIS) or an equivalent commercially available system in an attempt to obtain the owner’s address from that jurisdiction. If the jurisdiction provides an address that is different from the owner’s address provided by the insurance company, the independent entity must provide the required notice to both addresses.⁴³

³⁹ Section 319.30(1)(g), F.S., includes such “independent entity” does not include a wrecker operator, a towing company, or a repair facility.

⁴⁰ Section 319.30(9)(a), F.S.

⁴¹ Section 319.30(9)(b), F.S.

⁴² Section 319.30(9)(c)1., F.S.

⁴³ Section 319.30(9)(c)2., F.S.

The independent entity must maintain all records related to the 30-day notice and searches in the NMVTIS for 3 years.⁴⁴ Upon applying for a certificate of destruction or salvage certificate of title, the independent entity must provide a copy of the release statement from the insurance company, proof of the 30-day notice sent to the owner, proof of notification to the NMVTIS, proof of all lien satisfactions or proof of a release of all liens on the motor vehicle, and applicable fees.⁴⁵

This process does not currently include vessels. The need to include a process for returning to owners, or obtaining salvage certificates of title, for damaged or dismantled vessels in the possession of independent entities became evident following Hurricane Ian in 2022.

Effect of Proposed Changes

The bill amends s. 319.30, F.S., to expand the authority of independent entities to allow them to temporarily store damaged or dismantled vessels pursuant to an agreement with an insurance company and participate in the sale or resale of such vessels. For this purpose, vessel is defined as every description of a watercraft, barge, and airboat used or capable of being used as a means of transportation on water.⁴⁶

The bill treats vessels the same as motor vehicles in possession of an independent entity with the following exceptions:

- On the form prescribed by the DHSMV, the hull identification number for the vessel is reported instead of the vehicle identification number.
- If the vessel is hull-damaged, the independent entity must comply as applicable with the “Hull Damaged” title brand designation requirements outlined in s. 328.045, F.S.
- The independent entity is not required to notify the NMVTIS before releasing the vessel to the owner or before applying for a certificate of title.

Permanent Registration for Rental Trucks (Section 11)

Present Situation

Generally, registration license plates for vehicles are issued for a ten-year period. At the end of the ten-year period, upon renewal, the plate must be replaced. With each license plate, a validation sticker must be issued showing the owner’s birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The license plate and validation sticker are issued based on the applicant’s appropriate renewal period. Registration periods are for 12 months, or 24 months for an extended registration period⁴⁷, and expire at midnight on the last day of the registration period.⁴⁸

⁴⁴ Section 319.30(9)(d), F.S.

⁴⁵ Section 319.30(9)(f), F.S.

⁴⁶ As provided in s. 713.78(1)(b), F.S., but which excludes a seaplane or a vessel for which a valid certificate of documentation is outstanding pursuant to 46 C.F.R. part 67.

⁴⁷ Section 320.01(19)(b), F.S., defines the term “extended registration period” as a period of 24 months during which a motor vehicle or mobile home registration is valid.

⁴⁸ Section 320.06(1)(c), F.S.

Validation stickers issued to for-hire vehicles holding less than nine passengers⁴⁹ for any company that owns 250 vehicles or more may be placed on any vehicle in its fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.⁵⁰

As of July 1, 2021, Florida law allows rental vehicles taxed as for-hire vehicles that carry under nine passengers to voluntarily elect a permanent motor vehicle registration period, provided that the appropriate license taxes and fees are paid annually. Validation stickers are voided if the appropriate license taxes and fees are not paid annually.

For rental cars issued a permanent registration, the license plate will continue to expire at the end of the 10-year period, but the validation sticker will not need to be replaced annually. License plates with a permanent registration have a validation sticker with "PM" printed on it (for "permanent") in place of the expiration date, and the paper registration displays "Permanent Decal Issued" printed on it.⁵¹

Effect of Proposed Changes

The bill amends s. 320.06, F.S., to authorize owners of rental trucks that are less than 15,000 pounds to elect a permanent registration period for such vehicles, provided appropriate license taxes and fees are paid.

Permanent registration may provide convenience for businesses operating rental trucks as the vehicle does not have to be physically tracked down to affix an annual decal.⁵²

License Plates with Reduced Dimensions (Section 11)

Present Situation

In lieu of a standard license plate, the DHSMV may deem a plate with reduced dimensions necessary to accommodate motorcycles, mopeds, or similar smaller vehicles.⁵³ All other requirements, including the type of metal, validation stickers, identification letters and numerals, and imprints for specific plates, are the same regardless of registration license plate size.⁵⁴

Effect of Proposed Changes

The bill amends s. 320.06, F.S., to clarify that the DHSMV may deem a reduced dimension license plate necessary for a trailer.

⁴⁹ These vehicles are taxed pursuant to s. 320.08(6)(a), F.S.

⁵⁰ Section 320.06(1)(c), F.S.

⁵¹ DHSMV, *Technical Advisory - 2020-2021 Legislative Release July 12, 2021* (July 7, 2021), RS/TL21-019, available at <https://www.flhsmv.gov/pdf/bulletins/2021/RSTL21-019.pdf> (last visited March 6, 2023).

⁵² DHSMV, *supra* note 3, at 8-9.

⁵³ Section 320.06(3)(a), F.S.

⁵⁴ *Id.*

Electronic Motor Vehicle Registration Certificate (Section 12)

Present Situation

Except as otherwise provided in ch. 320, F.S., every owner or person in charge of a motor vehicle operated or driven on the roads of Florida must register the vehicle in this state. The registration certificate or an official copy, a true copy or electronic copy of rental or lease documentation issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan must, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator of the vehicle or be carried in the vehicle for which it was issued.⁵⁵

Such documentation must be exhibited upon demand of any authorized law enforcement officer or agent of the DHSMV, except for a vehicle registered under s. 320.0657, F.S., as a fleet vehicle. This does not apply during the first 30 days after purchase of a replacement vehicle. A violation is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in ch. 318, F.S.

The law provides that presenting an electronic device displaying an electronic copy of rental or lease documentation does not constitute consent for the officer or agent to access any other information on the device, and the person who presents the device to the officer or agent assumes liability for any resulting damage to the device.⁵⁶

Section 322.032, F.S., required DHSMV to establish a secure and uniform system for issuing an optional digital proof of driver license or identification card, and authorized the DHSMV to contract with private entities to develop an electronic credentialing system. Based on this requirement, the DHSMV created the Florida Smart ID, which is functioning and available in the Apple App Store and Google Play Store. According to the DHSMV, as of October 31, 2022, 57,000 Floridians have downloaded and activated their Florida Smart ID.⁵⁷

In 2022, a Florida law was adopted requiring the DHSMV's electronic credentialing system also display driver vehicle registration and insurance information by July 1, 2023.⁵⁸

Effect of Proposed Changes

The bill amends s. 320.0605, F.S., to authorize a law enforcement officer or agent of the DHSMV to accept an electronic certificate of motor vehicle registration as required documentation that must be in the possession of the vehicle's operator or carried in the vehicle at all times while the vehicle is being operated on the roads of this state. The electronic registration certificate must be in a uniform format prescribed by the DHSMV.

⁵⁵ Section 320.0605(1)(a), F.S.

⁵⁶ Section 320.0605(1)(b), F.S.

⁵⁷ Letter to the Chairs of the Joint Legislative Budget Commission from Terry L. Rhodes, Executive Director, DHSMV, (October 31, 2022).

⁵⁸ Chapter 2022-169, Laws of Fla., creating s. 324.252, F.S.

The bill also provides that displaying an electronic copy of the registration does not constitute consent for the officer or agent to access any other information on the device, and the person who presents the device assumes liability for any resulting damage to the device.

Specialty License Plates (Sections 13 and 14)

Present Situation

As of January 2023, there are 144 specialty license plates authorized by the Legislature. Of these plates, 109 are available for immediate purchase and 35 are in the presale process.⁵⁹ Specialty license plates are available to an owner or lessee of a motor vehicle who is willing to pay an annual use fee, ranging from \$15 to \$25, paid in addition to required license taxes and service fees.⁶⁰ The annual use fees are distributed to organizations in support of a particular cause or charity signified on the plate's design and designated in statute.⁶¹

In order to establish a specialty license plate and after the plate is approved by law, s. 320.08053, F.S., requires the following:

- Within 60 days, the organization must submit an art design for the plate, in a medium prescribed by the DHSMV;
- Within 120 days, the DHSMV must establish a method to issue presale vouchers for the specialty license plate; and
- Within 24 months after the presale vouchers are established, the organization must obtain a minimum of 3,000 voucher sales before manufacturing of the plate may begin.⁶²

If the minimum sales requirement has not been met by the end of the 24-month presale period, the DHSMV will discontinue the plate and issuance of presale vouchers. Upon discontinuation, a purchaser of a presale voucher may use the annual use fee as a credit towards any other specialty license plate or apply for a refund with the DHSMV.⁶³

New specialty license plates that have been approved by law but are awaiting issuance will be issued in the order they appear in s. 320.08058, F.S., provided that presale requirements have been met. If the next listed specialty license plate has not met the presale requirement, the DHSMV will proceed in the order provided in s. 320.08058, F.S., to identify the next qualified specialty license plate that has met the presale requirement.⁶⁴

⁵⁹ DHSMV Presentation to the Senate Transportation Committee, *Specialty License Plates* (January 24, 2023), slideshow available at https://www.flsenate.gov/Committees/Show/TR/MeetingPacket/5615/10046_MeetingPacket_5615_3.pdf (last visited March 27, 2023).

⁶⁰ Section 320.08056(3)(d), F.S., provides that except if specifically provided in s. 320.08056(4), F.S., the annual use fee for a specialty license plate is \$25.

⁶¹ Section 320.08058, F.S.

⁶² Chapter 2022-189, Laws of Fla., extended the presale requirement by an additional 24 months for an approved specialty license plate organization that, as of June 15, 2022, is in the presale period but had not recorded at least 3,000 voucher sales.

⁶³ Section 320.08053(2)(b), F.S.

⁶⁴ Section 320.08053(3)(a), F.S.

If the Legislature has approved 135 or more specialty license plates, the DHSMV may not make any new specialty license plates available for design or issuance until a sufficient number of plates are discontinued so that the number of plates being issued does not exceed 135.⁶⁵

Use of Specialty License Plate Fees

The annual use fees collected by an organization and any interest earned from the fees may be expended only for use in this state unless the annual use fee is derived from the sale of specified United States Armed Forces and veterans-related specialty plates.⁶⁶ Additionally, organizations must adhere to certain accountability requirements, including an annual audit or attestation document affirming that funds received have been spent in accordance with applicable statutes.⁶⁷

The annual use fees collected by an organization and the interest earned from those fees may not be used for commercial or for-profit activities, or general or administrative expenses, unless authorized by s. 320.08058, F.S.⁶⁸ Additionally, the annual use fees and interest earned from those fees may not be used for the purpose of marketing to, or lobbying, entertaining, or rewarding, any employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or any elected member or employee of the Legislature.⁶⁹

Discontinuance of Specialty License Plates

The DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 1,000 plates for at least 12 consecutive months. A warning letter is mailed to the sponsoring organization following the first month in which the total number of valid specialty license plate registrations is below 1,000 plates. Collegiate plates for Florida universities are exempt from the minimum specialty license plate requirement.⁷⁰ In addition, the DHSMV is authorized to discontinue any specialty license plate if the organization no longer exists, stops providing services that are authorized to be funded from the annual use fee proceeds, or pursuant to an organizational recipient's request.⁷¹

However, effective July 1, 2023, the sales requirement increases so that the DHSMV must discontinue the issuance of an approved specialty license plate if the number of valid registrations falls below 3,000 or in the case of an out-of-state college or university license plate, 4,000, for at least 12 consecutive months. This does not apply to in-state collegiate license plates established under s. 320.08058(3), F.S., license plates of institutions in and entities of the State University System, specialty license plates that have statutory eligibility limitations for purchase, specialty license plates for which annual use fees are distributed by a foundation for student and teacher leadership programs and teacher recruitment and retention, or Florida professional sports team license plates established under s. 320.08058(9), F.S.⁷²

⁶⁵ Section 320.08053(3)(b), F.S.

⁶⁶ Section 320.08056(10)(a), F.S.

⁶⁷ Section 320.08062, F.S.; Such fees may be used to pay for the required audit or report. See s. 320.08056(10)(a), F.S.

⁶⁸ Section 320.08056(10)(a), F.S.

⁶⁹ Section 320.08056(11), F.S.

⁷⁰ Section 320.08056(8)(a), F.S.

⁷¹ Section 320.08056(8)(b), F.S.

⁷² Chapter 2020-181, s. 7, Laws of Fla.

In 2022, ch. 2022-189, Laws of Florida, removed the requirement that out-of-state college or university plates obtain 4,000 plate sales, instead of 3,000, to be manufactured. However, such legislation failed to remove the requirement that the DHSMV discontinue an out-of-state college or university plate that falls below 4,000 active registrations for 12 consecutive months.⁷³

Additionally, the DHSMV must discontinue the specialty license plate with the fewest number of plates in circulation, including license plates exempt from a statutory sales requirement, on January 1 of each year.⁷⁴

Protect Florida Springs License Plates

The “Protect Florida Springs” specialty license plate was authorized in 2007, and provides funds to Fish & Wildlife Foundation of Florida, Inc.⁷⁵ The Foundation “is dedicated to the conservation, management, and sustainable enjoyment of Florida’s outstanding lands, waters, and wildlife.”⁷⁶

Currently, at least 55 percent of fees collected from the sale of the plate shall be available for competitive grants for targeted community based springs research not available for state funding, and 20 percent shall be directed toward community outreach programs aimed at implementing such research findings.⁷⁷

Divine Nine License Plates

In 2020, the DHSMV was authorized to create the Divine Nine specialty license plates.⁷⁸ The Divine Nine specialty license plates consist of plates authorized for the nine member organizations of the National Pan-Hellenic Council.⁷⁹ Each organization’s plate has a unique logo, graphic, or colors, as well as distribution specific to the individual organization.⁸⁰ However, plate sales are combined as one Divine Nine specialty license plate for the purpose of meeting the minimum license plate sales threshold and for determining the license plate limit.⁸¹

To be eligible for issuance of a Divine Nine specialty license plate, a person must be a Florida resident, the registered owner of a motor vehicle, and a member of the applicable organization.

⁷³ *Id.*

⁷⁴ Section 320.08056(8)(f), F.S.

⁷⁵ Chapter 2007-103, Laws of Fla., authorized creation of the plate with funds distributed to the Wildlife Foundation of Florida, Inc. The Foundation has since changed its name to the Fish & Wildlife Foundation of Florida, Inc. See Florida Department of State: Division of Corporations, *Fish & Wildlife Foundation of Florida, Inc.*, Sunbiz.org, Document number N94000005029 (January 29, 2015).

⁷⁶ Fish & Wildlife Foundation of Florida, *Protect Florida Springs Tag Grants - Overview*, https://wildlifeflorida.org/pfs_grants/ (last visited April 19, 2023).

⁷⁷ Section 320.08058(58)(b), F.S.

⁷⁸ Chapter 2020-181, Laws of Fla., creating s. 320.08058(101), F.S.

⁷⁹ The National Pan-Hellenic Council’s purpose is to foster cooperative actions of its members in dealing with matters of mutual concern and to promote the well-being of its fraternities and sororities. See National Pan-Hellenic Council, *About the NPHC*, <https://www.nphc.org/about> (last visited March 23, 2023).

⁸⁰ Section 320.08058(101)(a) and (b), F.S.

⁸¹ Section 320.08058(101), F.S.

American Eagle License Plate

The “American Eagle” specialty license plate was authorized in 2020, to provide funds to the American Eagle Foundation for public education programs, rescue and care programs, and other conservation efforts in Florida that benefit bald eagles.⁸² This specialty license plate is currently in the presale process and, as of April 3, 2023, has 102 presales.⁸³

Give Kids the World License Plate

The “Give Kids the World” specialty license plate was authorized in 2020, to provide funds to Give Kids the World, Inc., to support the organization’s mission of providing week-long, cost-free vacations to children with critical illnesses and their families.⁸⁴ This specialty license plate is currently in the presale process and, as of April 3, 2023, has 108 presales.⁸⁵

Homeownership for All, Inc.

Homeownership for All, Inc. is a Florida not-for-profit corporation registered with the Florida Department of State and the Florida Department of Agriculture and Consumer Services.⁸⁶ The organization has been raising funds since 2006, to help fund affordable housing programs across Florida.⁸⁷ The organization’s goal is to provide housing assistance to teachers, nurses, and others unable to afford a home.⁸⁸

Effect of Proposed Changes

Discontinuance of Specialty License Plates

The bill exempts Florida collegiate specialty license plates from the provision requiring the DHSMV to discontinue the specialty license plate with the fewest number of plates in circulation on January 1 every year. Furthermore, DHSMV may reauthorize any collegiate license plate that has been discontinued pursuant to this provision, if the university resubmits the collegiate license plate for authorization.

The bill amends ch. 2020-181, Laws of Florida, to remove a requirement, effective July 1, 2023, that DHSMV discontinue an out-of-state college or university specialty license plate that falls below 4,000 registrations, instead of 3,000 registrations, for 12 consecutive months. The

⁸² Chapter 2020-181, Laws of Fla., creating s. 320.08058(95), F.S.

⁸³ DHSMV, *Pre-Sale Data*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/personalized-specialty-license-plates/specialty-license-plates/pre-sale-data/> (last visited April 19, 2023).

⁸⁴ Chapter 2020-181, Laws of Fla., creating s. 320.08058(107), F.S.

⁸⁵ DHSMV, *Pre-Sale Data*, <https://www.flhsmv.gov/motor-vehicles-tags-titles/personalized-specialty-license-plates/specialty-license-plates/pre-sale-data/> (last visited April 19, 2023).

⁸⁶ Florida Department of State: Division of Corporations, *Homeownership for All, Inc.*, Sunbiz.org, Document number N06000002753 (March 13, 2006); and Florida Department of Agriculture and Consumer Services, *Homeownership For All, Inc.*, Check-A-Charity, Registration number CH64167.

⁸⁷ Florida Realtors, *Homeownership License Plate* (November 18, 2022), <https://www.floridarealtors.org/about/homeownership-for-all-license-plate> (last visited April 19, 2023).

⁸⁸ *Id.*; The organization currently raises funds with the Homeownership for All specialty license plate authorized in s. 320.08058(56), F.S.

requirement that out-of-state college or university plates obtain 4,000 registrations to be produced was lowered to 3,000 registrations in 2022.⁸⁹

Protect Florida Springs License Plate

The bill amends s. 320.08058(58), F.S., to update the organization's name, remove obsolete language, and make changes to the authorized use of plate proceeds. The bill requires the Fish & Wildlife Foundation of Florida, Inc., make available at least 75 percent of the fees from sale of the plate for the conservation of Florida's freshwater springs, including scientific research, springs habitat restoration, springs protection, and public education on springs. The majority of such funds must be awarded via competitive grants administered and approved by the board of directors of the Fish & Wildlife Foundation of Florida, Inc., with input from the granting advisory committee.

Divine Nine License Plates

The bill amends s. 320.08058 (101), F.S., to expand eligibility for issuance of the Divine Nine specialty license plates. The bill provides eligibility for such plates to an organization member's immediate relative and to motor vehicle lessees. The bill defines "immediate relative" as a spouse, domestic partner, or child of a member.

American Eagle License Plate

The bill amends s. 320.08058(95), F.S., to change the motto on the bottom of the license plate from "In God We Trust" to "Protect the Eagle."

Give Kids the World License Plate

The bill amends s. 320.08058 (107), F.S., to change the name and motto of the "Give Kids the World" specialty license plate to "Universal Orlando Resort," but does not change the distribution or use of proceeds from the sale of the plate.

Florida Association of Realtors

The bill creates s. 320.08058(127), F.S., to authorize DHSMV to create a new specialty license plate for the Florida Association of Realtors. The annual use fee of the plate is \$25, which will be distributed to Homeownership For All, Inc. The organization may use up to ten percent of proceeds to promote and market the plate. The remainder of the fees must be used to fund programs that provide, promote, or otherwise support affordable housing in this state.

Disabled Veteran "DV" License Plates (Section 15)

Present Situation

Section 320.084, F.S., provides that a disabled veteran is eligible for one free "DV" license plate if he or she has been a resident of this state for the preceding five years or has established a domicile in this state, has been honorably discharged from the United States Armed Forces, and provides proof that he or she:

- Has a vehicle initially acquired through financial assistance by the United States Department of Veterans Affairs (VA) or its predecessor specifically for the purchase of an automobile;

⁸⁹ Chapter 2022-189, s. 1, Laws of Fla.

- Has been determined by the VA or its predecessor to have a service-related one hundred percent disability rating for compensation; or
- Has been determined to have a service connected disability rating of one hundred percent and receives disability retirement pay from any branch of the United States Armed Forces.

The license number on each plate issued to a disabled veteran must be identified by the letter designation “DV.”⁹⁰ The design of the special disabled veteran plate is red, white, and blue, and resembles the United States flag.⁹¹ As of January 2023, there were 97,994 active Florida “DV” license plates, the most of any military license plate.⁹²

Upon issuance of each new permanent “DV” license plate, an initial validation sticker with an expiration not exceeding 27 months, is issued without cost to the applicant.⁹³ The applicant does have to pay the associated service charges for each initial application or renewal of registration.⁹⁴ Registration must be renewed annually or biennially, and at that time the applicant must submit a certified statement affirming their continued eligibility for the special “DV” license plate.⁹⁵

Any vehicle displaying a “DV” license plate that is transporting the person to whom the plate was issued is authorized to park in a designated accessible parking space.⁹⁶ A state agency, county, municipality, or any agency thereof, may not enact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle that displays the “DV” license plate when the vehicle is transporting the person who has the disability or who the plate was issued to.⁹⁷ Additionally, the governing body of a publicly owned or publicly operated airport must grant free parking to a vehicle displaying a “DV” license plate.⁹⁸ These rights are afforded by the state and are not necessarily universally accepted as parking permits and license plates designated with the International Symbol of Accessibility.⁹⁹

Special Military License Plates

Florida offers Special Military License Plates, which have specific eligibility requirements that must be met upon application and required payment of the license tax for the vehicle, if applicable, before the plate can be issued.¹⁰⁰ Section 320.089, F.S., authorizes the majority of these special military plates, which include several plates for veterans, plates for National Guard members and former Prisoners of War, and plates for military members who have been awarded

⁹⁰ Section 320.084(3), F.S.

⁹¹ See DHSMV, *Florida Military License Plates*, HSMV 80003, available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf at 2. (last visited March 26, 2023).

⁹² *Id.* at p. 6.

⁹³ Section 320.084(4)(a), F.S.

⁹⁴ Section 320.084(4)(b), F.S.

⁹⁵ Section 320.084(4)(c), F.S.

⁹⁶ Sections 553.5041(1) and 316.1955(1), F.S.

⁹⁷ Section 316.1964(1), F.S. However, a fee may be charged when such parking facility or lot is being used in connection with an event at a convention center, cruise-port terminal, sports stadium, sports arena, coliseum, or auditorium. See s. 316.1964(3), F.S.

⁹⁸ Section 316.1964(7), F.S.

⁹⁹ See U.S. Access Board, *Guide to the ADA Accessibility Standards: Guidance on the International Symbol of Accessibility* (March 27, 2017), <https://www.access-board.gov/ada/guides/guidance-on-the-isa/> (last visited March 27, 2023).

¹⁰⁰ See ss. 320.0845, 320.0846, 320.089, 320.0891, 320.0892, 320.0893, F.S. A full-listing of the military plates offered by DSHMV are available at https://www.flhsmv.gov/pdf/specialtyplates/military_brochure.pdf *supra*, note 91.

specific honors such as combat badges and medals. General revenue generated from the sale of military plates issued under s. 320.089, F.S., are distributed to Florida Department of Veterans' Affairs trust funds to be used as follows:

- The first \$100,000 are to be used for the common benefit of the residents of Florida Veterans' Nursing Homes.¹⁰¹
- Any additional revenue is to be used to support program operations that benefit veterans or the operation, maintenance, or construction of domiciliary and nursing homes for veterans.¹⁰²
- Except for the revenue from the "Woman Veteran" license plate, which is to be used solely for creating and implementing programs to benefit women veterans.¹⁰³

Effect of Proposed Changes

The bill amends s. 320.084, F.S., to allow a disabled veteran who qualifies for the "DV" license plate to select a special military license plate for which he or she is eligible or specialty license plate in lieu of the free "DV" license plate. The applicant must pay all of the applicable fees related to such plate, except for the initial license plate and registration fees waived for "DV" license plate applicants.

Additionally, the bill provides that an applicant who selects another plate in lieu of the "DV" plate will not be afforded the same protections and rights of the "DV" plate relating to disabled parking accessibility and free parking for vehicles displaying the "DV" plate.

Commercial Driver Licenses and the Drug and Alcohol Clearinghouse (Sections 16, 19, 22, and 23)

Present Situation

Owners and drivers of a CMV operating on the state's public highways are subject to rules and regulations contained in the Federal Motor Carrier Safety Regulations, which includes specific regulations on controlled substances and alcohol use, testing, and reporting.¹⁰⁴

Drug and Alcohol Clearinghouse

The Drug and Alcohol Clearinghouse is an online database that provides employers of CMV drivers, the Federal Motor Carrier Safety Administration (FMCSA), State Driver Licensing Agencies, and State law enforcement personnel real-time information about drug and alcohol program violations of CMV operators.¹⁰⁵ The Clearinghouse helps to identify CMV drivers who are prohibited from operating a CMV based on federal drug and alcohol program violations, and to ensure such drivers receive required drug or alcohol evaluation and treatment following a violation.¹⁰⁶

¹⁰¹ Section 320.089(1)(c), F.S.

¹⁰² *Id.*

¹⁰³ Section 320.089(1)(d), F.S.

¹⁰⁴ Section 316.302(1), F.S. and *see* 49 C.F.R. Part 382 - Controlled Substances and Alcohol Use Testing.

¹⁰⁵ FMCSA, *About the Clearinghouse - What is the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse?* <https://clearinghouse.fmcsa.dot.gov/About> (last visited March 3, 2023).

¹⁰⁶ *Id.*

Effective November 18, 2024, the FMCSA requires states use the Clearinghouse to check the status of a commercial driver license (CDL) or commercial learner permit (referred to in Florida as a commercial instructional permit, or CIP) before performing any licensing functions.¹⁰⁷ This federal regulation prohibits states from issuing, renewing, upgrading, or transferring a CDL or CIP if the individual is restricted from operating a CMV due to any drug and alcohol program violations.

Additionally, the FMCSA requires states to establish procedures for “downgrading” a CDL or CIP, which means removing the privilege to operate a CMV from the driver license.¹⁰⁸ If the state receives notification¹⁰⁹ that an individual is prohibited from operating a CMV due to federal alcohol or controlled substances rules, the state must downgrade the CDL or CIP and record such downgrade on the Commercial Driver’s License Information System (CDLIS) driver record.¹¹⁰

Federal regulations also provide information on reinstatement of the CDL or CIP following completion of return-to-duty requirements, or reinstatement of the CDL or CIP and expunction of the downgrade from the CDLIS driving record for Clearinghouse error corrections.¹¹¹

States are required to adopt compatible CMV driving prohibitions to remain eligible to receive Motor Carrier Assistance Program (MCSAP) grant funds.¹¹² According to the DHSMV, Florida’s current MCSAP federal grant share is \$19.8 million.¹¹³

DHSMV Informal Review Request

Florida law permits an individual to request an informal review when his or her driver license is suspended in certain instances.¹¹⁴ The informal review is conducted by a hearing officer designated by the DHSMV, and does not require the presence of a law enforcement officer or a witness. The review consists solely of an examination by the DHSMV of materials submitted by a law enforcement or correctional officer and the person whose license is suspended. Following the examination, a notice is sent to the individual providing the DHSMV’s decision to sustain, amend, or invalidate the license suspension.

Section 322.21(9)(a), F.S., provides that for such reviews, the applicant must pay a \$25 filing fee, which is deposited into the Highway Safety Operating Trust Fund.

¹⁰⁷ 49 C.F.R. s. 383.73.

¹⁰⁸ *Id.* and 49 CFR s. 383.5(4).

¹⁰⁹ Pursuant to 49 C.F.R. s. 382.501(a).

¹¹⁰ CDLIS is “a nationwide computer system that enables state driver licensing agencies...to ensure that each commercial driver has only one driver license and one complete driver record.” States use this system to transmit out-of-state convictions and withdrawals, transfer CDL driver records to another state, or to respond to requests for driver status and history. See AAMVA, *Commercial Driver’s License Information System (CDLIS)*, <https://www.aamva.org/technology/systems/driver-licensing-systems/cdlis> (last visited March 3, 2023).

¹¹¹ 49 C.F.R. s. 383.73.

¹¹² See 86 FR 55718, *Controlled Substances and Alcohol Testing: State Driver’s Licensing Agency Non-Issuance/Downgrade of Commercial Driver’s License* (October 7, 2021), available at <https://www.federalregister.gov/documents/2021/10/07/2021-21928/controlled-substances-and-alcohol-testing-state-drivers-licensing-agency-non-issuancedowngrade-of> (last visited March 5, 2023).

¹¹³ Email from Jennifer Langston, Chief of Staff, DHSMV, *RE: SB 1252 - Questions* (March 14, 2023) (on file with the Senate Committee on Transportation).

¹¹⁴ See ss. 322.2615(4) and (5), 322.2616(5) and (6), and 322.64(4) and (5), F.S.

Right of Review

Section 322.31, F.S., provides that the DHSMV's final orders and rulings wherein any person is denied a license, or where a license has been canceled, suspended, or revoked, shall be reviewable as provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the circuit court in the county where the person resides.

Reinstatement of Licenses

An applicant for reinstatement of his or her CDL following a disqualification to operate a CMV, must pay a \$75 reinstatement fee in addition to the cost of the license.¹¹⁵

Effect of Proposed Changes

The bill amends several sections of law and creates s. 322.591, F.S., to adopt requirements of the Drug and Alcohol Clearinghouse program. These requirements begin November 14, 2024.

The bill creates s. 322.591, F.S., which requires the DHSMV to check the Clearinghouse to ensure a driver is not prohibited from operating a motor vehicle any time a person applies for or seeks to renew, transfer, or make any other change to a CDL or CIP. Additionally, the DHSMV may not issue, renew, transfer, or revise the types of authorized vehicles that may be operated or the endorsements applicable to a CDL or CIP for any person for whom DHSMV receives notification pursuant to 49 C.F.R. s. 382.501 that the person is removed from the safety-sensitive function of operating a CMV because of conduct related to federal drug and alcohol prohibitions.

If the DHSMV receives such notification that a CDL or CIP holder is prohibited from operating a CMV, the DHSMV must downgrade the CDL or CIP. Section 322.01, F.S., defines "downgrade" as defined in 49 C.F.R. s. 383.5(4), which means the state removes the CDL or CIP privilege from the driver's license. The DHSMV must complete and record the downgrade in CDLIS within 60 days following receipt of the notification. If the downgraded driver is otherwise qualified to be issued a Class E (non-commercial) driver license, the DHSMV will issue the Class E license valid for the length of the driver's unexpired license period at no cost.

Immediately following receipt of notification that a driver is prohibited from operating a CMV, the DHSMV must:

- Immediately notify the driver that he or she is prohibited from operating a CMV;
- Provide in the notice to the driver that he or she may request an informal hearing within 20 days following receipt of the notice of the downgrade; and
- If a timely hearing request with the required filing fee (\$25) is not received, enter a final order directing the downgrade of the CDL or CIP; or
- If a hearing is requested with the required filing fee, schedule a hearing no later than 30 days after the request is received.

The bill provides that the informal hearing is exempt from the provisions of Chapter 120, F.S., and must be conducted before a DHSMV-designated hearing officer who may conduct such hearing from any location in the state by means of communications technology.

¹¹⁵ Section 322.21(8), F.S. An original or renewal commercial driver license is \$75, except the fee is \$48 (same as a Class E driver license) for an applicant who has completed training and is applying for employment or is currently employed in a school system that requires the commercial license. Section 322.21(1)(a) and (b), F.S.

The bill requires the federal notification indicating a driver is prohibited from operating a CMV be in the record for consideration by the hearing officer and in any proceeding pursuant to s. 322.31, F.S., relating to right of review. This notification is considered self-authenticating. The bill also provides that the basis for the federal notification received and the information in the Clearinghouse that resulted in such notification is not subject to challenge in the hearing or proceeding under s. 322.31, F.S.

If, prior to the entry of the final order to downgrade the CDL or CIP, the DHSMV receives notification that the driver is no longer prohibited from operating a CMV, the DHSMV must dismiss the action to downgrade the CDL or CIP.

If, after entry of a final order that results in the downgrade of a CDL or CIP and the recording in the driver's record that the driver is disqualified from operating a CMV, the DHSMV receives notification that the driver is no longer prohibited from operating a CMV, the DHSMV must reinstate the driver's CDL or CIP upon reinstatement application, which requires a \$75 reinstatement fee.

The bill exempts the DHSMV from liability for a downgrade resulting from the discharge of the DHSMV's duties related to newly created s. 322.591, F.S., which is the exclusive procedure for the downgrade of a CDL or CIP following notification that a driver is prohibited from operating a CMV.

The bill clarifies that the downgrade of a driver's CDL or CIP does not preclude the suspension of the driver license or disqualification from operating a CMV for driving under the influence and drug and alcohol testing refusal offenses under Florida law.

Sexual Offender/Predator Designation (Section 20)

Present Situation

Under current law, all licenses for the operation of motor vehicles or identification cards issued or reissued by the DHSMV to a sexual predator under s. 775.21, F.S., must have the marking "SEXUAL PREDATOR" on the front.¹¹⁶ All licenses or identification cards issued or reissued by DHSMV to a sexual offender under s. 943.0435, F.S., or s. 944.607, F.S., must have the marking "943.0435, F.S." on the front.¹¹⁷ These requirements also apply to persons subject to similar registration under the laws of another jurisdiction.¹¹⁸

Nine states have laws requiring sexual offenders or sexual predators to have a designation indicating such on his or her license or identification card.¹¹⁹ These designations range from Delaware's requirement of a "Y" to spelling out the words "sexual predator" or "sexual

¹¹⁶ Section 322.141(3)(a), F.S.

¹¹⁷ Section 322.141(3)(b), F.S.

¹¹⁸ Section 322.141(3)(a) and (b), F.S.

¹¹⁹ Funke, Daniel, *Fact check: Some states require special IDs for sex offenders* (Sept. 17, 2021), USA Today, <https://www.usatoday.com/story/news/factcheck/2021/09/17/fact-check-sex-offenders-some-states-must-have-special-ids/8334296002/> (last visited March 27, 2023).

offender” in a distinct color and bold format.¹²⁰ Courts have challenged some state laws requiring such designations. Most recently, the Supreme Court of Louisiana ruled that a Louisiana state statute requiring a convicted sexual offender to have a driver license or identification card with the words “SEXUAL OFFENDER” in a bold orange font was found to be unconstitutional as it violated the First Amendment of the U.S. Constitution by compelling speech.¹²¹ According to the Court:

While the state certainly has a compelling interest in protecting the public and enabling law enforcement to identify a person as a sex offender, Louisiana has not used the least restrictive means of advancing its otherwise compelled interest, the branded identification card requirement is unconstitutional.¹²²

In February 2019, Alabama’s requirement that convicted sex offenders bear the inscription “Criminal Sex Offender” in bold, red letters on their driver licenses or identification cards was also found unconstitutional under the First Amendment as it “unnecessarily compels speech, and it was not the least restrictive means of advancing a compelling state interest.”¹²³

Effect of Proposed Changes

The bill amends s. 322.141, F.S., effective January 1, 2024, to require the DHSMV to print the sexual offender or sexual predator designation of a driver license or identification card in a distinctive format and in the color red.

Transmission of Driver License Images (Section 21)

Present Situation

Section 322.142, F.S., authorizes the DHSMV to allow specified agencies access to digital driver license images. Federal law allows states to make such information available for a government agency to carry out its functions.¹²⁴ These images can be used to verify the identity of individuals and to prevent fraud.

Criminal Justice Agencies

Section 943.045(11), F.S., defines “criminal justice agency” as:

- A court;
- Florida Department of Law Enforcement;
- Florida Department of Juvenile Justice;
- The protective investigations component of the Florida Department of Children and Families;
- The investigation component of the Department of Financial Services; and
- Any other governmental agency or subunit that performs the administration of criminal justice pursuant to law or rule of court and that allocates a substantial part of its annual budget to criminal justice.

¹²⁰ *Id.*

¹²¹ *State of Louisiana vs. Tazin Ardell Hill*, No. 2020-KA-0323, 341 So.3d 539, La., (October 20, 2020).

¹²² *Id.* at 22.

¹²³ *Doe 1 v. Marshall*, 367 F.Supp.3d 1310 (M.D. Ala. Feb. 11, 2019).

¹²⁴ 18 U.S.C. s. 2721(b)(1).

Currently, Florida law authorizes the DHSMV to provide digital driver license images access in response to law enforcement agency requests and specified positions in the State Courts System, as well as to the Department of Financial Services and Department of Children and Families, pursuant to any interagency agreement, for specified use.¹²⁵ However, other criminal justice agencies may require access to such digital driver license images to more effectively carry out agency functions.

State-to-State Program

The federal REAL ID Act of 2005 provides minimum security requirements for the issuance and production of state and territory driver licenses and identification cards in order for federal agencies to accept these documents for official purposes¹²⁶, which include entering federal facilities and boarding commercial aircraft.¹²⁷ Additionally, the REAL ID Act mandates minimum standards states must adopt when issuing driver license and identification cards.

The federal State-to-State (S2S) Verification Service is a nationwide initiative to ensure persons are only issued one REAL ID compliant identifying credential.¹²⁸ To fully participate, driver licensing agencies must be able to transmit driver license and identification card photographs to other state driver licensing agencies to validate identity of applicants and detect potential identify theft. Current state law does not expressly authorize the DHSMV to issue such information to other state driver licensing agencies.

Effect of Proposed Changes

The bill amends s. 322.142(4), F.S., authorizing the DHSMV to issue access of digital driver license images to:

- Any criminal justice agency, as defined in s. 943.045(11), F.S., pursuant to interagency agreement for use in carrying out the agency's functions; and
- Other state driver licensing agencies for purposes of validating the identity of an applicant for a driver license or identification card.

Noncancelable Insurance (Sections 26-30)

Present Situation

The DHSMV is required to suspend, after due notice and an opportunity to be heard, the registration and driver license of an owner or registrant of a motor vehicle who fails to maintain a motor vehicle insurance policy that meets the minimum coverage requirements.¹²⁹ A suspended driver license or registration may be reinstated upon reobtaining the minimum required motor vehicle insurance and paying the DHSMV a nonrefundable reinstatement fee of \$150 for the first reinstatement, \$250 for the second reinstatement, and \$500 for each subsequent reinstatement

¹²⁵ Section 322.142(4), F.S.

¹²⁶ 49 U.S.C. 30301 note; 6 U.S.C. 111, 1112.

¹²⁷ The deadline to be Real ID compliant is currently May 7, 2025. See Department of Homeland Security, *REAL ID*, <https://www.dhs.gov/real-id> (last visited January 17, 2023).

¹²⁸ American Association of Motor Vehicle Administrators (AAMVA), *S2S Frequently Asked Questions*, <https://www.aamva.org/technology/systems/driver-licensing-systems/s2s-frequently-asked-questions> (last visited February 16, 2023).

¹²⁹ Section 324.0221(2), F.S.

during the three years following the first reinstatement. A person reinstating his or her insurance must secure noncancelable coverage and present proof that the coverage is in force and maintain proof for two years.¹³⁰

A person whose driving privileges have been suspended or revoked for driving under the influence must secure noncancelable coverage to have his or her driving privileges reinstated. The noncancelable policy must be issued for at least six months and may not be canceled for any reason by the insured or insurer after the 60-day underwriting period. The premium is collected and the coverage is in effect during the 60-day underwriting period, even if the person's driver license and registration are not in effect. Once the underwriting is complete, the insurer must notify the DHSMV that the policy is in full force and effect, and is noncancelable for the remainder of the policy period. Insurance coverages cannot be reduced below the required minimum limits once the noncancelable policy period becomes effective.¹³¹

Noncancelable insurance policies may require the full policy to be purchased up front, which can be costly. Communication between the DHSMV and insurers now happens electronically, so the DHSMV will receive notification if a policy has lapsed.

Effect of Proposed Changes

The bill amends several sections of law to remove requirements that individuals obtain “noncancelable” insurance coverage. The bill also removes references to “noncancelable” insurance coverage.

Other Technical Changes and Conforming Cross-References (Sections 7, 24, and 25)

The bill amends s. 319.23, F.S., replacing the word “county” with “country” to address a scrivener’s error.

The bill amends ss. 322.34 and 322.61, F.S., to conform cross-references.

Effective Date (Section 31)

The bill takes effect July 1, 2023, except for the following sections of the bill:¹³²

- Changes to s. 316.066, F.S., relating to electronic crash reports, take effect July 1, 2025.
- Changes to s. 320.0605, F.S., relating to electronic proof of motor vehicle registration, take effect January 1, 2024.
- Changes to s. 322.141, F.S., relating to sexual predator and sexual offender driver license and identification card designations, take effect January 1, 2024

¹³⁰ Section 324.0221(3), F.S.

¹³¹ Section 627.7275, F.S.

¹³² While the section of law is effective July 1, 2023, requirements relating to use of the Drug and Alcohol Clearinghouse will begin November 18, 2024, which is the federal compliance date.

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

Article VII, s. 18(a) of the State Constitution provides that:

No county or municipality shall be bound by any general law requiring such county or municipality to spend funds...unless the legislature has determined that such law fulfills an important state interest and unless: ...the law requiring such expenditure is approved by two-thirds of the membership of each house of the legislature...

Law enforcement agencies that are not currently submitting crash reports to the DHSMV electronically or that are not using nonproprietary, interchangeable electronic forms and reporting methods will be required to do so by July 1, 2025, which may result in local governments incurring costs associated with such requirements. The bill contains a finding that this requirement fulfills an important state interest. Additionally, mandate requirements do not apply to laws having an insignificant fiscal impact. It is unlikely the fiscal impact associated with this provision will result in a significant fiscal impact to local governments overall.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

Article VII, s. 19 of the Florida Constitution requires that a new state tax or fee, as well as an increased state tax or fee, be approved by two-thirds of the membership of each house of the Legislature and be contained in a separate bill that contains no other subject.

This bill subjects specified individuals to *existing* fees for the DHSMV's informal review process and reinstatement of CDL and CIP driving privileges following a required license downgrade.

E. Other Constitutional Issues:

Comparative statutes relating to the sexual offender and sexual predator designation on driver licenses and identification cards have been challenged in other states.

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

The bill requires an individual requesting an informal review of a CDL or CIP downgrade to pay the existing \$25 filing fee. Similarly, an individual requesting the reinstatement of his or her CDL or CIP following a downgrade must pay the existing \$75 fee for license reinstatement.

B. Private Sector Impact:

The bill may have an indeterminate, but likely positive, fiscal impact on the private sector. Several provisions of the bill make changes that will likely result in cost savings to the private sector by eliminating certain regulations or increasing convenience.¹³³

The changes made to specialty license plates may have a positive fiscal impact on the recipient organizations of annual use fees associated with sales of such plates.

C. Government Sector Impact:

The bill may have an indeterminate negative fiscal impact on law enforcement agencies currently submitting paper crash reports that will be required to submit crash reports to the DHSMV in a nonproprietary, interchangeable electronic format by July 1, 2025.

The bill may have an indeterminate negative fiscal impact on the DHSMV and local tax collectors for necessary programming, training, or administrative updates related to provisions of the bill.

The bill may have an indeterminate, but likely insignificant, fiscal impact on the Florida Department of Law Enforcement for changes to the sexual offender and sexual predator designation on driver license and identification cards, which may require updates to registration forms, guides, changes to the public registry, law enforcement training, and notifying criminal justice partners and registrants.

Additionally, the state may lose federal MCSAP grant funding if provisions of the bill related to federal CMV requirements are not adopted. This decrease can range from just under \$1 million annually for one year of incompatibility up to \$9.9 million annually if the state remained incompatible after four years of required compliance.¹³⁴

VI. Technical Deficiencies:

None.

¹³³ See Sections of the bill relating to: IFTA Registration; Air Pollution Certificate Exemption; Lost Certificates of Title; Independent Entities Possessing Damaged or Dismantled Vehicles or Vessels; Permanent Registration of Rental Trucks; as well as incorporating several federal law updates for CMV operators.

¹³⁴ Email from DHSMV, *supra* note 113.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 207.004, 316.066, 316.2935, 316.302, 319.14, 319.23, 319.28, 319.29, 319.30, 320.06, 320.0605, 320.08056, 320.08058, 320.084, 322.01, 322.02, 322.05, 322.07, 322.141, 322.142, 322.21, 322.34, 322.61, 324.0221, 324.131, 627.311, 627.351, and 627.7275.

This bill creates section 322.591 of the Florida Statutes.

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

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

CS/CS by Fiscal Policy on April 20, 2023:

The CS removes a provision in the bill allowing an insurance company to receive a salvage certificate of title or certificate of destruction for a vehicle when unable to receive a release of all liens.

The CS adds the following issues to the bill:

- Requires agencies submit electronic crash reports to DHSMV using a nonproprietary, interchangeable electronic form and reporting method.
- Clarifies that crash reports held by an agency may be made immediately available to law enforcement agencies and their contracted service providers.
- Authorizes acceptance of electronic motor vehicle registrations as required proof of registration while operating a motor vehicle.
- Amends s. 7 of ch. 2020-181, Laws of Florida, which goes into effect July 1, 2023, to align with changes made to out-of-state college or university license plates in 2022.
- Exempts Florida collegiate license plates from the provision requiring DHSMV to discontinue the specialty license plate with the fewest plates in circulation each year, and clarifies that such collegiate plates are exempt from minimum sales requirements.
- Makes changes to the Protect Florida Springs license plate to reflect an organizational name change, remove obsolete language, and expand use of funding.
- Changes the motto of the American Eagle specialty license plate.
- Changes the name and motto of the Give Kids the World specialty license plate.
- Expands eligibility for Divine Nine specialty license plates to a member's immediate relative and motor vehicle lessees.
- Authorizes DHSMV to create a Florida Association of Realtors specialty plate.

CS by Transportation on March 27, 2023:

The CS adds the following issues to the bill:

- Revises a requirement for a rightful heir to transfer ownership of a motor vehicle or mobile home if the previous owner died testate.

- Clarifies that no additional fee can be charged by the DHSMV or a tax collector for the reissuance of a certificate of title that is lost in transit and is not delivered.
- Adds damaged or dismantled “vessel” to the salvage statute and provides procedures regarding the release and application for titling by the independent entity in possession of the vessel.
- Authorizes trailers to be issued reduced dimension license plates.
- Provides that a disabled veteran who qualifies for a free “DV” license plate may choose a military or specialty license plate he or she qualifies for in lieu of the “DV” license plate.
- Requires that the designations on a driver license or identification card indicating an individual is a sexual predator or sexual offender be in a distinctive format and printed in red.
- Removes requirements that certain insurance coverage be noncancelable following reinstatement of a driver license, and removes references to “noncancelable” coverage.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
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The Committee on Fiscal Policy (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

207.004 Registration of motor carriers; identifying
devices; fees; renewals; temporary fuel-use permits and
driveaway permits.—

(1) (a) A ~~No~~ motor carrier may not ~~shall~~ operate or cause to



11 be operated in this state any commercial motor vehicle, other
12 than a Florida-based commercial motor vehicle that travels
13 Florida intrastate mileage only, that uses diesel fuel or motor
14 fuel until such carrier has registered with the department or
15 has registered under a cooperative reciprocal agreement as
16 described in s. 207.0281, after such time as this state enters
17 into such agreement, and has been issued an identifying device
18 or such carrier has been issued a permit as authorized under
19 subsections (4) and (5) for each vehicle operated. The fee for
20 each such identifying device issued is ~~There shall be a fee of~~
21 ~~\$4 per year or any fraction thereof for each such identifying~~
22 ~~device issued.~~ The identifying device must ~~shall~~ be provided by
23 the department and must be conspicuously displayed on the
24 commercial motor vehicle as prescribed by the department while
25 it is being operated on the public highways of this state. The
26 transfer of an identifying device from one vehicle to another
27 vehicle or from one motor carrier to another motor carrier is
28 prohibited. The department or its authorized agent shall issue
29 licenses and fuel tax decals.

30 Section 2. Effective July 1, 2025, section 316.066, Florida
31 Statutes, as amended by section 1 of chapter 2022-198, Laws of
32 Florida, is amended to read:

33 316.066 Written reports of crashes; electronic submission.-

34 (1) (a) All entities required to submit crash reports must
35 provide uniform crash reports by electronic means to the
36 department using a nonproprietary, interchangeable electronic
37 form and reporting method. For purposes of this paragraph, the
38 term "nonproprietary" means commonly used and commercially
39 available report formats and reporting methods. Such crash



40 reports must be consistent with state traffic crash manual rules
41 and with procedures established by the department and must be
42 appropriately numbered and inventoried. A Florida Traffic Crash
43 Report, Long Form must be completed and electronically submitted
44 to the department within 10 days after an investigation is
45 completed by the law enforcement officer who in the regular
46 course of duty investigates a motor vehicle crash that:

- 47 1. Resulted in death of, personal injury to, or any
48 indication of complaints of pain or discomfort by any of the
49 parties or passengers involved in the crash;
- 50 2. Involved a violation of s. 316.061(1) or s. 316.193;
- 51 3. Rendered a vehicle inoperable to a degree that required
52 a wrecker to remove it from the scene of the crash; or
- 53 4. Involved a commercial motor vehicle.

54 (b) The Florida Traffic Crash Report, Long Form must
55 include:

- 56 1. The date, time, and location of the crash.
- 57 2. A description of the vehicles involved.
- 58 3. The names and addresses of the parties involved,
59 including all drivers and passengers, and the identification of
60 the vehicle in which each was a driver or a passenger.
- 61 4. The names and addresses of witnesses.
- 62 5. The name, badge number, and law enforcement agency of
63 the officer investigating the crash.
- 64 6. The names of the insurance companies for the respective
65 parties involved in the crash.

66 (c) In any crash for which a Florida Traffic Crash Report,
67 Long Form is not required by this section and which occurs on
68 the public roadways of this state, the law enforcement officer



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69 shall complete a short-form crash report or provide a driver
70 exchange-of-information form, to be completed by all drivers and
71 passengers involved in the crash, which requires the
72 identification of each vehicle that the drivers and passengers
73 were in. The short-form report must include:

- 74 1. The date, time, and location of the crash.
- 75 2. A description of the vehicles involved.
- 76 3. The names and addresses of the parties involved,
77 including all drivers and passengers, and the identification of
78 the vehicle in which each was a driver or a passenger.
- 79 4. The names and addresses of witnesses.
- 80 5. The name, badge number, and law enforcement agency of
81 the officer investigating the crash.
- 82 6. The names of the insurance companies for the respective
83 parties involved in the crash.

84 (d) Each party to the crash must provide the law
85 enforcement officer with proof of insurance, which must be
86 documented in the crash report. If a law enforcement officer
87 submits a report on the crash, proof of insurance must be
88 provided to the officer by each party involved in the crash. Any
89 party who fails to provide the required information commits a
90 noncriminal traffic infraction, punishable as a nonmoving
91 violation as provided in chapter 318, unless the officer
92 determines that due to injuries or other special circumstances
93 such insurance information cannot be provided immediately. If
94 the person provides the law enforcement agency, within 24 hours
95 after the crash, proof of insurance that was valid at the time
96 of the crash, the law enforcement agency may void the citation.

97 (e) The driver of a vehicle that was in any manner involved



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98 in a crash resulting in damage to a vehicle or other property
99 which does not require a law enforcement report shall, within 10
100 days after the crash, submit a written report of the crash to
101 the department. The report must ~~shall~~ be submitted on a form
102 approved by the department.

103 (f) Long-form and short-form crash reports prepared by law
104 enforcement must be submitted to the department and may be
105 maintained by the law enforcement officer's agency.

106 (2) (a) Crash reports that reveal the identity, home or
107 employment telephone number or home or employment address of, or
108 other personal information concerning the parties involved in
109 the crash and that are held by an agency, as defined in s.
110 119.011, are confidential and exempt from s. 119.07(1) and s.
111 24(a), Art. I of the State Constitution for a period of 60 days
112 after the date the report is filed.

113 (b) Crash reports held by an agency under paragraph (a) may
114 be made immediately available to the parties involved in the
115 crash, their legal representatives, their licensed insurance
116 agents, their insurers or insurers to which they have applied
117 for coverage, persons under contract with such insurers to
118 provide claims or underwriting information, law enforcement
119 agencies and their contracted service providers, victim services
120 programs, and any federal, state, or local governmental agency
121 or any private person or entity acting on behalf of a federal,
122 state, or local governmental agency in carrying out its
123 functions, but not for redistribution to any person or entity
124 not listed in this subsection. Crash reports held by an agency
125 under paragraph (a) which do not contain the home or employment
126 street addresses, driver license or identification card numbers,



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127 dates of birth, and home and employment telephone numbers of the
128 parties involved in the crash shall be made immediately
129 available to radio and television stations licensed by the
130 Federal Communications Commission and newspapers qualified to
131 publish legal notices under ss. 50.011 and 50.031. A crash
132 report may also be made available to any third party acting on
133 behalf of a person or entity authorized under this section to
134 access the crash report, except that the third party may
135 disclose the crash report only to the person or entity
136 authorized to access the crash report under this section on
137 whose behalf the third party has sought the report. This section
138 shall not prevent an agency, pursuant to a memorandum of
139 understanding, from providing data derived from crash reports to
140 a third party solely for the purpose of identifying vehicles
141 involved in crashes if such data does not reveal the identity,
142 home or employment telephone number or home or employment
143 address, or other personal information of the parties involved
144 in the crash.

145 (c) Any local, state, or federal agency that is authorized
146 to have access to crash reports by any provision of law shall be
147 granted such access in the furtherance of the agency's statutory
148 duties.

149 (d) As a condition precedent to accessing a crash report, a
150 person must present a valid driver license or other photographic
151 identification, proof of status, or identification that
152 demonstrates his or her qualifications to access that
153 information and file a written sworn statement with the state or
154 local agency in possession of the information stating that
155 information from a crash report made confidential and exempt by



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156 this section will not be used for any commercial solicitation of
157 accident victims or knowingly disclosed to any third party for
158 the purpose of such solicitation. Such written sworn statement
159 must be completed and sworn to by the requesting party for each
160 individual crash report that is being requested. In lieu of
161 requiring the written sworn statement, an agency may provide
162 crash reports by electronic means pursuant to a memorandum of
163 understanding to third-party vendors under contract with one or
164 more insurers, but only when such contract states that
165 information from a crash report made confidential and exempt by
166 this section will not be used for any commercial solicitation of
167 accident victims by the vendors, or knowingly disclosed by the
168 vendors to any third party for the purpose of such solicitation,
169 and only when a copy of such contract is furnished to the agency
170 as proof of the vendor's claimed status.

171 (e) This subsection does not prevent the dissemination or
172 publication of news to the general public by any legitimate
173 media entitled to access confidential and exempt information
174 pursuant to this section.

175 (f) Crash reports held by an agency under paragraph (a) may
176 be made available 60 days after the date the report is filed to
177 any person or entity eligible to access crash reports under
178 paragraph (b) or in accordance with any of the permissible uses
179 listed in 18 U.S.C. s. 2721(b) and pursuant to the resale and
180 redisclosure requirements in 18 U.S.C. s. 2721(c).

181 (g) If crash reports are created by or submitted to an
182 agency electronically as data elements within a computerized
183 database or if personal information from a crash report is
184 entered into a computerized database, such crash data held by an



185 agency is confidential and exempt from s. 119.07(1) and s.
186 24(a), Art. I of the State Constitution. Sixty days after the
187 date the crash report is filed, an agency may provide crash data
188 derived from the crash report which includes personal
189 information to entities eligible to access the crash report
190 under paragraph (b), or in accordance with any of the
191 permissible uses listed in 18 U.S.C. s. 2721(b) and pursuant to
192 the resale and redisclosure requirements in 18 U.S.C. s.
193 2721(c). Such data shall be provided pursuant to a memorandum of
194 understanding.

195 (h) This subsection is subject to the Open Government
196 Sunset Review Act in accordance with s. 119.15 and shall stand
197 repealed on October 2, 2027, unless reviewed and saved from
198 repeal through reenactment by the Legislature.

199 (3) (a) Any driver failing to file the written report
200 required under subsection (1) commits a noncriminal traffic
201 infraction, punishable as a nonmoving violation as provided in
202 chapter 318.

203 (b) Any employee of a state or local agency in possession
204 of information made confidential and exempt by this section who
205 knowingly discloses such confidential and exempt information to
206 a person not entitled to access such information under this
207 section commits a felony of the third degree, punishable as
208 provided in s. 775.082, s. 775.083, or s. 775.084.

209 (c) Any person, knowing that he or she is not entitled to
210 obtain information made confidential and exempt by this section,
211 who obtains or attempts to obtain such information commits a
212 felony of the third degree, punishable as provided in s.
213 775.082, s. 775.083, or s. 775.084.



696464

214 (d) Any person who knowingly uses confidential and exempt
215 information in violation of a filed written sworn statement,
216 memorandum of understanding, or contractual agreement required
217 by this section commits a felony of the third degree, punishable
218 as provided in s. 775.082, s. 775.083, or s. 775.084.

219 (e) In addition to penalties outlined in paragraphs (c) and
220 (d), a person who obtains a crash report or crash data and who
221 knowingly discloses or knowingly uses personal information
222 revealed in the report for a purpose not permitted under 18
223 U.S.C. s. 2721(b) is liable to the individual to whom the
224 information pertains, who may bring a civil action in any court
225 of competent jurisdiction. The court may award:

226 1. Actual damages, but not less than liquidated damages in
227 the amount of \$2,500.

228 2. Punitive damages upon proof of willful or reckless
229 disregard of the law.

230 3. Reasonable attorney fees and other litigation costs
231 reasonably incurred.

232 4. Such other preliminary and equitable relief as the court
233 determines to be appropriate.

234
235 This paragraph does not apply to radio and television stations
236 licensed by the Federal Communications Commission and newspapers
237 qualified to publish legal notices under ss. 50.011 and 50.031.

238 (4) Except as specified in this subsection, each crash
239 report made by a person involved in a crash and any statement
240 made by such person to a law enforcement officer for the purpose
241 of completing a crash report required by this section must ~~shall~~
242 be without prejudice to the individual so reporting. Such report



696464

243 or statement may not be used as evidence in any trial, civil or
244 criminal. However, subject to the applicable rules of evidence,
245 a law enforcement officer at a criminal trial may testify as to
246 any statement made to the officer by the person involved in the
247 crash if that person's privilege against self-incrimination is
248 not violated. The results of breath, urine, and blood tests
249 administered as provided in s. 316.1932 or s. 316.1933 are not
250 confidential and are admissible into evidence in accordance with
251 the provisions of s. 316.1934(2).

252 (5) A law enforcement officer, as defined in s. 943.10(1),
253 may enforce this section.

254 Section 3. The Legislature finds that a proper and
255 legitimate purpose is served when crash reports required under
256 s. 316.066, Florida Statutes, are filed electronically with the
257 Department of Highway Safety and Motor Vehicles by all entities
258 required to submit crash reports. Electronic filing will
259 expedite the availability of crash reports to the persons
260 authorized to receive them, simplify the process of making crash
261 reports available, and expedite the availability of information
262 derived from crash reports to improve highway safety. The
263 requirement of this act that complete crash reports be submitted
264 electronically to the Department of Highway Safety and Motor
265 Vehicles applies to all law enforcement agencies that prepare
266 crash reports submit the completed crash reports electronically
267 to the Department of Highway Safety and Motor Vehicles applies
268 to all similarly situated persons, including school district law
269 enforcement agencies, state university law enforcement agencies,
270 and state law enforcement agencies. Therefore, the Legislature
271 determines and declares that the amendments made by this act to



696464

272 s. 316.066, Florida Statutes, fulfill an important state
273 interest.

274 Section 4. Paragraph (b) of subsection (1) of section
275 316.2935, Florida Statutes, is amended to read:

276 316.2935 Air pollution control equipment; tampering
277 prohibited; penalty.—

278 (1)

279 (b) At the time of sale, lease, or transfer of title of a
280 motor vehicle, the seller, lessor, or transferor shall certify
281 in writing to the purchaser, lessee, or transferee that the air
282 pollution control equipment of the motor vehicle has not been
283 tampered with by the seller, lessor, or transferor or their
284 agents, employees, or other representatives. A licensed motor
285 vehicle dealer shall also visually observe those air pollution
286 control devices listed by department rule pursuant to subsection
287 (7), and certify that they are in place, and appear properly
288 connected and undamaged. Such certification may ~~shall~~ not be
289 deemed or construed as a warranty that the pollution control
290 devices of the subject vehicle are in functional condition, nor
291 does the execution or delivery of this certification create by
292 itself grounds for a cause of action between the parties to this
293 transaction. This paragraph does not apply if the purchaser of
294 the motor vehicle is a lessee purchasing the leased motor
295 vehicle or if the licensed motor vehicle dealer is not in
296 possession of the motor vehicle at the time of sale.

297 Section 5. Paragraphs (a), (b), and (e) of subsection (1),
298 paragraph (d) of subsection (2), and subsection (9) of section
299 316.302, Florida Statutes, are amended to read:

300 316.302 Commercial motor vehicles; safety regulations;



696464

301 transporters and shippers of hazardous materials; enforcement.-

302 (1) (a) All owners and drivers of commercial motor vehicles
303 that are operated on the public highways of this state while
304 engaged in interstate commerce are subject to the rules and
305 regulations contained in 49 C.F.R. parts 382, 383, 384, 385,
306 386, and 390-397.

307 (b) Except as otherwise provided in this section, all
308 owners and drivers of commercial motor vehicles that are engaged
309 in intrastate commerce are subject to the rules and regulations
310 contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-
311 397, as such rules and regulations existed on December 31, 2022
312 ~~2020~~.

313 ~~(c) A person who operates a commercial motor vehicle solely~~
314 ~~in intrastate commerce which does not transport hazardous~~
315 ~~materials in amounts that require placarding pursuant to 49~~
316 ~~C.F.R. part 172 need not comply with the requirements of~~
317 ~~electronic logging devices and hours of service supporting~~
318 ~~documents as provided in 49 C.F.R. parts 385, 386, 390, and 395~~
319 ~~until December 31, 2019.~~

320 (2)

321 (d) A person who operates a commercial motor vehicle solely
322 in intrastate commerce not transporting any hazardous material
323 in amounts that require placarding pursuant to 49 C.F.R. part
324 172 within a 150 air-mile radius of the location where the
325 vehicle is based need not comply with 49 C.F.R. ss. 395.8 and
326 395.11 ~~49 C.F.R. s. 395.8~~ if the requirements of 49 C.F.R. s.
327 395.1(e) (1) (iii) and (iv) ~~49 C.F.R. s. 395.1(e) (1) (ii),~~
328 ~~(iii) (A) and (C), and (v)~~ are met.

329 (9) For the purpose of enforcing this section, any law



696464

330 enforcement officer of the Department of Highway Safety and
331 Motor Vehicles or duly appointed agent who holds a current
332 safety inspector certification from the Commercial Vehicle
333 Safety Alliance may require the driver of any commercial vehicle
334 operated on the highways of this state to stop and submit to an
335 inspection of the vehicle or the driver's records. If the
336 vehicle or driver is found to be operating in an unsafe
337 condition, or if any required part or equipment is not present
338 or is not in proper repair or adjustment, and the continued
339 operation would present an unduly hazardous operating condition,
340 the officer or agent may require the vehicle or the driver to be
341 removed from service pursuant to the North American Standard
342 Out-of-Service Criteria, until corrected. However, if continuous
343 operation would not present an unduly hazardous operating
344 condition, the officer or agent may give written notice
345 requiring correction of the condition within 15 days.

346 (a) Any member of the Florida Highway Patrol or any law
347 enforcement officer employed by a sheriff's office or municipal
348 police department authorized to enforce the traffic laws of this
349 state pursuant to s. 316.640 who has reason to believe that a
350 vehicle or driver is operating in an unsafe condition may, as
351 provided in subsection (11), enforce the provisions of this
352 section.

353 (b) Any person who fails to comply with a ~~an officer's~~
354 request to submit to an inspection under this subsection commits
355 a violation of s. 843.02 if the person resists the officer
356 without violence or a violation of s. 843.01 if the person
357 resists the officer with violence.

358 Section 6. Paragraphs (b) and (c) of subsection (1) of



696464

359 section 319.14, Florida Statutes, are amended to read:

360 319.14 Sale of motor vehicles registered or used as
361 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
362 nonconforming vehicles, custom vehicles, or street rod vehicles;
363 conversion of low-speed vehicles.-

364 (1)

365 (b) A person may not knowingly offer for sale, sell, or
366 exchange a rebuilt vehicle until the department has stamped in a
367 conspicuous place on the certificate of title for the vehicle
368 words stating that the vehicle has been rebuilt or assembled
369 from parts, or is a kit car, glider kit, replica, flood vehicle,
370 custom vehicle, or street rod vehicle unless proper application
371 for a certificate of title for a vehicle that is rebuilt or
372 assembled from parts, or is a kit car, glider kit, replica,
373 flood vehicle, custom vehicle, or street rod vehicle has been
374 made to the department in accordance with this chapter and the
375 department has conducted the physical examination of the vehicle
376 to assure the identity of the vehicle and all major component
377 parts, as defined in s. 319.30(1), which have been repaired or
378 replaced. If a vehicle is identified as a flood vehicle, the
379 words stamped on the certificate of title must identify the type
380 of water that caused damage to the vehicle as "salt water,"
381 "fresh water," or "other or unknown water type," as applicable.
382 Thereafter, the department shall affix a decal to the vehicle,
383 in the manner prescribed by the department, showing the vehicle
384 to be rebuilt.

385 (c) As used in this section, the term:

386 9.1. "Police vehicle" means a motor vehicle owned or leased
387 by the state or a county or municipality and used in law



696464

388 enforcement.

389 ~~13.2.a.~~ "Short-term-lease vehicle" means a motor vehicle
390 leased without a driver and under a written agreement to one or
391 more persons from time to time for a period of less than 12
392 months.

393 ~~7.b.~~ "Long-term-lease vehicle" means a motor vehicle leased
394 without a driver and under a written agreement to one person for
395 a period of 12 months or longer.

396 ~~6.e.~~ "Lease vehicle" includes both short-term-lease
397 vehicles and long-term-lease vehicles.

398 ~~10.3.~~ "Rebuilt vehicle" means a motor vehicle or mobile
399 home built from salvage or junk, as defined in s. 319.30(1).

400 ~~1.4.~~ "Assembled from parts" means a motor vehicle or mobile
401 home assembled from parts or combined from parts of motor
402 vehicles or mobile homes, new or used. The term "assembled from
403 parts" does not include ~~mean a motor vehicle defined as a~~
404 ~~"rebuilt vehicle" as defined in subparagraph 10. in subparagraph~~
405 ~~3.,~~ which has been declared a total loss pursuant to s. 319.30.

406 5. "Kit car" means a motor vehicle assembled with a kit
407 supplied by a manufacturer to rebuild a wrecked or outdated
408 motor vehicle with a new body kit.

409 ~~4.6.~~ "Glider kit" means a vehicle assembled with a kit
410 supplied by a manufacturer to rebuild a wrecked or outdated
411 truck or truck tractor.

412 ~~11.7.~~ "Replica" means a complete new motor vehicle
413 manufactured to look like an old vehicle.

414 ~~3.8.~~ "Flood vehicle" means a motor vehicle or mobile home
415 that has been declared to be a total loss pursuant to s.
416 319.30(3) (a) resulting from damage caused by salt water, fresh



696464

417 water, or other or unknown type of water.

418 8.9. "Nonconforming vehicle" means a motor vehicle that
419 ~~which~~ has been purchased by a manufacturer pursuant to a
420 settlement, determination, or decision under chapter 681.

421 12.10. "Settlement" means an agreement entered into between
422 a manufacturer and a consumer which ~~that~~ occurs after a dispute
423 is submitted to a program, or to an informal dispute settlement
424 procedure established by a manufacturer, or is approved for
425 arbitration before the Florida New Motor Vehicle Arbitration
426 Board as defined in s. 681.102.

427 2.11. "Custom vehicle" means a motor vehicle that:

428 a. Is 25 years of age or older and of a model year after
429 1948 or was manufactured to resemble a vehicle that is 25 years
430 of age or older and of a model year after 1948; and

431 b. Has been altered from the manufacturer's original design
432 or has a body constructed from nonoriginal materials.

433

434 The model year and year of manufacture that the body of a custom
435 vehicle resembles is the model year and year of manufacture
436 listed on the certificate of title, regardless of when the
437 vehicle was actually manufactured.

438 14.12. "Street rod" means a motor vehicle that:

439 a. Is of a model year of 1948 or older or was manufactured
440 after 1948 to resemble a vehicle of a model year of 1948 or
441 older; and

442 b. Has been altered from the manufacturer's original design
443 or has a body constructed from nonoriginal materials.

444

445 The model year and year of manufacture that the body of a street



696464

446 rod resembles is the model year and year of manufacture listed
447 on the certificate of title, regardless of when the vehicle was
448 actually manufactured.

449 Section 7. Subsection (3) of section 319.23, Florida
450 Statutes, is amended to read:

451 319.23 Application for, and issuance of, certificate of
452 title.-

453 (3) If a certificate of title has not previously been
454 issued for a motor vehicle or mobile home in this state, the
455 application must, unless otherwise provided for in this chapter,
456 ~~shall~~ be accompanied by a proper bill of sale or sworn statement
457 of ownership, or a duly certified copy thereof, or by a
458 certificate of title, bill of sale, or other evidence of
459 ownership required by the law of the state or country ~~county~~
460 from which the motor vehicle or mobile home was brought into
461 this state. The application must ~~shall~~ also be accompanied by:

462 (a)1. A sworn affidavit from the seller and purchaser
463 verifying that the vehicle identification number shown on the
464 affidavit is identical to the vehicle identification number
465 shown on the motor vehicle; or

466 2. An appropriate departmental form evidencing that a
467 physical examination has been made of the motor vehicle by the
468 owner and by a duly constituted law enforcement officer in any
469 state, a licensed motor vehicle dealer, a license inspector as
470 provided by s. 320.58, or a notary public commissioned by this
471 state and that the vehicle identification number shown on such
472 form is identical to the vehicle identification number shown on
473 the motor vehicle; and

474 (b) If the vehicle is a used car original, a sworn



696464

475 affidavit from the owner verifying that the odometer reading
476 shown on the affidavit is identical to the odometer reading
477 shown on the motor vehicle in accordance with the requirements
478 of 49 C.F.R. s. 580.5 at the time that application for title is
479 made. For the purposes of this section, the term "used car
480 original" means a used vehicle coming into and being titled in
481 this state for the first time.

482 (c) If the vehicle is an ancient or antique vehicle, as
483 defined in s. 320.086, the application must ~~shall~~ be accompanied
484 by a certificate of title; a bill of sale and a registration; or
485 a bill of sale and an affidavit by the owner defending the title
486 from all claims. The bill of sale must contain a complete
487 vehicle description to include the vehicle identification or
488 engine number, year make, color, selling price, and signatures
489 of the seller and purchaser.

490
491 Verification of the vehicle identification number is not
492 required for any new motor vehicle; any mobile home; any trailer
493 or semitrailer with a net weight of less than 2,000 pounds; or
494 any travel trailer, camping trailer, truck camper, or fifth-
495 wheel recreation trailer.

496 Section 8. Present paragraphs (c) and (d) of subsection (1)
497 of section 319.28, Florida Statutes, are redesignated as
498 paragraphs (d) and (e), respectively, and a new paragraph (c) is
499 added to that subsection, to read:

500 319.28 Transfer of ownership by operation of law.—

501 (1)

502 (c) If the previous owner died testate and the application
503 for a certificate of title is made by, and accompanied by an



696464

504 affidavit attested by, a Florida-licensed attorney in good
505 standing with The Florida Bar who represents the previous
506 owner's estate, such affidavit, for purposes of paragraph (a),
507 constitutes satisfactory proof of ownership and right of
508 possession to the motor vehicle or mobile home, so long as the
509 affidavit sets forth the rightful heir or heirs and the attorney
510 attests in the affidavit that such heir or heirs are lawfully
511 entitled to the rights of ownership and possession of the motor
512 vehicle or mobile home. The application for certificate of title
513 filed under this paragraph is not required to be accompanied by
514 a copy of the will or other testamentary instrument.

515 Section 9. Subsection (3) of section 319.29, Florida
516 Statutes, is amended to read:

517 319.29 Lost or destroyed certificates.—

518 (3) If, following the issuance of an original, duplicate,
519 or corrected certificate of title by the department, the
520 certificate is lost in transit and is not delivered to the
521 addressee, the owner of the motor vehicle or mobile home, or the
522 holder of a lien thereon, may, within 180 days after ~~of~~ the date
523 of issuance of the title, apply to the department for reissuance
524 of the certificate of title. An ~~No~~ additional fee may not ~~shall~~
525 be charged by the department or a tax collector, as agent for
526 the department, for reissuance under this subsection.

527 Section 10. Paragraphs (g) and (j) of subsection (1) and
528 subsection (9) of section 319.30, Florida Statutes, are amended,
529 and paragraph (y) is added to subsection (1) of that section, to
530 read:

531 319.30 Definitions; dismantling, destruction, change of
532 identity of motor vehicle or mobile home; salvage.—



696464

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

534 (g) "Independent entity" means a business or entity that
535 may temporarily store damaged or dismantled motor vehicles or
536 vessels pursuant to an agreement with an insurance company and
537 is engaged in the sale or resale of damaged or dismantled motor
538 vehicles or vessels. The term does not include a wrecker
539 operator, a towing company, or a repair facility.

540 (j) "Major component parts" means:

541 1. For motor vehicles other than motorcycles and electric,
542 hybrid, or plug-in hybrid motor vehicles, any fender, hood,
543 bumper, cowl assembly, rear quarter panel, trunk lid, door,
544 decklid, floor pan, engine, frame, transmission, catalytic
545 converter, or airbag.

546 2. For trucks, other than electric, hybrid, or plug-in
547 hybrid motor vehicles, in addition to those parts listed in
548 subparagraph 1., any truck bed, including dump, wrecker, crane,
549 mixer, cargo box, or any bed which mounts to a truck frame.

550 3. For motorcycles, the body assembly, frame, fenders, gas
551 tanks, engine, cylinder block, heads, engine case, crank case,
552 transmission, drive train, front fork assembly, and wheels.

553 4. For mobile homes, the frame.

554 5. For electric, hybrid, or plug-in hybrid motor vehicles,
555 any fender, hood, bumper, cowl assembly, rear quarter panel,
556 trunk lid, door, decklid, floor pan, engine, electric traction
557 motor, frame, transmission or electronic transmission, charge
558 port, DC power converter, onboard charger, power electronics
559 controller, thermal system, traction battery pack, catalytic
560 converter, or airbag.

561 (y) "Vessel" has the same meaning as provided in s.



696464

562 713.78(1)(b).

563 (9)(a) An insurance company may notify an independent
564 entity that obtains possession of a damaged or dismantled motor
565 vehicle or vessel to release the vehicle or vessel to the owner.
566 The insurance company shall provide the independent entity a
567 release statement on a form prescribed by the department
568 authorizing the independent entity to release the vehicle or
569 vessel to the owner or lienholder. The form must, at a minimum,
570 contain the following:

571 1. The policy and claim number.

572 2. The name and address of the insured.

573 3. The vehicle identification number or vessel hull
574 identification number.

575 4. The signature of an authorized representative of the
576 insurance company.

577 (b) The independent entity in possession of a motor vehicle
578 or vessel must send a notice to the owner that the vehicle or
579 vessel is available for pickup when it receives a release
580 statement from the insurance company. The notice must ~~shall~~ be
581 sent by certified mail or by another commercially available
582 delivery service that provides proof of delivery to the owner at
583 the owner's address contained in the department's records. The
584 notice must state that the owner has 30 days after delivery of
585 the notice to the owner at the owner's address to pick up the
586 vehicle or vessel from the independent entity. If the motor
587 vehicle or vessel is not claimed within 30 days after the
588 delivery or attempted delivery of the notice, the independent
589 entity may apply for a certificate of destruction, a salvage
590 certificate of title, or a certificate of title. For a hull-



696464

591 damaged vessel, the independent entity shall comply with s.
592 328.045, as applicable.

593 (c) If the department's records do not contain the owner's
594 address, the independent entity must do all of the following:

595 1. Send a notice that meets the requirements of paragraph
596 (b) to the owner's address that is provided by the insurance
597 company in the release statement.

598 2. For a vehicle, identify the latest titling jurisdiction
599 of the vehicle through use of the National Motor Vehicle Title
600 Information System or an equivalent commercially available
601 system and attempt to obtain the owner's address from that
602 jurisdiction. If the jurisdiction returns an address that is
603 different from the owner's address provided by the insurance
604 company, the independent entity must send a notice that meets
605 the requirements of paragraph (b) to both addresses.

606 (d) The independent entity shall maintain for at least a
607 ~~minimum of~~ 3 years the records related to the 30-day notice sent
608 to the owner. For vehicles, the independent entity shall also
609 maintain for at least 3 years the results of searches of the
610 National Motor Vehicle Title Information System or an equivalent
611 commercially available system, and the notification to the
612 National Motor Vehicle Title Information System made pursuant to
613 paragraph (e).

614 (e) The independent entity shall make the required
615 notification to the National Motor Vehicle Title Information
616 System before releasing any damaged or dismantled motor vehicle
617 to the owner or before applying for a certificate of destruction
618 or salvage certificate of title. The independent entity is not
619 required to notify the National Motor Vehicle Title Information



696464

620 System before releasing any damaged or dismantled vessel to the
621 owner or before applying for a certificate of title.

622 (f) Upon applying for a certificate of destruction, ~~or~~
623 salvage certificate of title, or certificate of title, the
624 independent entity shall provide a copy of the release statement
625 from the insurance company to the independent entity, proof of
626 providing the 30-day notice to the owner, proof of notification
627 to the National Motor Vehicle Title Information System if
628 required, proof of all lien satisfactions or proof of a release
629 of all liens on the motor vehicle or vessel, and applicable
630 fees. If the independent entity is unable to obtain a lien
631 satisfaction or a release of all liens on the motor vehicle or
632 vessel, the independent entity must provide an affidavit stating
633 that notice was sent to all lienholders that the motor vehicle
634 or vessel is available for pickup, 30 days have passed since the
635 notice was delivered or attempted to be delivered pursuant to
636 this section, attempts have been made to obtain a release from
637 all lienholders, and all such attempts have been to no avail.
638 The notice to lienholders and attempts to obtain a release from
639 lienholders may be by written request delivered in person or by
640 certified mail or another commercially available delivery
641 service that provides proof of delivery to the lienholder at the
642 lienholder's address as provided on the certificate of title and
643 to the address designated with the Department of State pursuant
644 to s. 655.0201(2) if such address is different.

645 (g) The independent entity may not charge an owner of the
646 vehicle or vessel storage fees or apply for a title under s.
647 713.585 or s. 713.78.

648 Section 11. Paragraph (b) of subsection (1) and paragraph



696464

649 (a) of subsection (3) of section 320.06, Florida Statutes, are
650 amended to read:

651 320.06 Registration certificates, license plates, and
652 validation stickers generally.—

653 (1)

654 (b)1. Registration license plates bearing a graphic symbol
655 and the alphanumeric system of identification shall be issued
656 for a 10-year period. At the end of the 10-year period, upon
657 renewal, the plate must ~~shall~~ be replaced. The department shall
658 extend the scheduled license plate replacement date from a 6-
659 year period to a 10-year period. The fee for such replacement is
660 \$28, \$2.80 of which must ~~shall~~ be paid each year before the
661 plate is replaced, to be credited toward the next \$28
662 replacement fee. The fees must ~~shall~~ be deposited into the
663 Highway Safety Operating Trust Fund. A credit or refund may not
664 be given for any prior years' payments of the prorated
665 replacement fee if the plate is replaced or surrendered before
666 the end of the 10-year period, except that a credit may be given
667 if a registrant is required by the department to replace a
668 license plate under s. 320.08056(8)(a). With each license plate,
669 a validation sticker must ~~shall~~ be issued showing the owner's
670 birth month, license plate number, and the year of expiration or
671 the appropriate renewal period if the owner is not a natural
672 person. The validation sticker must ~~shall~~ be placed on the upper
673 right corner of the license plate. The license plate and
674 validation sticker must ~~shall~~ be issued based on the applicant's
675 appropriate renewal period. The registration period is 12
676 months, the extended registration period is 24 months, and all
677 expirations occur based on the applicant's appropriate



696464

678 registration period. Rental vehicles taxed pursuant to s.
679 320.08(6) (a) and rental trucks taxed pursuant to s.
680 320.08(3) (a), (b), and (c) and (4) (a)-(d) may elect a permanent
681 registration period, provided payment of the appropriate license
682 taxes and fees occurs annually.

683 2. A vehicle that has an apportioned registration must
684 ~~shall~~ be issued an annual license plate and a cab card that
685 denote the declared gross vehicle weight for each apportioned
686 jurisdiction in which the vehicle is authorized to operate. This
687 subparagraph expires June 30, 2024.

688 3. Beginning July 1, 2024, a vehicle registered in
689 accordance with the International Registration Plan must be
690 issued a license plate for a 3-year period. At the end of the 3-
691 year period, upon renewal, the license plate must be replaced.
692 Each license plate must include a validation sticker showing the
693 month of expiration. A cab card denoting the declared gross
694 vehicle weight for each apportioned jurisdiction must be issued
695 annually. The fee for an original or a renewal cab card is \$28,
696 which must be deposited into the Highway Safety Operating Trust
697 Fund. If the license plate is damaged or worn, it may be
698 replaced at no charge by applying to the department and
699 surrendering the current license plate.

700 4. In order to retain the efficient administration of the
701 taxes and fees imposed by this chapter, the 80-cent fee increase
702 in the replacement fee imposed by chapter 2009-71, Laws of
703 Florida, is negated as provided in s. 320.0804.

704 (3) (a) Registration license plates must be made of metal
705 specially treated with a retroreflection material, as specified
706 by the department. The registration license plate is designed to



696464

707 increase nighttime visibility and legibility and must be at
708 least 6 inches wide and not less than 12 inches in length,
709 unless a plate with reduced dimensions is deemed necessary by
710 the department to accommodate motorcycles, mopeds, ~~or~~ similar
711 smaller vehicles, or trailers. Validation stickers must also be
712 treated with a retroreflection material, must be of such size as
713 specified by the department, and must adhere to the license
714 plate. The registration license plate must be imprinted with a
715 combination of bold letters and numerals or numerals, not to
716 exceed seven digits, to identify the registration license plate
717 number. The license plate must be imprinted with the word
718 "Florida" at the top and the name of the county in which it is
719 sold, the state motto, or the words "Sunshine State" at the
720 bottom. Apportioned license plates must have the word
721 "Apportioned" at the bottom, and license plates issued for
722 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
723 (c), or (14) must have the word "Restricted" at the bottom.
724 License plates issued for vehicles taxed under s. 320.08(12)
725 must be imprinted with the word "Florida" at the top and the
726 word "Dealer" at the bottom unless the license plate is a
727 specialty license plate as authorized in s. 320.08056.
728 Manufacturer license plates issued for vehicles taxed under s.
729 320.08(12) must be imprinted with the word "Florida" at the top
730 and the word "Manufacturer" at the bottom. License plates issued
731 for vehicles taxed under s. 320.08(5)(d) or (e) must be
732 imprinted with the word "Wrecker" at the bottom. Any county may,
733 upon majority vote of the county commission, elect to have the
734 county name removed from the license plates sold in that county.
735 The state motto or the words "Sunshine State" must ~~shall~~ be



696464

736 printed in lieu thereof. A license plate issued for a vehicle
737 taxed under s. 320.08(6) may not be assigned a registration
738 license number, or be issued with any other distinctive
739 character or designation, that distinguishes the motor vehicle
740 as a for-hire motor vehicle.

741 Section 12. Section 320.0605, Florida Statutes, is amended
742 to read:

743 320.0605 Certificate of registration and other documents;
744 possession required; exception.—

745 (1) (a) The registration certificate in a uniform paper or
746 electronic format, as prescribed by the department, or an
747 official copy thereof; a true copy or an electronic copy of
748 rental or lease documentation issued for a motor vehicle or
749 issued for a replacement vehicle in the same registration
750 period; a temporary receipt printed upon self-initiated
751 electronic renewal of a registration via the Internet; or a cab
752 card issued for a vehicle registered under the International
753 Registration Plan must shall, at all times while the vehicle is
754 being used or operated on the roads of this state, be in the
755 possession of the operator ~~thereof~~ or be carried in the vehicle
756 for which such documentation was issued at all times while the
757 vehicle is being used or operated on the roads of this state and
758 must shall be exhibited upon demand of any authorized law
759 enforcement officer or any agent of the department, except for a
760 vehicle registered under s. 320.0657. This paragraph section
761 does not apply during the first 30 days after purchase of a
762 replacement vehicle. A violation of this paragraph section is a
763 noncriminal traffic infraction, punishable as a nonmoving
764 violation as provided in chapter 318.



696464

765 (b)1. The act of presenting to a law enforcement officer or
766 agent of the department an electronic device displaying an
767 electronic registration certificate or a copy of rental or lease
768 documentation does not constitute consent for the officer or
769 agent to access any information on the device other than the
770 displayed registration certificate or rental or lease
771 documentation.

772 2. The person who presents the device to the officer or
773 agent assumes the liability for any resulting damage to the
774 device.

775 (2) Rental or lease documentation that is sufficient to
776 satisfy the requirement in subsection (1) includes the
777 following:

- 778 (a) Date and time of rental;
- 779 (b) Rental agreement number;
- 780 (c) Rental vehicle identification number;
- 781 (d) Rental vehicle license plate number and state of
782 registration;
- 783 (e) Vehicle's make, model, and color;
- 784 (f) Vehicle's mileage; and
- 785 (g) Authorized renter's name.

786 Section 13. Paragraphs (a) and (f) of subsection (8) of
787 section 320.08056, Florida Statutes, as amended by section 7 of
788 chapter 2020-181, Laws of Florida, are amended to read:

789 320.08056 Specialty license plates.—

790 (8) (a) The department must discontinue the issuance of an
791 approved specialty license plate if the number of valid
792 specialty plate registrations falls below 3,000, ~~or in the case~~
793 ~~of an out-of-state college or university license plate, 4,000,~~



696464

794 for at least 12 consecutive months. The department shall mail a
795 warning letter to the sponsoring organization following the
796 first month in which the total number of valid specialty plate
797 registrations is below 3,000, ~~or in the case of an out-of-state~~
798 ~~college or university license plate, 4,000~~. This paragraph does
799 not apply to in-state collegiate license plates established
800 under s. 320.08058(3), license plates of institutions in and
801 entities of the State University System, specialty license
802 plates that have statutory eligibility limitations for purchase,
803 specialty license plates for which annual use fees are
804 distributed by a foundation for student and teacher leadership
805 programs and teacher recruitment and retention, or Florida
806 Professional Sports Team license plates established under s.
807 320.08058(9).

808 (f) Notwithstanding paragraph (a), on January 1 of each
809 year, the department shall discontinue the specialty license
810 plate with the fewest number of plates in circulation, including
811 license plates exempt from a statutory sales requirement. The
812 department shall mail a warning letter to the sponsoring
813 organizations of the 10 percent of specialty license plates with
814 the lowest number of valid, active registrations as of December
815 1 of each year. This paragraph does not apply to collegiate
816 license plates.

817 Section 14. Subsections (3), (58), and (95), paragraph (c)
818 of subsection (101), and subsection (107) of section 320.08058,
819 Florida Statutes, are amended, and subsection (127) is added to
820 that section, to read:

821 320.08058 Specialty license plates.—

822 (3) COLLEGIATE LICENSE PLATES.—



696464

823 (a) The department shall develop a collegiate license plate
824 as provided in this section for state and independent
825 universities domiciled in this state. However, any collegiate
826 license plate created or established after October 1, 2002, must
827 comply with the requirements of s. 320.08053, except the presale
828 requirements in s. 320.08053(2)(b), and be specifically
829 authorized by an act of the Legislature. Collegiate license
830 plates must bear the colors and design approved by the
831 department as appropriate for each state and independent
832 university. The word "Florida" must be stamped across the bottom
833 of the plate in small letters.

834 (b) A collegiate plate annual use fee is to be distributed
835 to the state or independent university foundation designated by
836 the purchaser for deposit in an unrestricted account. The Board
837 of Governors of the State University System shall require each
838 state university to submit a plan for approval of the
839 expenditure of all funds so designated. These funds may be used
840 only for academic enhancement, including scholarships and
841 private fundraising activities.

842 (c) The department may reauthorize a collegiate license
843 plate that has previously been discontinued pursuant to s.
844 320.08056(8)(f) if the university resubmits the collegiate
845 license plate for authorization.

846 (58) PROTECT FLORIDA SPRINGS LICENSE PLATES.—

847 (a) The department shall develop a Protect Florida Springs
848 license plate as provided in this section. The word "Florida"
849 must appear at the top of the plate, and the words "Protect
850 Florida Springs" must appear at the bottom of the plate.

851 (b) The annual use fees shall be distributed to the Fish &



696464

852 Wildlife Foundation of Florida, Inc., a citizen support
853 organization created pursuant to s. 379.223, which shall
854 administer the fees as follows:

855 ~~1. Wildlife Foundation of Florida, Inc., shall retain the~~
856 ~~first \$60,000 of the annual use fees as direct reimbursement for~~
857 ~~administrative costs, startup costs, and costs incurred in the~~
858 ~~development and approval process.~~

859 ~~2. Thereafter,~~ A maximum of 10 percent of the fees may be
860 used for administrative costs directly associated with education
861 programs, conservation, springs research, and grant
862 administration of the foundation. A maximum of 15 percent of the
863 fees may be used for continuing promotion and marketing of the
864 license plate.

865 ~~2.3.~~ At least 75 ~~55~~ percent of the fees shall be available
866 for the conservation of Florida's freshwater springs, including
867 scientific research, springs habitat restoration, springs
868 protection, and public education on springs ~~competitive grants~~
869 ~~for targeted community-based springs research not currently~~
870 ~~available for state funding. The remaining 20 percent shall be~~
871 ~~directed toward community outreach programs aimed at~~
872 implementing such research findings. The majority of funds shall
873 be awarded via competitive grants ~~shall be~~ administered and
874 approved by the board of directors of the Fish & Wildlife
875 Foundation of Florida, Inc., with input from a. ~~The~~ granting
876 advisory committee ~~shall be~~ composed of nine members, including
877 one representative from the Fish and Wildlife Conservation
878 Commission, one representative from the Department of
879 Environmental Protection, one representative from the Department
880 of Health, one representative from the Department of Economic



696464

881 Opportunity, three citizen representatives, and two
882 representatives from nonprofit stakeholder groups.

883 ~~4. The remaining funds shall be distributed with the~~
884 ~~approval of and accountability to the board of directors of the~~
885 ~~Wildlife Foundation of Florida, and shall be used to support~~
886 ~~activities contributing to education, outreach, and springs~~
887 ~~conservation.~~

888 (95) AMERICAN EAGLE LICENSE PLATES.—

889 (a) The department shall develop an American Eagle license
890 plate as provided in this section and s. 320.08053. The plate
891 must bear the colors and design approved by the department. The
892 word "Florida" must appear at the top of the plate, and the
893 words "Protect the Eagle" ~~"In God We Trust"~~ must appear at the
894 bottom of the plate.

895 (b) The annual use fees from the sale of the plate shall be
896 distributed to the American Eagle Foundation for deposit in the
897 foundation's national endowment fund. Up to 10 percent of the
898 funds received may be used for administrative costs and
899 marketing of the plate. The American Eagle Foundation shall use
900 the remainder of the proceeds to fund public education programs,
901 rescue and care programs, and other conservation efforts in
902 Florida that benefit bald eagles.

903 (101) DIVINE NINE LICENSE PLATES.—

904 (c)1. As used in this paragraph, the term "immediate
905 relative" means a spouse, domestic partner, or child.

906 2. To be eligible for issuance of a Divine Nine license
907 plate representing an organization listed in sub-subparagraphs
908 (b)3.a.-i., a person must be a resident of this state who is the
909 registered owner or lessee of a motor vehicle and who either is



910 a member or an immediate relative of a member of the applicable
911 organization. The person must ~~also~~ present the following:

912 a. Proof of membership in the organization, which may be
913 established by:

914 (I)~~a.~~ A card distributed by the organization indicating the
915 person's membership in the organization; or

916 (II)~~b.~~ A written letter on the organization's letterhead
917 which is signed by the organization's national president or his
918 or her designated official and which states that the person was
919 inducted into the organization.

920 b. If the person is a lessee of a motor vehicle, a lease
921 agreement and the vehicle identification number for the motor
922 vehicle that is being leased.

923 c. If the person is an immediate relative of a member of
924 the organization, a marriage license, domestic partnership
925 agreement, birth certificate, or record of adoption, and proof
926 of membership as described in sub-subparagraph a. of the
927 person's immediate relative.

928 3.2. Proof of membership in an organization listed in sub-
929 subparagraphs (b)3.a.-i. is required only for initial issuance
930 of a Divine Nine license plate. A person need not present such
931 proof for renewal of the license plate.

932
933 License plates created pursuant to this subsection shall have
934 their plate sales combined for the purpose of meeting the
935 minimum license plate sales threshold in s. 320.08056(8)(a) and
936 for determining the license plate limit in s. 320.08053(3)(b).
937 License plates created pursuant to this subsection must be
938 ordered directly from the department.



696464

939 (107) UNIVERSAL ORLANDO RESORT ~~GIVE KIDS THE WORLD~~ LICENSE
940 PLATES.—

941 (a) The department shall develop a Universal Orlando Resort
942 ~~Give Kids The World~~ license plate as provided in this section
943 and s. 320.08053. The plate must bear the colors and design
944 approved by the department. The word "Florida" must appear at
945 the top of the plate, and the words "Universal Orlando Resort"
946 ~~"Give Kids The World"~~ must appear at the bottom of the plate.

947 (b) The annual use fees from the sale of the plate must
948 ~~shall~~ be distributed to Give Kids The World, Inc., a nonprofit
949 organization under s. 501(c)(3) of the Internal Revenue Code. Up
950 to 10 percent of the proceeds may be used for the promotion and
951 marketing of the plate. The remainder of the proceeds must ~~shall~~
952 be used by Give Kids The World, Inc., to support the
953 organization's mission ~~their~~ mission of providing week-long,
954 cost-free vacations to children with critical illnesses and
955 their families.

956 (127) FLORIDA ASSOCIATION OF REALTORS LICENSE PLATES.—

957 (a) The department shall develop a Florida Association of
958 Realtors license plate as provided in this section and s.
959 320.08053. The plate must bear the colors and design approved by
960 the department. The word "Florida" must appear at the top of the
961 plate, and the words "Support Homeownership" must appear at the
962 bottom of the plate.

963 (b) The annual use fees from the sale of the plate shall be
964 distributed to Homeownership For All, Inc., which may use up to
965 10 percent of the proceeds to promote and market the plate. The
966 remainder of the proceeds shall be used by Homeownership For
967 All, Inc., to fund programs that provide, promote, or otherwise



696464

968 support affordable housing in this state.

969 Section 15. Subsection (1) of section 320.084, Florida
970 Statutes, is amended, and subsection (6) is added to that
971 section, to read:

972 320.084 Free motor vehicle license plate to certain
973 disabled veterans.—

974 (1) One free "DV" motor vehicle license number plate must
975 ~~shall~~ be issued by the department for use on any motor vehicle
976 owned or leased by any disabled veteran who has been a resident
977 of this state continuously for the preceding 5 years or has
978 established a domicile in this state as provided by s.
979 222.17(1), (2), or (3), and who has been honorably discharged
980 from the United States Armed Forces, upon application,
981 accompanied by proof that:

982 (a) A vehicle was initially acquired through financial
983 assistance by the United States Department of Veterans Affairs
984 or its predecessor specifically for the purchase of an
985 automobile;

986 (b) The applicant has been determined by the United States
987 Department of Veterans Affairs or its predecessor to have a
988 service-connected 100-percent disability rating for
989 compensation; or

990 (c) The applicant has been determined to have a service-
991 connected disability rating of 100 percent and is in receipt of
992 disability retirement pay from any branch of the United States
993 Armed Services.

994 (6) (a) A disabled veteran who qualifies for issuance of a
995 "DV" license plate under subsection (1) may be issued, in lieu
996 of the "DV" license plate, a military license plate for which he



696464

997 or she is eligible, or a specialty license plate. A disabled
998 veteran electing a military license plate or specialty license
999 plate under this subsection must pay all applicable fees related
1000 to such license plate, except for fees otherwise waived under
1001 subsections (1) and (4).

1002 (b) A military license plate or specialty license plate
1003 electd under this subsection:

1004 1. Does not provide the protections or rights afforded by
1005 s. 316.1955, s. 316.1964, s. 320.0848, s. 526.141, or s.
1006 553.5041.

1007 2. Is not eligible for the international symbol of
1008 accessibility as described in s. 320.0842.

1009 Section 16. Present subsections (16) through (48) of
1010 section 322.01, Florida Statutes, are redesignated as
1011 subsections (17) through (49), respectively, a new subsection
1012 (16) is added to that section, and subsection (5) and present
1013 subsections (37) and (41) of that section are amended, to read:

1014 322.01 Definitions.—As used in this chapter:

1015 (5) "Cancellation" means the act of declaring a driver
1016 license void and terminated, but does not include a downgrade.

1017 (16) "Downgrade" has the same meaning as the definition of
1018 the term "CDL downgrade" in 49 C.F.R. s. 383.5(4).

1019 ~~(38)~~~~(37)~~ "Revocation" means the termination of a licensee's
1020 privilege to drive, but does not include a downgrade.

1021 ~~(42)~~~~(41)~~ "Suspension" means the temporary withdrawal of a
1022 licensee's privilege to drive a motor vehicle, but does not
1023 include a downgrade.

1024 Section 17. Subsection (2) of section 322.02, Florida
1025 Statutes, is amended to read:



696464

1026 322.02 Legislative intent; administration.-

1027 (2) The Department of Highway Safety and Motor Vehicles is
1028 charged with the administration and function of enforcement of
1029 the provisions of this chapter and the enforcement and
1030 administration of 49 C.F.R. parts 382-386 and 390-397.

1031 Section 18. Present subsections (4) through (12) of section
1032 322.05, Florida Statutes, are redesignated as subsections (5)
1033 through (13), respectively, and a new subsection (4) is added to
1034 that section, to read:

1035 322.05 Persons not to be licensed.—The department may not
1036 issue a license:

1037 (4) To any person as a commercial motor vehicle operator
1038 who is ineligible to operate a commercial motor vehicle pursuant
1039 to 49 C.F.R. part 383.

1040 Section 19. Subsection (3) of section 322.07, Florida
1041 Statutes, is amended to read:

1042 322.07 Instruction permits and temporary licenses.—

1043 (3) Any person who, except for his or her lack of
1044 instruction in operating a commercial motor vehicle, would
1045 otherwise be qualified to obtain a commercial driver license
1046 under this chapter, may apply for a temporary commercial
1047 instruction permit. The department shall issue such a permit
1048 entitling the applicant, while having the permit in his or her
1049 immediate possession, to drive a commercial motor vehicle on the
1050 highways, if:

1051 (a) The applicant possesses a valid Florida driver license;
1052 ~~and~~

1053 (b) The applicant, while operating a commercial motor
1054 vehicle, is accompanied by a licensed driver who is 21 years of



696464

1055 age or older, who is licensed to operate the class of vehicle
1056 being operated, and who is occupying the closest seat to the
1057 right of the driver; and

1058 (c) The department has not been notified that, under 49
1059 C.F.R. s. 382.501(a), the applicant is prohibited from operating
1060 a commercial motor vehicle.

1061 Section 20. Effective January 1, 2024, subsection (3) of
1062 section 322.141, Florida Statutes, is amended to read:

1063 322.141 Color or markings of certain licenses or
1064 identification cards.—

1065 (3) All licenses for the operation of motor vehicles or
1066 identification cards originally issued or reissued by the
1067 department to persons who are designated as sexual predators
1068 under s. 775.21 or subject to registration as sexual offenders
1069 under s. 943.0435 or s. 944.607, or who have a similar
1070 designation or are subject to a similar registration under the
1071 laws of another jurisdiction, must ~~shall~~ have on the front of
1072 the license or identification card, in a distinctive format and
1073 printed in the color red, all of the following information:

1074 (a) For a person designated as a sexual predator under s.
1075 775.21 or who has a similar designation under the laws of
1076 another jurisdiction, the marking "SEXUAL PREDATOR."

1077 (b) For a person subject to registration as a sexual
1078 offender under s. 943.0435 or s. 944.607, or subject to a
1079 similar registration under the laws of another jurisdiction, the
1080 marking "943.0435, F.S."

1081 Section 21. Subsection (4) of section 322.142, Florida
1082 Statutes, is amended to read:

1083 322.142 Color photographic or digital imaged licenses.—



1084 (4) The department may maintain a film negative or print
1085 file. The department shall maintain a record of the digital
1086 image and signature of the licensees, together with other data
1087 required by the department for identification and retrieval.
1088 Reproductions from the file or digital record are exempt from
1089 ~~the provisions of~~ s. 119.07(1) and may be made and issued only
1090 in the following circumstances:

1091 (a) For departmental administrative purposes.†

1092 (b) For the issuance of duplicate licenses.†

1093 (c) In response to law enforcement agency requests.†

1094 (d) To the Department of Business and Professional
1095 Regulation and the Department of Health pursuant to an
1096 interagency agreement for the purpose of accessing digital
1097 images for reproduction of licenses issued by the Department of
1098 Business and Professional Regulation or the Department of
1099 Health.†

1100 (e) To the Department of State pursuant to an interagency
1101 agreement to facilitate determinations of eligibility of voter
1102 registration applicants and registered voters in accordance with
1103 ss. 98.045 and 98.075.†

1104 (f) To the Department of Revenue pursuant to an interagency
1105 agreement for use in establishing paternity and establishing,
1106 modifying, or enforcing support obligations in Title IV-D
1107 cases.†

1108 (g) To the Department of Children and Families pursuant to
1109 an interagency agreement to conduct protective investigations
1110 under part III of chapter 39 and chapter 415.†

1111 (h) To the Department of Children and Families pursuant to
1112 an interagency agreement specifying the number of employees in



696464

1113 each of that department's regions to be granted access to the
1114 records for use as verification of identity to expedite the
1115 determination of eligibility for public assistance and for use
1116 in public assistance fraud investigations.†

1117 (i) To the Agency for Health Care Administration pursuant
1118 to an interagency agreement for the purpose of authorized
1119 agencies verifying photographs in the Care Provider Background
1120 Screening Clearinghouse authorized under s. 435.12.†

1121 (j) To the Department of Financial Services pursuant to an
1122 interagency agreement to facilitate the location of owners of
1123 unclaimed property, the validation of unclaimed property claims,
1124 the identification of fraudulent or false claims, and the
1125 investigation of allegations of violations of the insurance code
1126 by licensees and unlicensed persons.†

1127 (k) To the Department of Economic Opportunity pursuant to
1128 an interagency agreement to facilitate the validation of
1129 reemployment assistance claims and the identification of
1130 fraudulent or false reemployment assistance claims.†

1131 (l) To district medical examiners pursuant to an
1132 interagency agreement for the purpose of identifying a deceased
1133 individual, determining cause of death, and notifying next of
1134 kin of any investigations, including autopsies and other
1135 laboratory examinations, authorized in s. 406.11.†

1136 (m) To the following persons for the purpose of identifying
1137 a person as part of the official work of a court:

- 1138 1. A justice or judge of this state;
1139 2. An employee of the state courts system who works in a
1140 position that is designated in writing for access by the Chief
1141 Justice of the Supreme Court or a chief judge of a district or



696464

1142 circuit court, or by his or her designee; or

1143 3. A government employee who performs functions on behalf
1144 of the state courts system in a position that is designated in
1145 writing for access by the Chief Justice or a chief judge, or by
1146 his or her designee. ~~;~~

1147 (n) To the Agency for Health Care Administration pursuant
1148 to an interagency agreement to prevent health care fraud. If the
1149 Agency for Health Care Administration enters into an agreement
1150 with a private entity to carry out duties relating to health
1151 care fraud prevention, such contracts must ~~shall~~ include, but
1152 need not be limited to:

1153 1. Provisions requiring internal controls and audit
1154 processes to identify access, use, and unauthorized access of
1155 information.

1156 2. A requirement to report unauthorized access or use to
1157 the Agency for Health Care Administration within 1 business day
1158 after the discovery of the unauthorized access or use.

1159 3. Provisions for liquidated damages for unauthorized
1160 access or use of no less than \$5,000 per occurrence.

1161 (o) To any criminal justice agency, as defined in s.
1162 943.045, pursuant to an interagency agreement for use in
1163 carrying out the criminal justice agency's functions.

1164 (p) To the driver licensing agency of any other state for
1165 purposes of validating the identity of an applicant for a driver
1166 license or identification card.

1167 Section 22. Subsection (8) and paragraph (a) of subsection
1168 (9) of section 322.21, Florida Statutes, are amended to read:

1169 322.21 License fees; procedure for handling and collecting
1170 fees.-



696464

1171 (8) A person who applies for reinstatement following the
1172 suspension or revocation of the person's driver license must pay
1173 a service fee of \$45 following a suspension, and \$75 following a
1174 revocation, which is in addition to the fee for a license. A
1175 person who applies for reinstatement of a commercial driver
1176 license following the disqualification or downgrade of the
1177 person's privilege to operate a commercial motor vehicle must
1178 ~~shall~~ pay a service fee of \$75, which is in addition to the fee
1179 for a license. The department shall collect all of these fees at
1180 the time of reinstatement. The department shall issue proper
1181 receipts for such fees and shall promptly transmit all funds
1182 received by it as follows:

1183 (a) Of the \$45 fee received from a licensee for
1184 reinstatement following a suspension:

1185 1. If the reinstatement is processed by the department, the
1186 department must ~~shall~~ deposit \$15 in the General Revenue Fund
1187 and \$30 in the Highway Safety Operating Trust Fund.

1188 2. If the reinstatement is processed by the tax collector,
1189 \$15, less the general revenue service charge set forth in s.
1190 215.20(1), must ~~shall~~ be retained by the tax collector, \$15 must
1191 ~~shall~~ be deposited into the Highway Safety Operating Trust Fund,
1192 and \$15 must ~~shall~~ be deposited into the General Revenue Fund.

1193 (b) Of the \$75 fee received from a licensee for
1194 reinstatement following a revocation, ~~or~~ disqualification, or
1195 downgrade:

1196 1. If the reinstatement is processed by the department, the
1197 department must ~~shall~~ deposit \$35 in the General Revenue Fund
1198 and \$40 in the Highway Safety Operating Trust Fund.

1199 2. If the reinstatement is processed by the tax collector,



696464

1200 \$20, less the general revenue service charge set forth in s.
1201 215.20(1), must ~~shall~~ be retained by the tax collector, \$20 must
1202 ~~shall~~ be deposited into the Highway Safety Operating Trust Fund,
1203 and \$35 must ~~shall~~ be deposited into the General Revenue Fund.

1204
1205 If the revocation or suspension of the driver license was for a
1206 violation of s. 316.193, or for refusal to submit to a lawful
1207 breath, blood, or urine test, an additional fee of \$130 must be
1208 charged. However, only one \$130 fee may be collected from one
1209 person convicted of violations arising out of the same incident.
1210 The department shall collect the \$130 fee and deposit the fee
1211 into the Highway Safety Operating Trust Fund at the time of
1212 reinstatement of the person's driver license, but the fee may
1213 not be collected if the suspension or revocation is overturned.
1214 If the revocation or suspension of the driver license was for a
1215 conviction for a violation of s. 817.234(8) or (9) or s.
1216 817.505, an additional fee of \$180 is imposed for each offense.
1217 The department shall collect and deposit the additional fee into
1218 the Highway Safety Operating Trust Fund at the time of
1219 reinstatement of the person's driver license.

1220 (9) An applicant:

1221 (a) Requesting a review authorized in s. 322.222, s.
1222 322.2615, s. 322.2616, s. 322.27, s. 322.591, or s. 322.64 must
1223 pay a filing fee of \$25 to be deposited into the Highway Safety
1224 Operating Trust Fund.

1225 Section 23. Section 322.591, Florida Statutes, is created
1226 to read:

1227 322.591 Commercial driver license and commercial
1228 instruction permit; Commercial Driver's License Drug and Alcohol



696464

1229 Clearinghouse; prohibition on issuance of commercial driver
1230 licenses; downgrades.-

1231 (1) Beginning November 18, 2024, when a person applies for
1232 or seeks to renew, transfer, or make any other change to a
1233 commercial driver license or commercial instruction permit, the
1234 department must obtain the driver's record from the Commercial
1235 Driver's License Drug and Alcohol Clearinghouse established
1236 pursuant to 49 C.F.R. part 382. The department may not issue,
1237 renew, transfer, or revise the types of authorized vehicles that
1238 may be operated or the endorsements applicable to a commercial
1239 driver license or commercial instruction permit for any person
1240 for whom the department receives notification pursuant to 49
1241 C.F.R. s. 382.501(a) that the person is prohibited from
1242 operating a commercial vehicle.

1243 (2) Beginning November 18, 2024, the department shall
1244 downgrade the commercial driver license or commercial
1245 instruction permit of any driver if the department receives
1246 notification that, pursuant to 49 C.F.R. s. 382.501(a), the
1247 driver is prohibited from operating a commercial motor vehicle.
1248 Any such downgrade must be completed and recorded by the
1249 department in the Commercial Driver's License Information System
1250 within 60 days after the department's receipt of such
1251 notification.

1252 (3) (a) Beginning November 18, 2024, upon receipt of
1253 notification pursuant to 49 C.F.R. s. 382.501(a) that a driver
1254 is prohibited from operating a commercial motor vehicle, the
1255 department shall immediately notify the driver who is the
1256 subject of such notification that he or she is prohibited from
1257 operating a commercial motor vehicle and, upon his or her



696464

1258 request, must afford him or her an opportunity for an informal
1259 hearing pursuant to this section. The department's notice must
1260 be provided to the driver in the same manner as, and providing
1261 such notice has the same effect as, notices provided pursuant to
1262 s. 322.251(1) and (2).

1263 (b) Such informal hearing must be requested not later than
1264 20 days after the driver receives the notice of the downgrade.
1265 If a request for a hearing, together with the filing fee
1266 required pursuant to s. 322.21, is not received within 20 days
1267 after receipt of such notice, the department must enter a final
1268 order directing the downgrade of the driver's commercial driver
1269 license or commercial instruction permit, unless the department
1270 receives notification pursuant to 49 C.F.R. s. 382.503(a) that
1271 the driver is no longer prohibited from operating a commercial
1272 motor vehicle.

1273 (c) A hearing requested pursuant to paragraph (b) must be
1274 scheduled and held not later than 30 days after receipt by the
1275 department of a request for the hearing, together with the
1276 filing fee required pursuant to s. 322.21. The submission of a
1277 request for hearing pursuant to paragraph (b) tolls the deadline
1278 to file a petition for writ of certiorari pursuant to s. 322.31
1279 until after the department enters a final order after a hearing
1280 pursuant to paragraph (b).

1281 (d) The informal hearing authorized pursuant to this
1282 subsection is exempt from chapter 120. Such hearing must be
1283 conducted before a hearing officer designated by the department.
1284 The hearing officer may conduct such hearing from any location
1285 in this state by means of communications technology.

1286 (e) The notification received by the department pursuant to



696464

1287 49 C.F.R. s. 382.501(a) must be in the record for consideration
1288 by the hearing officer and in any proceeding pursuant to s.
1289 322.31 and is considered self-authenticating. The basis for the
1290 notification received by the department pursuant to 49 C.F.R. s.
1291 382.501(a) and the information in the Commercial Driver's
1292 License Drug and Alcohol Clearinghouse which resulted in such
1293 notification are not subject to challenge in the hearing or in
1294 any proceeding brought under s. 322.31.

1295 (f) If, before the entry of a final order arising from a
1296 notification received by the department pursuant to 49 C.F.R. s.
1297 382.501(a), the department receives notification pursuant to 49
1298 C.F.R. s. 382.503(a) that the driver is no longer prohibited
1299 from operating a commercial motor vehicle, the department must
1300 dismiss the action to downgrade the driver's commercial driver
1301 license or commercial instruction permit.

1302 (g) Upon the entry of a final order that results in the
1303 downgrade of a driver's commercial driver license or commercial
1304 instruction permit, the department shall record immediately in
1305 the driver's record that the driver is disqualified from
1306 operating or driving a commercial motor vehicle. The downgrade
1307 of a commercial driver license or commercial instruction permit
1308 pursuant to a final order entered pursuant to this section, and,
1309 upon the entry of a final order, the recording in the driver's
1310 record that the driver subject to such a final order is
1311 disqualified from operating or driving a commercial motor
1312 vehicle, are not stayed during the pendency of any proceeding
1313 pursuant to s. 322.31.

1314 (h) If, after the entry of a final order that results in
1315 the downgrade of a driver's commercial driver license or



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1316 commercial instruction permit and the department recording in
1317 the driver's record that the driver is disqualified from
1318 operating or driving a commercial motor vehicle, the department
1319 receives notification pursuant to 49 C.F.R. s. 382.503(a) that
1320 the driver is no longer prohibited from operating a commercial
1321 motor vehicle, the department must reinstate the driver's
1322 commercial driver license or commercial instruction permit upon
1323 application by such driver.

1324 (i) The department is not liable for any commercial driver
1325 license or commercial instruction permit downgrade resulting
1326 from the discharge of its duties.

1327 (j) This section is the exclusive procedure for the
1328 downgrade of a commercial driver license or commercial
1329 instruction permit following notification received by the
1330 department that, pursuant to 49 C.F.R. s. 382.501(a), a driver
1331 is prohibited from operating a commercial motor vehicle.

1332 (k) The downgrade of a commercial driver license or
1333 commercial instruction permit of a person pursuant to this
1334 section does not preclude the suspension of the driving
1335 privilege for that person pursuant to s. 322.2615 or the
1336 disqualification of that person from operating a commercial
1337 motor vehicle pursuant to s. 322.64. The driving privilege of a
1338 person whose commercial driver license or commercial instruction
1339 permit has been downgraded pursuant to this section also may be
1340 suspended for a violation of s. 316.193.

1341 (4) Beginning November 18, 2024, a driver for whom the
1342 department receives notification that, pursuant to 49 C.F.R. s.
1343 382.501(a), such person is prohibited from operating a
1344 commercial motor vehicle may, if otherwise qualified, be issued



696464

1345 a Class E driver license pursuant to s. 322.251(4), valid for
1346 the length of his or her unexpired license period, at no cost.

1347 Section 24. Subsection (2) of section 322.34, Florida
1348 Statutes, is amended to read:

1349 322.34 Driving while license suspended, revoked, canceled,
1350 or disqualified.—

1351 (2) Any person whose driver license or driving privilege
1352 has been canceled, suspended, or revoked as provided by law, or
1353 who does not have a driver license or driving privilege but is
1354 under suspension or revocation equivalent status as defined in
1355 s. 322.01 ~~s. 322.01(42)~~, except persons defined in s. 322.264,
1356 who, knowing of such cancellation, suspension, revocation, or
1357 suspension or revocation equivalent status, drives any motor
1358 vehicle upon the highways of this state while such license or
1359 privilege is canceled, suspended, or revoked, or while under
1360 suspension or revocation equivalent status, commits:

1361 (a) A misdemeanor of the second degree, punishable as
1362 provided in s. 775.082 or s. 775.083.

1363 (b)1. A misdemeanor of the first degree, punishable as
1364 provided in s. 775.082 or s. 775.083, upon a second or
1365 subsequent conviction, except as provided in paragraph (c).

1366 2. A person convicted of a third or subsequent conviction,
1367 except as provided in paragraph (c), must serve a minimum of 10
1368 days in jail.

1369 (c) A felony of the third degree, punishable as provided in
1370 s. 775.082, s. 775.083, or s. 775.084, upon a third or
1371 subsequent conviction if the current violation of this section
1372 or the most recent prior violation of the section is related to
1373 driving while license canceled, suspended, revoked, or



696464

1374 suspension or revocation equivalent status resulting from a
1375 violation of:

- 1376 1. Driving under the influence;
1377 2. Refusal to submit to a urine, breath-alcohol, or blood
1378 alcohol test;
1379 3. A traffic offense causing death or serious bodily
1380 injury; or
1381 4. Fleeing or eluding.

1382

1383 The element of knowledge is satisfied if the person has been
1384 previously cited as provided in subsection (1); or the person
1385 admits to knowledge of the cancellation, suspension, or
1386 revocation, or suspension or revocation equivalent status; or
1387 the person received notice as provided in subsection (4). There
1388 is ~~shall be~~ a rebuttable presumption that the knowledge
1389 requirement is satisfied if a judgment or order as provided in
1390 subsection (4) appears in the department's records for any case
1391 except for one involving a suspension by the department for
1392 failure to pay a traffic fine or for a financial responsibility
1393 violation.

1394 Section 25. Subsection (4) of section 322.61, Florida
1395 Statutes, is amended to read:

1396 322.61 Disqualification from operating a commercial motor
1397 vehicle.—

1398 (4) Any person who is transporting hazardous materials as
1399 defined in s. 322.01 ~~s. 322.01(24)~~ shall, upon conviction of an
1400 offense specified in subsection (3), is ~~be~~ disqualified from
1401 operating a commercial motor vehicle for a period of 3 years.
1402 The penalty provided in this subsection is ~~shall be~~ in addition



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1403 to any other applicable penalty.

1404 Section 26. Subsection (3) of section 324.0221, Florida
1405 Statutes, is amended to read:

1406 324.0221 Reports by insurers to the department; suspension
1407 of driver license and vehicle registrations; reinstatement.—

1408 (3) An operator or owner whose driver license or
1409 registration has been suspended under this section or s. 316.646
1410 may effect its reinstatement upon compliance with the
1411 requirements of this section and upon payment to the department
1412 of a nonrefundable reinstatement fee of \$150 for the first
1413 reinstatement. The reinstatement fee is \$250 for the second
1414 reinstatement and \$500 for each subsequent reinstatement during
1415 the 3 years following the first reinstatement. A person
1416 reinstating her or his insurance under this subsection must also
1417 secure ~~noncancelable~~ coverage as described in ss. 324.021(8),
1418 324.023, and 627.7275(2) and present to the appropriate person
1419 proof that the coverage is in force on a form adopted by the
1420 department, and such proof must ~~shall~~ be maintained for 2 years.
1421 If the person does not have a second reinstatement within 3
1422 years after her or his initial reinstatement, the reinstatement
1423 fee is \$150 for the first reinstatement after that 3-year
1424 period. If a person's license and registration are suspended
1425 under this section or s. 316.646, only one reinstatement fee
1426 must be paid to reinstate the license and the registration. All
1427 fees must ~~shall~~ be collected by the department at the time of
1428 reinstatement. The department shall issue proper receipts for
1429 such fees and shall promptly deposit those fees in the Highway
1430 Safety Operating Trust Fund. One-third of the fees collected
1431 under this subsection must ~~shall~~ be distributed from the Highway



696464

1432 Safety Operating Trust Fund to the local governmental entity or
1433 state agency that employed the law enforcement officer seizing
1434 the license plate pursuant to s. 324.201. The funds may be used
1435 by the local governmental entity or state agency for any
1436 authorized purpose.

1437 Section 27. Section 324.131, Florida Statutes, is amended
1438 to read:

1439 324.131 Period of suspension.—Such license, registration
1440 and nonresident's operating privilege must ~~shall~~ remain ~~so~~
1441 suspended and may ~~shall~~ not be renewed, nor may ~~shall~~ any such
1442 license or registration be thereafter issued in the name of such
1443 person, including any such person not previously licensed,
1444 unless and until every such judgment is stayed, satisfied in
1445 full or to the extent of the limits stated in s. 324.021(7) and
1446 until the said person gives proof of financial responsibility as
1447 provided in s. 324.031, such proof to be maintained for 3 years.
1448 In addition, if the person's license or registration has been
1449 suspended or revoked due to a violation of s. 316.193 or
1450 pursuant to s. 322.26(2), that person must ~~shall~~ maintain
1451 ~~noncancelable~~ liability coverage for each motor vehicle
1452 registered in his or her name, as described in s. 627.7275(2),
1453 and must present proof that coverage is in force on a form
1454 adopted by the Department of Highway Safety and Motor Vehicles,
1455 such proof to be maintained for 3 years.

1456 Section 28. Paragraph (g) of subsection (3) of section
1457 627.311, Florida Statutes, is amended to read:

1458 627.311 Joint underwriters and joint reinsurers; public
1459 records and public meetings exemptions.—

1460 (3) The office may, after consultation with insurers



696464

1461 licensed to write automobile insurance in this state, approve a
1462 joint underwriting plan for purposes of equitable apportionment
1463 or sharing among insurers of automobile liability insurance and
1464 other motor vehicle insurance, as an alternate to the plan
1465 required in s. 627.351(1). All insurers authorized to write
1466 automobile insurance in this state shall subscribe to the plan
1467 and participate therein. The plan is ~~shall be~~ subject to
1468 continuous review by the office which may at any time disapprove
1469 the entire plan or any part thereof if it determines that
1470 conditions have changed since prior approval and that in view of
1471 the purposes of the plan changes are warranted. Any disapproval
1472 by the office is ~~shall be~~ subject to ~~the provisions of~~ chapter
1473 120. The Florida Automobile Joint Underwriting Association is
1474 created under the plan. The plan and the association:

1475 (g) Must make available ~~noncancelable~~ coverage as provided
1476 in s. 627.7275(2).

1477 Section 29. Subsection (1) of section 627.351, Florida
1478 Statutes, is amended to read:

1479 627.351 Insurance risk apportionment plans.—

1480 (1) MOTOR VEHICLE INSURANCE RISK APPORTIONMENT.—Agreements
1481 may be made among casualty and surety insurers with respect to
1482 the equitable apportionment among them of insurance that ~~which~~
1483 may be afforded applicants who are in good faith entitled to,
1484 but are unable to, procure such insurance through ordinary
1485 methods, and such insurers may agree among themselves on the use
1486 of reasonable rate modifications for such insurance. Such
1487 agreements and rate modifications are ~~shall be~~ subject to the
1488 approval of the office. The office shall, after consultation
1489 with the insurers licensed to write automobile liability



696464

1490 insurance in this state, adopt a reasonable plan or plans for
1491 the equitable apportionment among such insurers of applicants
1492 for such insurance who are in good faith entitled to, but are
1493 unable to, procure such insurance through ordinary methods, and,
1494 when such plan has been adopted, all such insurers shall
1495 subscribe to and participate in the plan ~~thereto and shall~~
1496 ~~participate therein~~. Such plan or plans shall include rules for
1497 classification of risks and rates therefor. The plan or plans
1498 shall make available ~~noncancelable~~ coverage as provided in s.
1499 627.7275(2). Any insured placed with the plan must ~~shall~~ be
1500 notified of the fact that insurance coverage is being afforded
1501 through the plan and not through the private market, and such
1502 notification must ~~shall~~ be given in writing within 10 days of
1503 such placement. To assure that plan rates are made adequate to
1504 pay claims and expenses, insurers shall develop a means of
1505 obtaining loss and expense experience at least annually, and the
1506 plan shall file such experience, when available, with the office
1507 in sufficient detail to make a determination of rate adequacy.
1508 Prior to the filing of such experience with the office, the plan
1509 shall poll each member insurer as to the need for an actuary who
1510 is a member of the Casualty Actuarial Society and who is not
1511 affiliated with the plan's statistical agent to certify the
1512 plan's rate adequacy. If a majority of those insurers responding
1513 indicate a need for such certification, the plan must ~~shall~~
1514 include the certification as part of its experience filing. Such
1515 experience shall be filed with the office not more than 9 months
1516 following the end of the annual statistical period under review,
1517 together with a rate filing based on such ~~said~~ experience. The
1518 office shall initiate proceedings to disapprove the rate and so



696464

1519 notify the plan or shall finalize its review within 60 days
1520 after ~~of~~ receipt of the filing. Notification to the plan by the
1521 office of its preliminary findings, which include a point of
1522 entry to the plan pursuant to chapter 120, tolls ~~shall toll~~ the
1523 60-day period during any such proceedings and subsequent
1524 judicial review. The rate is ~~shall be~~ deemed approved if the
1525 office does not issue notice to the plan of its preliminary
1526 findings within 60 days after ~~of~~ the filing. In addition to
1527 provisions for claims and expenses, the ratemaking formula must
1528 ~~shall~~ include a factor for projected claims trending and 5
1529 percent for contingencies. ~~In no instance shall~~ The formula may
1530 not include a renewal discount for plan insureds. However, the
1531 plan shall reunderwrite each insured on an annual basis, based
1532 upon all applicable rating factors approved by the office. Trend
1533 factors may ~~shall~~ not be found to be inappropriate if they are
1534 not in excess of trend factors normally used in the development
1535 of residual market rates by the appropriate licensed rating
1536 organization. Each application for coverage in the plan must
1537 ~~shall~~ include, in boldfaced 12-point type immediately preceding
1538 the applicant's signature, the following statement:

1539
1540 "THIS INSURANCE IS BEING AFFORDED THROUGH THE FLORIDA
1541 JOINT UNDERWRITING ASSOCIATION AND NOT THROUGH THE
1542 PRIVATE MARKET. PLEASE BE ADVISED THAT COVERAGE WITH A
1543 PRIVATE INSURER MAY BE AVAILABLE FROM ANOTHER AGENT AT
1544 A LOWER COST. AGENT AND COMPANY LISTINGS ARE AVAILABLE
1545 IN THE LOCAL YELLOW PAGES."

1546
1547 The plan shall annually report to the office the number and



696464

1548 percentage of plan insureds who are not surcharged due to their
1549 driving record.

1550 Section 30. Paragraph (b) of subsection (2) of section
1551 627.7275, Florida Statutes, is amended to read:

1552 627.7275 Motor vehicle liability.-

1553 (2)

1554 (b) The policies described in paragraph (a) must ~~shall~~ be
1555 issued for at least 6 months and, ~~as to the minimum coverages~~
1556 ~~required under this section, may not be canceled by the insured~~
1557 ~~for any reason or by the insurer after 60 days, during which~~
1558 ~~period the insurer is completing the underwriting of the policy.~~
1559 After the insurer has issued ~~completed underwriting~~ the policy,
1560 the insurer shall notify the Department of Highway Safety and
1561 Motor Vehicles that the policy is in full force and effect and
1562 ~~is not cancelable for the remainder of the policy period. A~~
1563 ~~premium shall be collected and the coverage is in effect for the~~
1564 ~~60-day period during which the insurer is completing the~~
1565 ~~underwriting of the policy whether or not the person's driver~~
1566 ~~license, motor vehicle tag, and motor vehicle registration are~~
1567 ~~in effect. Once the noncancelable provisions of the policy~~
1568 becomes ~~become~~ effective, the coverages for bodily injury,
1569 property damage, and personal injury protection may not be
1570 reduced during the policy period below the minimum limits
1571 required under s. 324.021 or s. 324.023 ~~during the policy~~
1572 ~~period.~~

1573 Section 31. Except as otherwise expressly provided in this
1574 act, this act shall take effect July 1, 2023.

1575
1576 ===== T I T L E A M E N D M E N T =====



696464

1577 And the title is amended as follows:

1578 Delete everything before the enacting clause
1579 and insert:

1580 A bill to be entitled

1581 An act relating to the Department of Highway Safety
1582 and Motor Vehicles; amending s. 207.004, F.S.;

1583 requiring the department or its authorized agent to
1584 issue certain licenses and fuel tax decals; amending
1585 s. 316.066, F.S.; requiring all entities required to
1586 submit crash reports to provide uniform crash reports
1587 to the department using a certain electronic form and
1588 reporting method; defining the term "nonproprietary";
1589 requiring that such crash reports be consistent with
1590 certain rules and procedures and be numbered and
1591 inventoried; revising the parties to which crash
1592 reports must be made immediately available; providing
1593 a declaration of important state interest; amending s.
1594 316.2935, F.S.; providing an exception to requirements
1595 for certification of air pollution control equipment
1596 by a motor vehicle seller, lessor, or transferor;
1597 amending s. 316.302, F.S.; revising the list of
1598 federal rules and regulations to which owners and
1599 drivers of certain commercial motor vehicles are
1600 subject; amending s. 319.14, F.S.; requiring that a
1601 certificate of title for a flood vehicle specify the
1602 type of water that caused damage to the vehicle, as
1603 applicable; revising the definition of the term "flood
1604 vehicle"; making technical changes; amending s.
1605 319.23, F.S.; making technical changes; amending s.



696464

1606 319.28, F.S.; providing that a certain affidavit
1607 constitutes proof of ownership and right of possession
1608 to a motor vehicle or mobile home the previous owner
1609 of which died testate; amending s. 319.29, F.S.;
1610 prohibiting the department or a tax collector from
1611 charging a fee for reissuance of certain certificates
1612 of title; amending s. 319.30, F.S.; revising the
1613 definition of the terms "independent entity" and
1614 "major component parts"; defining the term "vessel";
1615 extending current requirements for an independent
1616 entity's release of a damaged or dismantled vehicle to
1617 include vessels; authorizing the independent entity to
1618 apply for certain certificates for an unclaimed
1619 vessel; providing requirements for such application;
1620 specifying provisions to which the independent entity
1621 is subject; prohibiting the independent entity from
1622 charging vessel storage fees; amending s. 320.06,
1623 F.S.; authorizing permanent registration of certain
1624 rental trucks; authorizing the department to deem a
1625 license plate with reduced dimensions to be necessary
1626 to accommodate trailers; making technical changes;
1627 amending s. 320.0605, F.S.; authorizing a uniform
1628 paper or electronic format of the registration
1629 certificate for a motor vehicle; specifying that
1630 presenting an electronic registration certificate to a
1631 law enforcement officer or agent does not constitute
1632 consent for the officer or agent to access certain
1633 information; making technical changes; amending s.
1634 320.08056, F.S.; deleting plate registration



1635 requirements for out-of-state college or university
1636 license plates; providing applicability; amending s.
1637 320.08058, F.S.; revising requirements regarding
1638 collegiate license plates; authorizing the department
1639 to reauthorize discontinued collegiate license plates
1640 under certain circumstances; revising the distribution
1641 of annual use fees for the "Protect Florida Springs"
1642 license plate; revising the design requirements of the
1643 "American Eagle" license plate; defining the term
1644 "immediate relative"; revising eligibility
1645 requirements for the "Divine Nine" license plate;
1646 renaming the "Give the Kids the World" specialty
1647 license plate as the "Universal Orlando Resort"
1648 specialty license plate; directing the department to
1649 develop a "Florida Association of Realtors" license
1650 plate; providing for distribution and use of fees
1651 collected from the sale of the plate; amending s.
1652 320.084, F.S.; providing that certain disabled
1653 veterans may, upon request, be issued a military
1654 license plate or specialty license plate in lieu of a
1655 "DV" license plate; specifying applicable fees;
1656 specifying nonapplicability of certain provisions;
1657 amending s. 322.01, F.S.; revising definitions;
1658 defining the term "downgrade"; amending s. 322.02,
1659 F.S.; charging the department with enforcement and
1660 administration of certain federal provisions; amending
1661 s. 322.05, F.S.; prohibiting the department from
1662 issuing a commercial motor vehicle operator license to
1663 certain persons; amending s. 322.07, F.S.; revising



696464

1664 requirements for issuance of a temporary commercial
1665 instruction permit; amending s. 322.141, F.S.;

1666 requiring that certain information on the driver
1667 license or identification card of a sexual offender or
1668 sexual predator be printed in red; amending s.
1669 322.142, F.S.; authorizing the department to issue
1670 reproductions of certain files and records to certain
1671 criminal justice or driver licensing agencies for
1672 certain purposes; amending s. 322.21, F.S.;

1673 authorizing reinstatement of a commercial driver
1674 license after a downgrade of the person's privilege to
1675 operate a commercial motor vehicle under certain
1676 circumstances; making technical changes; creating s.
1677 322.591, F.S.; requiring the department to obtain a
1678 driver's record from the Commercial Driver's License
1679 Drug and Alcohol Clearinghouse under certain
1680 circumstances; prohibiting the department from
1681 issuing, renewing, transferring, or revising the types
1682 of authorized vehicles or the endorsements of certain
1683 commercial driver licenses or commercial instruction
1684 permits if the department receives a certain
1685 notification; requiring the department to downgrade a
1686 commercial driver license or commercial instruction
1687 permit within a specified timeframe if the department
1688 receives a certain notification; requiring the
1689 department to notify certain drivers of their
1690 prohibition from operating a commercial motor vehicle
1691 and, upon request, afford them an opportunity for an
1692 informal hearing; providing requirements for such



696464

1693 notice and hearing; requiring the department to enter
1694 a final order to downgrade a commercial driver license
1695 or commercial instruction permit under certain
1696 circumstances; specifying that a request for a hearing
1697 tolls certain deadlines; specifying that certain
1698 notifications received by the department must be in
1699 the record for consideration and are self-
1700 authenticating; specifying that the basis for the
1701 notification and the information in the Commercial
1702 Driver's License Drug and Alcohol Clearinghouse is not
1703 subject to challenge; requiring the department to
1704 dismiss the downgrade of a commercial driver license
1705 or commercial instruction permit under certain
1706 circumstances; requiring the department to record in
1707 the driver's record that he or she is disqualified
1708 from operating a commercial motor vehicle under
1709 certain circumstances; specifying that certain actions
1710 are not stayed during the pendency of certain
1711 proceedings; requiring the department to reinstate a
1712 commercial driver license or commercial instruction
1713 permit under certain circumstances; exempting the
1714 department from liability for certain commercial
1715 driver license or commercial instruction permit
1716 downgrades; designating the exclusive procedure for
1717 the downgrade of certain commercial driver licenses or
1718 commercial instruction permits; providing construction
1719 and applicability; authorizing the department to issue
1720 at no cost a specified driver license to certain
1721 persons prohibited from operating a commercial motor



696464

1722 vehicle; amending ss. 322.34 and 322.61, F.S.;

1723 conforming cross-references; making technical changes;

1724 amending ss. 324.0221, 324.131, 627.311, and 627.351,

1725 F.S.; conforming provisions to changes made by the

1726 act; making technical changes; amending s. 627.7275,

1727 F.S.; deleting provisions relating to noncancelable

1728 motor vehicle insurance; making technical changes;

1729 providing effective dates.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (DiCeglie) recommended the following:

- 1 **Senate Amendment to Amendment (696464)**
- 2
- 3 Delete line 741
- 4 and insert:
- 5 Section 12. Effective January 1, 2024, section 320.0605,
- 6 Florida Statutes, is amended

By the Committee on Transportation; and Senator DiCeglie

596-03095-23

20231252c1

1 A bill to be entitled
 2 An act relating to the Department of Highway Safety
 3 and Motor Vehicles; amending s. 207.004, F.S.;
 4 requiring the department or its authorized agent to
 5 issue certain licenses and fuel tax decals; amending
 6 s. 316.066, F.S.; requiring traffic law enforcement
 7 agencies to provide uniform crash reports to the
 8 department by electronic means; requiring that such
 9 crash reports be consistent with certain rules and
 10 procedures and to be numbered and inventoried;
 11 providing a declaration of important state interest;
 12 amending s. 316.2935, F.S.; providing an exception to
 13 requirements for certification of air pollution
 14 control equipment by a motor vehicle seller, lessor,
 15 or transferor; amending s. 316.302, F.S.; revising the
 16 list of federal rules and regulations to which owners
 17 and drivers of certain commercial motor vehicles are
 18 subject; amending s. 319.14, F.S.; requiring that a
 19 certificate of title for a flood vehicle specify the
 20 type of water that caused damage to the vehicle, as
 21 applicable; revising the definition of the term "flood
 22 vehicle"; making technical changes; amending s.
 23 319.23, F.S.; making technical changes; amending s.
 24 319.28, F.S.; providing that a certain affidavit
 25 constitutes proof of ownership and right of possession
 26 to a motor vehicle or mobile home the previous owner
 27 of which died testate; amending s. 319.29, F.S.;
 28 prohibiting the department or a tax collector from
 29 charging a fee for reissuance of certain certificates

Page 1 of 51

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-03095-23

20231252c1

30 of title; amending s. 319.30, F.S.; revising the
 31 definition of the terms "independent entity" and
 32 "major component parts"; defining the term "vessel";
 33 revising provisions relating to obtaining a salvage
 34 certificate of title or certificate of destruction;
 35 exempting the department from liability to certain
 36 persons as a result of the issuance of such
 37 certificate; extending current requirements for an
 38 independent entity's release of a damaged or
 39 dismantled vehicle to vessels; authorizing the
 40 independent entity to apply for certain certificates
 41 for an unclaimed vessel; providing requirements for
 42 such application; specifying provisions to which the
 43 independent entity is subject; prohibiting the
 44 independent entity from charging vessel storage fees;
 45 amending s. 320.06, F.S.; authorizing permanent
 46 registration of certain rental trucks; authorizing the
 47 department to deem a license plate with reduced
 48 dimensions to be necessary to accommodate trailers;
 49 making technical changes; amending s. 320.084, F.S.;
 50 providing that certain disabled veterans may, upon
 51 request, be issued a military license plate or
 52 specialty license plate in lieu of a "DV" license
 53 plate; specifying applicable fees; specifying
 54 nonapplicability of certain provisions; amending s.
 55 322.01, F.S.; revising definitions; defining the term
 56 "downgrade"; amending s. 322.02, F.S.; charging the
 57 department with enforcement and administration of
 58 certain federal provisions; amending s. 322.05, F.S.;

Page 2 of 51

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596-03095-23

20231252c1

59 prohibiting the department from issuing a commercial
 60 motor vehicle operator license to certain persons;
 61 amending s. 322.07, F.S.; revising requirements for
 62 issuance of a temporary commercial instruction permit;
 63 amending s. 322.141, F.S.; requiring that certain
 64 information on the driver license or identification
 65 card of a sexual offender or sexual predator be
 66 printed in red; amending s. 322.142, F.S.; authorizing
 67 the department to issue reproductions of certain files
 68 and records to certain criminal justice or driver
 69 licensing agencies for certain purposes; amending s.
 70 322.21, F.S.; authorizing reinstatement of a
 71 commercial driver license after a downgrade of the
 72 person's privilege to operate a commercial motor
 73 vehicle under certain circumstances; making technical
 74 changes; creating s. 322.591, F.S.; requiring the
 75 department to obtain a driver's record from the
 76 Commercial Driver's License Drug and Alcohol
 77 Clearinghouse under certain circumstances; prohibiting
 78 the department from issuing, renewing, transferring,
 79 or revising the types of authorized vehicles or the
 80 endorsements of certain commercial driver licenses or
 81 commercial instruction permits if the department
 82 receives a certain notification; requiring the
 83 department to downgrade a commercial driver license or
 84 commercial instruction permit within a specified
 85 timeframe if the department receives a certain
 86 notification; requiring the department to notify
 87 certain drivers of their prohibition from operating a

Page 3 of 51

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596-03095-23

20231252c1

88 commercial motor vehicle and, upon request, afford
 89 them an opportunity for an informal hearing; providing
 90 requirements for such notice and hearing; requiring
 91 the department to enter a final order to downgrade a
 92 commercial driver license or commercial instruction
 93 permit under certain circumstances; specifying that a
 94 request for a hearing tolls certain deadlines;
 95 specifying that certain notifications received by the
 96 department must be in the record for consideration and
 97 are self-authenticating; specifying that the basis for
 98 the notification and the information in the Commercial
 99 Driver's License Drug and Alcohol Clearinghouse are
 100 not subject to challenge; requiring the department to
 101 dismiss the downgrade of a commercial driver license
 102 or instruction permit under certain circumstances;
 103 requiring the department to record in the driver's
 104 record that he or she is disqualified from operating a
 105 commercial motor vehicle under certain circumstances;
 106 specifying that certain actions are not stayed during
 107 the pendency of certain proceedings; requiring the
 108 department to reinstate a commercial driver license or
 109 commercial instruction permit under certain
 110 circumstances; exempting the department from liability
 111 for certain commercial driver license or commercial
 112 instruction permit downgrades; designating the
 113 exclusive procedure for the downgrade of certain
 114 commercial driver licenses or commercial instruction
 115 permits; providing construction and applicability;
 116 authorizing the department to issue at no cost a

Page 4 of 51

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596-03095-23

20231252c1

117 specified driver license to certain persons prohibited
 118 from operating a commercial motor vehicle; amending
 119 ss. 322.34 and 322.61, F.S.; conforming cross-
 120 references; making technical changes; amending ss.
 121 324.0221, 324.131, 627.311, and 627.351, F.S.;
 122 conforming provisions to changes made by the act;
 123 making technical changes; amending s. 627.7275, F.S.;
 124 deleting provisions relating to noncancelable motor
 125 vehicle insurance; making technical changes; providing
 126 effective dates.

127
 128 Be It Enacted by the Legislature of the State of Florida:

129
 130 Section 1. Paragraph (a) of subsection (1) of section
 131 207.004, Florida Statutes, is amended to read:

132 207.004 Registration of motor carriers; identifying
 133 devices; fees; renewals; temporary fuel-use permits and
 134 driveaway permits.-

135 (1) (a) A No motor carrier may not shall operate or cause to
 136 be operated in this state any commercial motor vehicle, other
 137 than a Florida-based commercial motor vehicle that travels
 138 Florida intrastate mileage only, that uses diesel fuel or motor
 139 fuel until such carrier has registered with the department or
 140 has registered under a cooperative reciprocal agreement as
 141 described in s. 207.0281, after such time as this state enters
 142 into such agreement, and has been issued an identifying device
 143 or such carrier has been issued a permit as authorized under
 144 subsections (4) and (5) for each vehicle operated. The fee for
 145 each such identifying device issued is ~~There shall be a fee of~~

Page 5 of 51

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596-03095-23

20231252c1

146 \$4 per year or any fraction thereof ~~for each such identifying~~
 147 ~~device issued~~. The identifying device must shall be provided by
 148 the department and must be conspicuously displayed on the
 149 commercial motor vehicle as prescribed by the department while
 150 it is being operated on the public highways of this state. The
 151 transfer of an identifying device from one vehicle to another
 152 vehicle or from one motor carrier to another motor carrier is
 153 prohibited. The department or its authorized agent shall issue
 154 licenses and fuel tax decals.

155 Section 2. Effective July 1, 2025, section 316.066, Florida
 156 Statutes, is amended to read:

157 316.066 Written reports of crashes; electronic submission.-

158 (1) (a) All traffic law enforcement agencies must provide
 159 uniform crash reports by electronic means to the department.
 160 Such crash reports must be consistent with the state traffic
 161 crash manual rules and the procedures established by the
 162 department and must be appropriately numbered and inventoried. A
 163 Florida Traffic Crash Report, Long Form must be completed and
 164 electronically submitted to the department within 10 days after
 165 an investigation is completed by the law enforcement officer who
 166 in the regular course of duty investigates a motor vehicle crash
 167 that:

- 168 1. Resulted in death of, personal injury to, or any
 169 indication of complaints of pain or discomfort by any of the
 170 parties or passengers involved in the crash;
 171 2. Involved a violation of s. 316.061(1) or s. 316.193;
 172 3. Rendered a vehicle inoperable to a degree that required
 173 a wrecker to remove it from the scene of the crash; or
 174 4. Involved a commercial motor vehicle.

Page 6 of 51

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596-03095-23

20231252c1

175 (b) The Florida Traffic Crash Report, Long Form must
 176 include:

- 177 1. The date, time, and location of the crash.
- 178 2. A description of the vehicles involved.
- 179 3. The names and addresses of the parties involved,
 180 including all drivers and passengers, and the identification of
 181 the vehicle in which each was a driver or a passenger.
- 182 4. The names and addresses of witnesses.
- 183 5. The name, badge number, and law enforcement agency of
 184 the officer investigating the crash.
- 185 6. The names of the insurance companies for the respective
 186 parties involved in the crash.

187 (c) In any crash for which a Florida Traffic Crash Report,
 188 Long Form is not required by this section and which occurs on
 189 the public roadways of this state, the law enforcement officer
 190 shall complete a short-form crash report or provide a driver
 191 exchange-of-information form, to be completed by all drivers and
 192 passengers involved in the crash, which requires the
 193 identification of each vehicle that the drivers and passengers
 194 were in. The short-form report must include:

- 195 1. The date, time, and location of the crash.
- 196 2. A description of the vehicles involved.
- 197 3. The names and addresses of the parties involved,
 198 including all drivers and passengers, and the identification of
 199 the vehicle in which each was a driver or a passenger.
- 200 4. The names and addresses of witnesses.
- 201 5. The name, badge number, and law enforcement agency of
 202 the officer investigating the crash.
- 203 6. The names of the insurance companies for the respective

Page 7 of 51

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596-03095-23

20231252c1

204 parties involved in the crash.

205 (d) Each party to the crash must provide the law
 206 enforcement officer with proof of insurance, which must be
 207 documented in the crash report. If a law enforcement officer
 208 submits a report on the crash, proof of insurance must be
 209 provided to the officer by each party involved in the crash. Any
 210 party who fails to provide the required information commits a
 211 noncriminal traffic infraction, punishable as a nonmoving
 212 violation as provided in chapter 318, unless the officer
 213 determines that due to injuries or other special circumstances
 214 such insurance information cannot be provided immediately. If
 215 the person provides the law enforcement agency, within 24 hours
 216 after the crash, proof of insurance that was valid at the time
 217 of the crash, the law enforcement agency may void the citation.

218 (e) The driver of a vehicle that was in any manner involved
 219 in a crash resulting in damage to a vehicle or other property
 220 which does not require a law enforcement report shall, within 10
 221 days after the crash, submit a written report of the crash to
 222 the department. The report must ~~shall~~ be submitted on a form
 223 approved by the department.

224 (f) Long-form and short-form crash reports prepared by law
 225 enforcement must be submitted to the department and may be
 226 maintained by the law enforcement officer's agency.

227 (2) (a) Crash reports that reveal the identity, home or
 228 employment telephone number or home or employment address of, or
 229 other personal information concerning the parties involved in
 230 the crash and that are held by any agency that regularly
 231 receives or prepares information from or concerning the parties
 232 to motor vehicle crashes are confidential and exempt from s.

Page 8 of 51

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596-03095-23

20231252c1

233 119.07(1) and s. 24(a), Art. I of the State Constitution for a
 234 period of 60 days after the date the report is filed.

235 (b) Crash reports held by an agency under paragraph (a) may
 236 be made immediately available to the parties involved in the
 237 crash, their legal representatives, their licensed insurance
 238 agents, their insurers or insurers to which they have applied
 239 for coverage, persons under contract with such insurers to
 240 provide claims or underwriting information, prosecutorial
 241 authorities, law enforcement agencies, the Department of
 242 Transportation, county traffic operations, victim services
 243 programs, radio and television stations licensed by the Federal
 244 Communications Commission, newspapers qualified to publish legal
 245 notices under ss. 50.011 and 50.031, and, in accordance with
 246 paragraph (f), free newspapers of general circulation, published
 247 once a week or more often, of which at least 7,500 copies are
 248 distributed by mail or by carrier as verified by a postal
 249 statement or by a notarized printer's statement of press run,
 250 which are intended to be generally distributed and circulated,
 251 and which contain news of general interest with at least 10
 252 pages per publication, available and of interest to the public
 253 generally for the dissemination of news. For the purposes of
 254 this section, the following products or publications are not
 255 newspapers as referred to in this section: those intended
 256 primarily for members of a particular profession or occupational
 257 group; those with the primary purpose of distributing
 258 advertising; and those with the primary purpose of publishing
 259 names and other personal identifying information concerning
 260 parties to motor vehicle crashes.

261 (c) Any local, state, or federal agency that is authorized

596-03095-23

20231252c1

262 to have access to crash reports by any provision of law shall be
 263 granted such access in the furtherance of the agency's statutory
 264 duties.

265 (d) As a condition precedent to accessing a crash report
 266 within 60 days after the date the report is filed, a person must
 267 present a valid driver license or other photographic
 268 identification, proof of status, or identification that
 269 demonstrates his or her qualifications to access that
 270 information and file a written sworn statement with the state or
 271 local agency in possession of the information stating that
 272 information from a crash report made confidential and exempt by
 273 this section will not be used for any commercial solicitation of
 274 accident victims, or knowingly disclosed to any third party for
 275 the purpose of such solicitation, during the period of time that
 276 the information remains confidential and exempt. Such written
 277 sworn statement must be completed and sworn to by the requesting
 278 party for each individual crash report that is being requested
 279 within 60 days after the report is filed. In lieu of requiring
 280 the written sworn statement, an agency may provide crash reports
 281 by electronic means to third-party vendors under contract with
 282 one or more insurers, but only when such contract states that
 283 information from a crash report made confidential and exempt by
 284 this section will not be used for any commercial solicitation of
 285 accident victims by the vendors, or knowingly disclosed by the
 286 vendors to any third party for the purpose of such solicitation,
 287 during the period of time that the information remains
 288 confidential and exempt, and only when a copy of such contract
 289 is furnished to the agency as proof of the vendor's claimed
 290 status.

596-03095-23

20231252c1

291 (e) This subsection does not prevent the dissemination or
 292 publication of news to the general public by any legitimate
 293 media entitled to access confidential and exempt information
 294 pursuant to this section.

295 (3) (a) Any driver failing to file the written report
 296 required under subsection (1) commits a noncriminal traffic
 297 infraction, punishable as a nonmoving violation as provided in
 298 chapter 318.

299 (b) Any employee of a state or local agency in possession
 300 of information made confidential and exempt by this section who
 301 knowingly discloses such confidential and exempt information to
 302 a person not entitled to access such information under this
 303 section commits a felony of the third degree, punishable as
 304 provided in s. 775.082, s. 775.083, or s. 775.084.

305 (c) Any person, knowing that he or she is not entitled to
 306 obtain information made confidential and exempt by this section,
 307 who obtains or attempts to obtain such information commits a
 308 felony of the third degree, punishable as provided in s.
 309 775.082, s. 775.083, or s. 775.084.

310 (d) Any person who knowingly uses confidential and exempt
 311 information in violation of a filed written sworn statement or
 312 contractual agreement required by this section commits a felony
 313 of the third degree, punishable as provided in s. 775.082, s.
 314 775.083, or s. 775.084.

315 (4) Except as specified in this subsection, each crash
 316 report made by a person involved in a crash and any statement
 317 made by such person to a law enforcement officer for the purpose
 318 of completing a crash report required by this section must ~~shall~~
 319 be without prejudice to the individual so reporting. Such report

Page 11 of 51

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596-03095-23

20231252c1

320 or statement may not be used as evidence in any trial, civil or
 321 criminal. However, subject to the applicable rules of evidence,
 322 a law enforcement officer at a criminal trial may testify as to
 323 any statement made to the officer by the person involved in the
 324 crash if that person's privilege against self-incrimination is
 325 not violated. The results of breath, urine, and blood tests
 326 administered as provided in s. 316.1932 or s. 316.1933 are not
 327 confidential and are admissible into evidence in accordance with
 328 the provisions of s. 316.1934(2).

329 (5) A law enforcement officer, as defined in s. 943.10(1),
 330 may enforce this section.

331 Section 3. The Legislature finds that a proper and
 332 legitimate purpose is served when crash reports required under
 333 s. 316.066, Florida Statutes, are filed electronically with the
 334 Department of Highway Safety and Motor Vehicles by all entities
 335 required to submit crash reports. Electronic filing will
 336 expedite the availability of crash reports to the persons
 337 authorized to receive them, simplify the process of making crash
 338 reports available, and expedite the availability of information
 339 derived from crash reports to improve highway safety. The
 340 requirement of this act that all law enforcement agencies that
 341 prepare crash reports submit the completed crash reports
 342 electronically to the Department of Highway Safety and Motor
 343 Vehicles applies to all similarly situated persons, including
 344 school district law enforcement agencies, state university law
 345 enforcement agencies, and state law enforcement agencies.
 346 Therefore, the Legislature determines and declares that the
 347 amendments made by this act to s. 316.066, Florida Statutes,
 348 fulfill an important state interest.

Page 12 of 51

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596-03095-23

20231252c1

349 Section 4. Paragraph (b) of subsection (1) of section
350 316.2935, Florida Statutes, is amended to read:

351 316.2935 Air pollution control equipment; tampering
352 prohibited; penalty.—

353 (1)

354 (b) At the time of sale, lease, or transfer of title of a
355 motor vehicle, the seller, lessor, or transferor shall certify
356 in writing to the purchaser, lessee, or transferee that the air
357 pollution control equipment of the motor vehicle has not been
358 tampered with by the seller, lessor, or transferor or their
359 agents, employees, or other representatives. A licensed motor
360 vehicle dealer shall also visually observe those air pollution
361 control devices listed by department rule pursuant to subsection
362 (7), and certify that they are in place, and appear properly
363 connected and undamaged. Such certification may ~~shall~~ not be
364 deemed or construed as a warranty that the pollution control
365 devices of the subject vehicle are in functional condition, nor
366 does the execution or delivery of this certification create by
367 itself grounds for a cause of action between the parties to this
368 transaction. This paragraph does not apply if the purchaser of
369 the motor vehicle is a lessee purchasing the leased motor
370 vehicle or if the licensed motor vehicle dealer is not in
371 possession of the motor vehicle at the time of sale.

372 Section 5. Paragraphs (a), (b), and (e) of subsection (1),
373 paragraph (d) of subsection (2), and subsection (9) of section
374 316.302, Florida Statutes, are amended to read:

375 316.302 Commercial motor vehicles; safety regulations;
376 transporters and shippers of hazardous materials; enforcement.—

377 (1) (a) All owners and drivers of commercial motor vehicles

Page 13 of 51

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596-03095-23

20231252c1

378 that are operated on the public highways of this state while
379 engaged in interstate commerce are subject to the rules and
380 regulations contained in 49 C.F.R. parts 382, 383, 384, 385,
381 386, and 390-397.

382 (b) Except as otherwise provided in this section, all
383 owners and drivers of commercial motor vehicles that are engaged
384 in intrastate commerce are subject to the rules and regulations
385 contained in 49 C.F.R. parts 382, 383, 384, 385, 386, and 390-
386 397, as such rules and regulations existed on December 31, 2022
387 2020.

388 ~~(c) A person who operates a commercial motor vehicle solely~~
389 ~~in intrastate commerce which does not transport hazardous~~
390 ~~materials in amounts that require placarding pursuant to 49~~
391 ~~C.F.R. part 172 need not comply with the requirements of~~
392 ~~electronic logging devices and hours of service supporting~~
393 ~~documents as provided in 49 C.F.R. parts 385, 386, 390, and 395~~
394 ~~until December 31, 2019.~~

395 (2)

396 (d) A person who operates a commercial motor vehicle solely
397 in intrastate commerce not transporting any hazardous material
398 in amounts that require placarding pursuant to 49 C.F.R. part
399 172 within a 150 air-mile radius of the location where the
400 vehicle is based need not comply with 49 C.F.R. ss. 395.8 and
401 395.11 s. 395.8 if the requirements of 49 C.F.R. s. 395.1(e)(1)
402 (iii) and (iv) 49 C.F.R. s. 395.1(e)(1) (ii), (iii) (A) and (C),
403 and (v) are met.

404 (9) For the purpose of enforcing this section, any law
405 enforcement officer of the Department of Highway Safety and
406 Motor Vehicles or duly appointed agent who holds a current

Page 14 of 51

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596-03095-23

20231252c1

407 safety inspector certification from the Commercial Vehicle
 408 Safety Alliance may require the driver of any commercial vehicle
 409 operated on the highways of this state to stop and submit to an
 410 inspection of the vehicle or the driver's records. If the
 411 vehicle or driver is found to be operating in an unsafe
 412 condition, or if any required part or equipment is not present
 413 or is not in proper repair or adjustment, and the continued
 414 operation would present an unduly hazardous operating condition,
 415 the officer or agent may require the vehicle or the driver to be
 416 removed from service pursuant to the North American Standard
 417 Out-of-Service Criteria, until corrected. However, if continuous
 418 operation would not present an unduly hazardous operating
 419 condition, the officer or agent may give written notice
 420 requiring correction of the condition within 15 days.

421 (a) Any member of the Florida Highway Patrol or any law
 422 enforcement officer employed by a sheriff's office or municipal
 423 police department authorized to enforce the traffic laws of this
 424 state pursuant to s. 316.640 who has reason to believe that a
 425 vehicle or driver is operating in an unsafe condition may, as
 426 provided in subsection (11), enforce the provisions of this
 427 section.

428 (b) Any person who fails to comply with ~~a an officer's~~
 429 request to submit to an inspection under this subsection commits
 430 a violation of s. 843.02 if the person resists the officer
 431 without violence or a violation of s. 843.01 if the person
 432 resists the officer with violence.

433 Section 6. Paragraphs (b) and (c) of subsection (1) of
 434 section 319.14, Florida Statutes, are amended to read:

435 319.14 Sale of motor vehicles registered or used as

Page 15 of 51

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596-03095-23

20231252c1

436 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
 437 nonconforming vehicles, custom vehicles, or street rod vehicles;
 438 conversion of low-speed vehicles.-

439 (1)

440 (b) A person may not knowingly offer for sale, sell, or
 441 exchange a rebuilt vehicle until the department has stamped in a
 442 conspicuous place on the certificate of title for the vehicle
 443 words stating that the vehicle has been rebuilt or assembled
 444 from parts, or is a kit car, glider kit, replica, flood vehicle,
 445 custom vehicle, or street rod vehicle unless proper application
 446 for a certificate of title for a vehicle that is rebuilt or
 447 assembled from parts, or is a kit car, glider kit, replica,
 448 flood vehicle, custom vehicle, or street rod vehicle has been
 449 made to the department in accordance with this chapter and the
 450 department has conducted the physical examination of the vehicle
 451 to assure the identity of the vehicle and all major component
 452 parts, as defined in s. 319.30(1), which have been repaired or
 453 replaced. If a vehicle is identified as a flood vehicle, the
 454 words stamped on the certificate of title must identify the type
 455 of water that caused damage to the vehicle as "salt water,"
 456 "fresh water," or "other or unknown water type," as applicable.
 457 Thereafter, the department shall affix a decal to the vehicle,
 458 in the manner prescribed by the department, showing the vehicle
 459 to be rebuilt.

460 (c) As used in this section, the term:

461 ~~9.1-~~ "Police vehicle" means a motor vehicle owned or leased
 462 by the state or a county or municipality and used in law
 463 enforcement.

464 ~~13.2-a-~~ "Short-term-lease vehicle" means a motor vehicle

Page 16 of 51

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596-03095-23

20231252c1

465 leased without a driver and under a written agreement to one or
466 more persons from time to time for a period of less than 12
467 months.

468 ~~7.b.~~ "Long-term-lease vehicle" means a motor vehicle leased
469 without a driver and under a written agreement to one person for
470 a period of 12 months or longer.

471 ~~6.e.~~ "Lease vehicle" includes both short-term-lease
472 vehicles and long-term-lease vehicles.

473 ~~10.3.~~ "Rebuilt vehicle" means a motor vehicle or mobile
474 home built from salvage or junk, as defined in s. 319.30(1).

475 ~~1.4.~~ "Assembled from parts" means a motor vehicle or mobile
476 home assembled from parts or combined from parts of motor
477 vehicles or mobile homes, new or used. The term "assembled from
478 parts" does not include mean a motor vehicle defined as a
479 "rebuilt vehicle" as defined in subparagraph 10. in subparagraph
480 ~~3.7,~~ which has been declared a total loss pursuant to s. 319.30.

481 5. "Kit car" means a motor vehicle assembled with a kit
482 supplied by a manufacturer to rebuild a wrecked or outdated
483 motor vehicle with a new body kit.

484 ~~4.6.~~ "Glider kit" means a vehicle assembled with a kit
485 supplied by a manufacturer to rebuild a wrecked or outdated
486 truck or truck tractor.

487 ~~11.7.~~ "Replica" means a complete new motor vehicle
488 manufactured to look like an old vehicle.

489 ~~3.8.~~ "Flood vehicle" means a motor vehicle or mobile home
490 that has been declared to be a total loss pursuant to s.
491 319.30(3) (a) resulting from damage caused by salt water, fresh
492 water, or other or unknown type of water.

493 ~~8.9.~~ "Nonconforming vehicle" means a motor vehicle that

596-03095-23

20231252c1

494 ~~which~~ has been purchased by a manufacturer pursuant to a
495 settlement, determination, or decision under chapter 681.

496 ~~12.10.~~ "Settlement" means an agreement entered into between
497 a manufacturer and a consumer which ~~that~~ occurs after a dispute
498 is submitted to a program, or to an informal dispute settlement
499 procedure established by a manufacturer, or is approved for
500 arbitration before the Florida New Motor Vehicle Arbitration
501 Board as defined in s. 681.102.

502 ~~2.11.~~ "Custom vehicle" means a motor vehicle that:

503 a. Is 25 years of age or older and of a model year after
504 1948 or was manufactured to resemble a vehicle that is 25 years
505 of age or older and of a model year after 1948; and

506 b. Has been altered from the manufacturer's original design
507 or has a body constructed from nonoriginal materials.

508
509 The model year and year of manufacture that the body of a custom
510 vehicle resembles is the model year and year of manufacture
511 listed on the certificate of title, regardless of when the
512 vehicle was actually manufactured.

513 ~~14.12.~~ "Street rod" means a motor vehicle that:

514 a. Is of a model year of 1948 or older or was manufactured
515 after 1948 to resemble a vehicle of a model year of 1948 or
516 older; and

517 b. Has been altered from the manufacturer's original design
518 or has a body constructed from nonoriginal materials.

519
520 The model year and year of manufacture that the body of a street
521 rod resembles is the model year and year of manufacture listed
522 on the certificate of title, regardless of when the vehicle was

596-03095-23

20231252c1

523 actually manufactured.

524 Section 7. Subsection (3) of section 319.23, Florida
525 Statutes, is amended to read:

526 319.23 Application for, and issuance of, certificate of
527 title.-

528 (3) If a certificate of title has not previously been
529 issued for a motor vehicle or mobile home in this state, the
530 application must, unless otherwise provided for in this chapter,
531 ~~shall~~ be accompanied by a proper bill of sale or sworn statement
532 of ownership, or a duly certified copy thereof, or by a
533 certificate of title, bill of sale, or other evidence of
534 ownership required by the law of the state or country county
535 from which the motor vehicle or mobile home was brought into
536 this state. The application must ~~shall~~ also be accompanied by:

537 (a)1. A sworn affidavit from the seller and purchaser
538 verifying that the vehicle identification number shown on the
539 affidavit is identical to the vehicle identification number
540 shown on the motor vehicle; or

541 2. An appropriate departmental form evidencing that a
542 physical examination has been made of the motor vehicle by the
543 owner and by a duly constituted law enforcement officer in any
544 state, a licensed motor vehicle dealer, a license inspector as
545 provided by s. 320.58, or a notary public commissioned by this
546 state and that the vehicle identification number shown on such
547 form is identical to the vehicle identification number shown on
548 the motor vehicle; and

549 (b) If the vehicle is a used car original, a sworn
550 affidavit from the owner verifying that the odometer reading
551 shown on the affidavit is identical to the odometer reading

Page 19 of 51

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596-03095-23

20231252c1

552 shown on the motor vehicle in accordance with the requirements
553 of 49 C.F.R. s. 580.5 at the time that application for title is
554 made. For the purposes of this section, the term "used car
555 original" means a used vehicle coming into and being titled in
556 this state for the first time.

557 (c) If the vehicle is an ancient or antique vehicle, as
558 defined in s. 320.086, the application must ~~shall~~ be accompanied
559 by a certificate of title; a bill of sale and a registration; or
560 a bill of sale and an affidavit by the owner defending the title
561 from all claims. The bill of sale must contain a complete
562 vehicle description to include the vehicle identification or
563 engine number, year make, color, selling price, and signatures
564 of the seller and purchaser.

565 Verification of the vehicle identification number is not
566 required for any new motor vehicle; any mobile home; any trailer
567 or semitrailer with a net weight of less than 2,000 pounds; or
568 any travel trailer, camping trailer, truck camper, or fifth-
569 wheel recreation trailer.

571 Section 8. Present paragraphs (c) and (d) of subsection (1)
572 of section 319.28, Florida Statutes, are redesignated as
573 paragraphs (d) and (e), respectively, and a new paragraph (c) is
574 added to that subsection, to read:

575 319.28 Transfer of ownership by operation of law.-

576 (1)

577 (c) If the previous owner died testate and the application
578 for a certificate of title is made by, and accompanied by an
579 affidavit attested by, a Florida-licensed attorney in good
580 standing with The Florida Bar who represents the previous

Page 20 of 51

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596-03095-23

20231252c1

581 owner's estate, such affidavit, for purposes of paragraph (a),
 582 constitutes satisfactory proof of ownership and right of
 583 possession to the motor vehicle or mobile home, so long as the
 584 affidavit sets forth the rightful heir or heirs and the attorney
 585 attests in the affidavit that such heir or heirs are lawfully
 586 entitled to the rights of ownership and possession of the motor
 587 vehicle or mobile home. The application for certificate of title
 588 filed under this paragraph is not required to be accompanied by
 589 a copy of the will or other testamentary instrument.

590 Section 9. Subsection (3) of section 319.29, Florida
 591 Statutes, is amended to read:

592 319.29 Lost or destroyed certificates.—

593 (3) If, following the issuance of an original, duplicate,
 594 or corrected certificate of title by the department, the
 595 certificate is lost in transit and is not delivered to the
 596 addressee, the owner of the motor vehicle or mobile home, or the
 597 holder of a lien thereon, may, within 180 days after ~~of~~ the date
 598 of issuance of the title, apply to the department for reissuance
 599 of the certificate of title. An ~~Ne~~ additional fee may not ~~shall~~
 600 be charged by the department or a tax collector, as agent for
 601 the department, for reissuance under this subsection.

602 Section 10. Paragraphs (g) and (j) of subsection (1),
 603 paragraph (b) of subsection (3), and subsection (9) of section
 604 319.30, Florida Statutes, are amended, and paragraph (y) is
 605 added to subsection (1) of that section, to read:

606 319.30 Definitions; dismantling, destruction, change of
 607 identity of motor vehicle or mobile home; salvage.—

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

609 (g) "Independent entity" means a business or entity that

596-03095-23

20231252c1

610 may temporarily store damaged or dismantled motor vehicles or
 611 vessels pursuant to an agreement with an insurance company and
 612 is engaged in the sale or resale of damaged or dismantled motor
 613 vehicles or vessels. The term does not include a wrecker
 614 operator, a towing company, or a repair facility.

615 (j) "Major component parts" means:

616 1. For motor vehicles other than motorcycles and electric,
 617 hybrid, or plug-in hybrid motor vehicles, any fender, hood,
 618 bumper, cowl assembly, rear quarter panel, trunk lid, door,
 619 decklid, floor pan, engine, frame, transmission, catalytic
 620 converter, or airbag.

621 2. For trucks, other than electric, hybrid, or plug-in
 622 hybrid motor vehicles, in addition to those parts listed in
 623 subparagraph 1., any truck bed, including dump, wrecker, crane,
 624 mixer, cargo box, or any bed which mounts to a truck frame.

625 3. For motorcycles, the body assembly, frame, fenders, gas
 626 tanks, engine, cylinder block, heads, engine case, crank case,
 627 transmission, drive train, front fork assembly, and wheels.

628 4. For mobile homes, the frame.

629 5. For electric, hybrid, or plug-in hybrid motor vehicles,
 630 any fender, hood, bumper, cowl assembly, rear quarter panel,
 631 trunk lid, door, decklid, floor pan, engine, electric traction
 632 motor, frame, transmission or electronic transmission, charge
 633 port, DC power converter, onboard charger, power electronics
 634 controller, thermal system, traction battery pack, catalytic
 635 converter, or airbag.

636 (y) "Vessel" has the same meaning as provided in s.

637 713.78(1)(b).

638 (3)

596-03095-23

20231252c1

639 (b) The owner, including persons who are self-insured, of a
 640 motor vehicle or mobile home that is considered to be salvage
 641 shall, within 72 hours after the motor vehicle or mobile home
 642 becomes salvage, forward the title to the motor vehicle or
 643 mobile home to the department for processing. However, an
 644 insurance company that pays money as compensation for the total
 645 loss of a motor vehicle or mobile home shall obtain the
 646 certificate of title for the motor vehicle or mobile home, make
 647 the required notification to the National Motor Vehicle Title
 648 Information System, and, within 72 hours after receiving such
 649 certificate of title, forward such title by the United States
 650 Postal Service, by another commercial delivery service, or by
 651 electronic means, when such means are made available by the
 652 department, to the department for processing. The owner or
 653 insurance company, as applicable, may not dispose of a vehicle
 654 or mobile home that is a total loss before it obtains a salvage
 655 certificate of title or certificate of destruction from the
 656 department. ~~Effective January 1, 2020:~~

657 1. Thirty days after payment of a claim for compensation
 658 pursuant to this paragraph, the insurance company may receive a
 659 salvage certificate of title or certificate of destruction from
 660 the department if the insurance company is unable to obtain a
 661 properly assigned paper or electronic certificate of title from
 662 the owner or lienholder of the motor vehicle or mobile home, ~~if~~
 663 ~~the motor vehicle or mobile home does not carry an electronic~~
 664 ~~lien on the title~~ and the insurance company:

665 a. Has obtained the release of all liens on the motor
 666 vehicle or mobile home or has fully paid the amounts due to the
 667 owner and the lienholder;

Page 23 of 51

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596-03095-23

20231252c1

668 b. Has attested on a form provided by the department that
 669 payment of the total loss claim has been distributed or, if a
 670 release of all liens has not been obtained, that amounts due to
 671 the owner and the lienholder have been paid in full; and

672 c. Has attested on a form provided by the department and
 673 signed by the insurance company or its authorized agent stating
 674 the attempts that have been made to obtain the title from the
 675 owner or the lienholder and further stating that all attempts
 676 are to no avail. The form must include a request that the
 677 salvage certificate of title or certificate of destruction be
 678 issued in the insurance company's name due to payment of a total
 679 loss claim to the owner or lienholder. The attempts to contact
 680 the owner or the lienholder may be by written request delivered
 681 in person or by first-class mail with a certificate of mailing
 682 to the owner's or lienholder's last known address.

683 2. If the owner or the lienholder is notified of the
 684 request for title in person, the insurance company must provide
 685 an affidavit attesting to the in-person request for a
 686 certificate of title.

687 3. The request to the owner or the lienholder for the
 688 certificate of title must include a complete description of the
 689 motor vehicle or mobile home and the statement that a total loss
 690 claim has been paid on the motor vehicle or mobile home.

691 The department is not liable to, and may not be held liable by,
 692 an owner, a lienholder, or any other person as a result of the
 693 issuance of a salvage certificate of title or a certificate of
 694 destruction pursuant to this paragraph.

695 (9) (a) An insurance company may notify an independent
 696

Page 24 of 51

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596-03095-23 20231252c1

697 entity that obtains possession of a damaged or dismantled motor
 698 vehicle or vessel to release the vehicle or vessel to the owner.
 699 The insurance company shall provide the independent entity a
 700 release statement on a form prescribed by the department
 701 authorizing the independent entity to release the vehicle or
 702 vessel to the owner or lienholder. The form must, at a minimum,
 703 contain the following:

- 704 1. The policy and claim number.
- 705 2. The name and address of the insured.
- 706 3. The vehicle identification number or vessel hull
 707 identification number.
- 708 4. The signature of an authorized representative of the
 709 insurance company.

710 (b) The independent entity in possession of a motor vehicle
 711 or vessel must send a notice to the owner that the vehicle or
 712 vessel is available for pickup when it receives a release
 713 statement from the insurance company. The notice must shall be
 714 sent by certified mail or by another commercially available
 715 delivery service that provides proof of delivery to the owner at
 716 the owner's address contained in the department's records. The
 717 notice must state that the owner has 30 days after delivery of
 718 the notice to the owner at the owner's address to pick up the
 719 vehicle or vessel from the independent entity. If the motor
 720 vehicle or vessel is not claimed within 30 days after the
 721 delivery or attempted delivery of the notice, the independent
 722 entity may apply for a certificate of destruction, a salvage
 723 certificate of title, or a certificate of title. For a hull-
 724 damaged vessel, the independent entity shall comply with s.
 725 328.045, as applicable.

Page 25 of 51

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596-03095-23 20231252c1

726 (c) If the department's records do not contain the owner's
 727 address, the independent entity must do all of the following:

- 728 1. Send a notice that meets the requirements of paragraph
 729 (b) to the owner's address that is provided by the insurance
 730 company in the release statement.
- 731 2. For a vehicle, identify the latest titling jurisdiction
 732 of the vehicle through use of the National Motor Vehicle Title
 733 Information System or an equivalent commercially available
 734 system and attempt to obtain the owner's address from that
 735 jurisdiction. If the jurisdiction returns an address that is
 736 different from the owner's address provided by the insurance
 737 company, the independent entity must send a notice that meets
 738 the requirements of paragraph (b) to both addresses.
- 739 (d) The independent entity shall maintain for at least a
 740 ~~minimum of~~ 3 years the records related to the 30-day notice sent
 741 to the owner. For vehicles, the independent entity shall also
 742 maintain for at least 3 years the results of searches of the
 743 National Motor Vehicle Title Information System or an equivalent
 744 commercially available system, and the notification to the
 745 National Motor Vehicle Title Information System made pursuant to
 746 paragraph (e).
- 747 (e) The independent entity shall make the required
 748 notification to the National Motor Vehicle Title Information
 749 System before releasing any damaged or dismantled motor vehicle
 750 to the owner or before applying for a certificate of destruction
 751 or salvage certificate of title. The independent entity is not
 752 required to notify the National Motor Vehicle Title Information
 753 System before releasing any damaged or dismantled vessel to the
 754 owner or before applying for a certificate of title.

Page 26 of 51

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596-03095-23

20231252c1

755 (f) Upon applying for a certificate of destruction, ~~or~~
 756 salvage certificate of title, or certificate of title, the
 757 independent entity shall provide a copy of the release statement
 758 from the insurance company to the independent entity, proof of
 759 providing the 30-day notice to the owner, proof of notification
 760 to the National Motor Vehicle Title Information System if
 761 required, proof of all lien satisfactions or proof of a release
 762 of all liens on the motor vehicle or vessel, and applicable
 763 fees. If the independent entity is unable to obtain a lien
 764 satisfaction or a release of all liens on the motor vehicle or
 765 vessel, the independent entity must provide an affidavit stating
 766 that notice was sent to all lienholders that the motor vehicle
 767 or vessel is available for pickup, 30 days have passed since the
 768 notice was delivered or attempted to be delivered pursuant to
 769 this section, attempts have been made to obtain a release from
 770 all lienholders, and all such attempts have been to no avail.
 771 The notice to lienholders and attempts to obtain a release from
 772 lienholders may be by written request delivered in person or by
 773 certified mail or another commercially available delivery
 774 service that provides proof of delivery to the lienholder at the
 775 lienholder's address as provided on the certificate of title and
 776 to the address designated with the Department of State pursuant
 777 to s. 655.0201(2) if such address is different.

778 (g) The independent entity may not charge an owner of the
 779 vehicle or vessel storage fees or apply for a title under s.
 780 713.585 or s. 713.78.

781 Section 11. Paragraph (b) of subsection (1) and paragraph
 782 (a) of subsection (3) of section 320.06, Florida Statutes, are
 783 amended to read:

Page 27 of 51

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596-03095-23

20231252c1

784 320.06 Registration certificates, license plates, and
 785 validation stickers generally.—

786 (1)

787 (b)1. Registration license plates bearing a graphic symbol
 788 and the alphanumeric system of identification shall be issued
 789 for a 10-year period. At the end of the 10-year period, upon
 790 renewal, the plate ~~must shall~~ be replaced. The department shall
 791 extend the scheduled license plate replacement date from a 6-
 792 year period to a 10-year period. The fee for such replacement is
 793 \$28, \$2.80 of which ~~must shall~~ be paid each year before the
 794 plate is replaced, to be credited toward the next \$28
 795 replacement fee. The fees ~~must shall~~ be deposited into the
 796 Highway Safety Operating Trust Fund. A credit or refund may not
 797 be given for any prior years' payments of the prorated
 798 replacement fee if the plate is replaced or surrendered before
 799 the end of the 10-year period, except that a credit may be given
 800 if a registrant is required by the department to replace a
 801 license plate under s. 320.08056(8)(a). With each license plate,
 802 a validation sticker ~~must shall~~ be issued showing the owner's
 803 birth month, license plate number, and the year of expiration or
 804 the appropriate renewal period if the owner is not a natural
 805 person. The validation sticker ~~must shall~~ be placed on the upper
 806 right corner of the license plate. The license plate and
 807 validation sticker ~~must shall~~ be issued based on the applicant's
 808 appropriate renewal period. The registration period is 12
 809 months, the extended registration period is 24 months, and all
 810 expirations occur based on the applicant's appropriate
 811 registration period. Rental vehicles taxed pursuant to s.
 812 320.08(6)(a) and rental trucks taxed pursuant to s.

Page 28 of 51

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596-03095-23 20231252c1

813 320.08(3)(a), (b), and (c) and (4)(a)-(d) may elect a permanent
814 registration period, provided payment of the appropriate license
815 taxes and fees occurs annually.

816 2. A vehicle that has an apportioned registration must
817 ~~shall~~ be issued an annual license plate and a cab card that
818 denote the declared gross vehicle weight for each apportioned
819 jurisdiction in which the vehicle is authorized to operate. This
820 subparagraph expires June 30, 2024.

821 3. Beginning July 1, 2024, a vehicle registered in
822 accordance with the International Registration Plan must be
823 issued a license plate for a 3-year period. At the end of the 3-
824 year period, upon renewal, the license plate must be replaced.
825 Each license plate must include a validation sticker showing the
826 month of expiration. A cab card denoting the declared gross
827 vehicle weight for each apportioned jurisdiction must be issued
828 annually. The fee for an original or a renewal cab card is \$28,
829 which must be deposited into the Highway Safety Operating Trust
830 Fund. If the license plate is damaged or worn, it may be
831 replaced at no charge by applying to the department and
832 surrendering the current license plate.

833 4. In order to retain the efficient administration of the
834 taxes and fees imposed by this chapter, the 80-cent fee increase
835 in the replacement fee imposed by chapter 2009-71, Laws of
836 Florida, is negated as provided in s. 320.0804.

837 (3)(a) Registration license plates must be made of metal
838 specially treated with a retroreflection material, as specified
839 by the department. The registration license plate is designed to
840 increase nighttime visibility and legibility and must be at
841 least 6 inches wide and not less than 12 inches in length,

596-03095-23 20231252c1

842 unless a plate with reduced dimensions is deemed necessary by
843 the department to accommodate motorcycles, mopeds, ~~or~~ similar
844 smaller vehicles, or trailers. Validation stickers must also be
845 treated with a retroreflection material, must be of such size as
846 specified by the department, and must adhere to the license
847 plate. The registration license plate must be imprinted with a
848 combination of bold letters and numerals or numerals, not to
849 exceed seven digits, to identify the registration license plate
850 number. The license plate must be imprinted with the word
851 "Florida" at the top and the name of the county in which it is
852 sold, the state motto, or the words "Sunshine State" at the
853 bottom. Apportioned license plates must have the word
854 "Apportioned" at the bottom, and license plates issued for
855 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
856 (c), or (14) must have the word "Restricted" at the bottom.
857 License plates issued for vehicles taxed under s. 320.08(12)
858 must be imprinted with the word "Florida" at the top and the
859 word "Dealer" at the bottom unless the license plate is a
860 specialty license plate as authorized in s. 320.08056.
861 Manufacturer license plates issued for vehicles taxed under s.
862 320.08(12) must be imprinted with the word "Florida" at the top
863 and the word "Manufacturer" at the bottom. License plates issued
864 for vehicles taxed under s. 320.08(5)(d) or (e) must be
865 imprinted with the word "Wrecker" at the bottom. Any county may,
866 upon majority vote of the county commission, elect to have the
867 county name removed from the license plates sold in that county.
868 The state motto or the words "Sunshine State" must ~~shall~~ be
869 printed in lieu thereof. A license plate issued for a vehicle
870 taxed under s. 320.08(6) may not be assigned a registration

596-03095-23

20231252c1

871 license number, or be issued with any other distinctive
872 character or designation, that distinguishes the motor vehicle
873 as a for-hire motor vehicle.

874 Section 12. Subsection (1) of section 320.084, Florida
875 Statutes, is amended, and subsection (6) is added to that
876 section, to read:

877 320.084 Free motor vehicle license plate to certain
878 disabled veterans.—

879 (1) One free “DV” motor vehicle license number plate must
880 shall be issued by the department for use on any motor vehicle
881 owned or leased by any disabled veteran who has been a resident
882 of this state continuously for the preceding 5 years or has
883 established a domicile in this state as provided by s.
884 222.17(1), (2), or (3), and who has been honorably discharged
885 from the United States Armed Forces, upon application,
886 accompanied by proof that:

887 (a) A vehicle was initially acquired through financial
888 assistance by the United States Department of Veterans Affairs
889 or its predecessor specifically for the purchase of an
890 automobile;

891 (b) The applicant has been determined by the United States
892 Department of Veterans Affairs or its predecessor to have a
893 service-connected 100-percent disability rating for
894 compensation; or

895 (c) The applicant has been determined to have a service-
896 connected disability rating of 100 percent and is in receipt of
897 disability retirement pay from any branch of the United States
898 Armed Services.

899 (6) (a) A disabled veteran who qualifies for issuance of a

596-03095-23

20231252c1

900 “DV” license under subsection (1) may be issued, in lieu of the
901 “DV” license plate, a military license plate for which he or she
902 is eligible or a specialty license plate. A disabled veteran
903 electing a military license plate or specialty license plate
904 under this paragraph must pay all applicable fees related to
905 such license plate, except for fees otherwise waived under
906 subsections (1) and (4).

907 (b) A military license plate or specialty license plate
908 electd under this subsection:

909 1. Does not provide the protections or rights afforded by
910 s. 316.1955, s. 316.1964, s. 320.0848, s. 526.141, or s.
911 553.5041.

912 2. Is not eligible for the international symbol of
913 accessibility as described in s. 320.0842.

914 Section 13. Present subsections (16) through (48) of
915 section 322.01, Florida Statutes, are redesignated as
916 subsections (17) through (49), respectively, a new subsection
917 (16) is added to that section, and subsection (5) and present
918 subsections (37) and (41) of that section are amended, to read:

919 322.01 Definitions.—As used in this chapter:

920 (5) “Cancellation” means the act of declaring a driver
921 license void and terminated, but does not include a downgrade.

922 (16) “Downgrade” has the same meaning as the definition of
923 the term “CDL downgrade” in 49 C.F.R. s. 383.5(4).

924 (38)(37) “Revocation” means the termination of a licensee’s
925 privilege to drive, but does not include a downgrade.

926 (42)(41) “Suspension” means the temporary withdrawal of a
927 licensee’s privilege to drive a motor vehicle, but does not
928 include a downgrade.

596-03095-23

20231252c1

929 Section 14. Subsection (2) of section 322.02, Florida
 930 Statutes, is amended to read:
 931 322.02 Legislative intent; administration.—
 932 (2) The Department of Highway Safety and Motor Vehicles is
 933 charged with the administration and function of enforcement of
 934 the provisions of this chapter and the enforcement and
 935 administration of 49 C.F.R. parts 382-386 and 390-397.
 936 Section 15. Present subsections (4) through (12) of section
 937 322.05, Florida Statutes, are redesignated as subsections (5)
 938 through (13), respectively, and a new subsection (4) is added to
 939 that section, to read:
 940 322.05 Persons not to be licensed.—The department may not
 941 issue a license:
 942 (4) To any person, as a commercial motor vehicle operator,
 943 who is ineligible to operate a commercial motor vehicle pursuant
 944 to 49 C.F.R. part 383.
 945 Section 16. Subsection (3) of section 322.07, Florida
 946 Statutes, is amended to read:
 947 322.07 Instruction permits and temporary licenses.—
 948 (3) Any person who, except for his or her lack of
 949 instruction in operating a commercial motor vehicle, would
 950 otherwise be qualified to obtain a commercial driver license
 951 under this chapter, may apply for a temporary commercial
 952 instruction permit. The department shall issue such a permit
 953 entitling the applicant, while having the permit in his or her
 954 immediate possession, to drive a commercial motor vehicle on the
 955 highways, if:
 956 (a) The applicant possesses a valid Florida driver license;
 957 ~~and~~

Page 33 of 51

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596-03095-23

20231252c1

958 (b) The applicant, while operating a commercial motor
 959 vehicle, is accompanied by a licensed driver who is 21 years of
 960 age or older, who is licensed to operate the class of vehicle
 961 being operated, and who is occupying the closest seat to the
 962 right of the driver; and
 963 (c) The department has not been notified that, under 49
 964 C.F.R. s. 382.501(a), the applicant is prohibited from operating
 965 a commercial motor vehicle.
 966 Section 17. Effective January 1, 2024, subsection (3) of
 967 section 322.141, Florida Statutes, is amended to read:
 968 322.141 Color or markings of certain licenses or
 969 identification cards.—
 970 (3) All licenses for the operation of motor vehicles or
 971 identification cards originally issued or reissued by the
 972 department to persons who are designated as sexual predators
 973 under s. 775.21 or subject to registration as sexual offenders
 974 under s. 943.0435 or s. 944.607, or who have a similar
 975 designation or are subject to a similar registration under the
 976 laws of another jurisdiction, must ~~shall~~ have on the front of
 977 the license or identification card, in a distinctive format and
 978 printed in the color red, all of the following information:
 979 (a) For a person designated as a sexual predator under s.
 980 775.21 or who has a similar designation under the laws of
 981 another jurisdiction, the marking "SEXUAL PREDATOR."
 982 (b) For a person subject to registration as a sexual
 983 offender under s. 943.0435 or s. 944.607, or subject to a
 984 similar registration under the laws of another jurisdiction, the
 985 marking "943.0435, F.S."
 986 Section 18. Subsection (4) of section 322.142, Florida

Page 34 of 51

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596-03095-23

20231252c1

987 Statutes, is amended to read:

988 322.142 Color photographic or digital imaged licenses.—

989 (4) The department may maintain a film negative or print
990 file. The department shall maintain a record of the digital
991 image and signature of the licensees, together with other data
992 required by the department for identification and retrieval.

993 Reproductions from the file or digital record are exempt from
994 the provisions of s. 119.07(1) and may be made and issued only
995 in any of the following manners:

996 (a) For departmental administrative purposes.~~†~~

997 (b) For the issuance of duplicate licenses.~~†~~

998 (c) In response to law enforcement agency requests.~~†~~

999 (d) To the Department of Business and Professional

1000 Regulation and the Department of Health pursuant to an
1001 interagency agreement for the purpose of accessing digital
1002 images for reproduction of licenses issued by the Department of
1003 Business and Professional Regulation or the Department of
1004 Health.~~†~~

1005 (e) To the Department of State pursuant to an interagency
1006 agreement to facilitate determinations of eligibility of voter
1007 registration applicants and registered voters in accordance with
1008 ss. 98.045 and 98.075.~~†~~

1009 (f) To the Department of Revenue pursuant to an interagency
1010 agreement for use in establishing paternity and establishing,
1011 modifying, or enforcing support obligations in Title IV-D
1012 cases.~~†~~

1013 (g) To the Department of Children and Families pursuant to
1014 an interagency agreement to conduct protective investigations
1015 under part III of chapter 39 and chapter 415.~~†~~

Page 35 of 51

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596-03095-23

20231252c1

1016 (h) To the Department of Children and Families pursuant to
1017 an interagency agreement specifying the number of employees in
1018 each of that department's regions to be granted access to the
1019 records for use as verification of identity to expedite the
1020 determination of eligibility for public assistance and for use
1021 in public assistance fraud investigations.~~†~~

1022 (i) To the Agency for Health Care Administration pursuant
1023 to an interagency agreement for the purpose of authorized
1024 agencies verifying photographs in the Care Provider Background
1025 Screening Clearinghouse authorized under s. 435.12.~~†~~

1026 (j) To the Department of Financial Services pursuant to an
1027 interagency agreement to facilitate the location of owners of
1028 unclaimed property, the validation of unclaimed property claims,
1029 the identification of fraudulent or false claims, and the
1030 investigation of allegations of violations of the insurance code
1031 by licensees and unlicensed persons.~~†~~

1032 (k) To the Department of Economic Opportunity pursuant to
1033 an interagency agreement to facilitate the validation of
1034 reemployment assistance claims and the identification of
1035 fraudulent or false reemployment assistance claims.~~†~~

1036 (l) To district medical examiners pursuant to an
1037 interagency agreement for the purpose of identifying a deceased
1038 individual, determining cause of death, and notifying next of
1039 kin of any investigations, including autopsies and other
1040 laboratory examinations, authorized in s. 406.11.~~†~~

1041 (m) To the following persons for the purpose of identifying
1042 a person as part of the official work of a court:

- 1043 1. A justice or judge of this state;
- 1044 2. An employee of the state courts system who works in a

Page 36 of 51

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596-03095-23

20231252c1

1045 position that is designated in writing for access by the Chief
1046 Justice of the Supreme Court or a chief judge of a district or
1047 circuit court, or by his or her designee; or

1048 3. A government employee who performs functions on behalf
1049 of the state courts system in a position that is designated in
1050 writing for access by the Chief Justice or a chief judge, or by
1051 his or her designee. ~~or~~

1052 (n) To the Agency for Health Care Administration pursuant
1053 to an interagency agreement to prevent health care fraud. If the
1054 Agency for Health Care Administration enters into an agreement
1055 with a private entity to carry out duties relating to health
1056 care fraud prevention, such contracts must ~~shall~~ include, but
1057 need not be limited to:

1058 1. Provisions requiring internal controls and audit
1059 processes to identify access, use, and unauthorized access of
1060 information.

1061 2. A requirement to report unauthorized access or use to
1062 the Agency for Health Care Administration within 1 business day
1063 after the discovery of the unauthorized access or use.

1064 3. Provisions for liquidated damages for unauthorized
1065 access or use of no less than \$5,000 per occurrence.

1066 (o) To any criminal justice agency, as defined in s.
1067 943.045, pursuant to an interagency agreement for use in
1068 carrying out the criminal justice agency's functions.

1069 (p) To the driver licensing agency of any other state for
1070 purposes of validating the identity of an applicant for a driver
1071 license or identification card.

1072 Section 19. Subsection (8) and paragraph (a) of subsection
1073 (9) of section 322.21, Florida Statutes, are amended to read:

596-03095-23

20231252c1

1074 322.21 License fees; procedure for handling and collecting
1075 fees.-

1076 (8) A person who applies for reinstatement following the
1077 suspension or revocation of the person's driver license must pay
1078 a service fee of \$45 following a suspension, and \$75 following a
1079 revocation, which is in addition to the fee for a license. A
1080 person who applies for reinstatement of a commercial driver
1081 license following the disqualification or downgrade of the
1082 person's privilege to operate a commercial motor vehicle shall
1083 pay a service fee of \$75, which is in addition to the fee for a
1084 license. The department shall collect all of these fees at the
1085 time of reinstatement. The department shall issue proper
1086 receipts for such fees and shall promptly transmit all funds
1087 received by it as follows:

1088 (a) Of the \$45 fee received from a licensee for
1089 reinstatement following a suspension:

1090 1. If the reinstatement is processed by the department, the
1091 department must ~~shall~~ deposit \$15 in the General Revenue Fund
1092 and \$30 in the Highway Safety Operating Trust Fund.

1093 2. If the reinstatement is processed by the tax collector,
1094 \$15, less the general revenue service charge set forth in s.
1095 215.20(1), must ~~shall~~ be retained by the tax collector, \$15 must
1096 ~~shall~~ be deposited into the Highway Safety Operating Trust Fund,
1097 and \$15 must ~~shall~~ be deposited into the General Revenue Fund.

1098 (b) Of the \$75 fee received from a licensee for
1099 reinstatement following a revocation, ~~or~~ disqualification, or
1100 downgrade:

1101 1. If the reinstatement is processed by the department, the
1102 department must ~~shall~~ deposit \$35 in the General Revenue Fund

596-03095-23 20231252c1

1103 and \$40 in the Highway Safety Operating Trust Fund.

1104 2. If the reinstatement is processed by the tax collector,
1105 \$20, less the general revenue service charge set forth in s.
1106 215.20(1), ~~must shall~~ be retained by the tax collector, \$20 ~~must~~
1107 ~~shall~~ be deposited into the Highway Safety Operating Trust Fund,
1108 and \$35 ~~must shall~~ be deposited into the General Revenue Fund.

1109

1110 If the revocation or suspension of the driver license was for a
1111 violation of s. 316.193, or for refusal to submit to a lawful
1112 breath, blood, or urine test, an additional fee of \$130 must be
1113 charged. However, only one \$130 fee may be collected from one
1114 person convicted of violations arising out of the same incident.
1115 The department shall collect the \$130 fee and deposit the fee
1116 into the Highway Safety Operating Trust Fund at the time of
1117 reinstatement of the person's driver license, but the fee may
1118 not be collected if the suspension or revocation is overturned.
1119 If the revocation or suspension of the driver license was for a
1120 conviction for a violation of s. 817.234(8) or (9) or s.
1121 817.505, an additional fee of \$180 is imposed for each offense.
1122 The department shall collect and deposit the additional fee into
1123 the Highway Safety Operating Trust Fund at the time of
1124 reinstatement of the person's driver license.

1125 (9) An applicant:

1126 (a) Requesting a review authorized in s. 322.222, s.
1127 322.2615, s. 322.2616, s. 322.27, s. 322.591, or s. 322.64 must
1128 pay a filing fee of \$25 to be deposited into the Highway Safety
1129 Operating Trust Fund.

1130 Section 20. Section 322.591, Florida Statutes, is created
1131 to read:

596-03095-23 20231252c1

1132 322.591 Commercial driver license and commercial
1133 instruction permit; Commercial Driver's License Drug and Alcohol
1134 Clearinghouse; prohibition on issuance of commercial driver
1135 licenses; downgrades.-

1136 (1) Beginning November 18, 2024, when a person applies for
1137 or seeks to renew, transfer, or make any other change to a
1138 commercial driver license or commercial instruction permit, the
1139 department must obtain the driver's record from the Commercial
1140 Driver's License Drug and Alcohol Clearinghouse established
1141 pursuant to 49 C.F.R. part 382. The department may not issue,
1142 renew, transfer, or revise the types of authorized vehicles that
1143 may be operated or the endorsements applicable to a commercial
1144 driver license or commercial instruction permit for any person
1145 for whom the department receives notification pursuant to 49
1146 C.F.R. s. 382.501(a) that the person is prohibited from
1147 operating a commercial vehicle.

1148 (2) Beginning November 18, 2024, the department shall
1149 downgrade the commercial driver license or commercial
1150 instruction permit of any driver if the department receives
1151 notification that, pursuant to 49 C.F.R. s. 382.501(a), the
1152 driver is prohibited from operating a commercial motor vehicle.
1153 Any such downgrade must be completed and recorded by the
1154 department in the Commercial Driver's License Information System
1155 within 60 days after the department's receipt of such
1156 notification.

1157 (3) (a) Beginning November 18, 2024, upon receipt of
1158 notification pursuant to 49 C.F.R. s. 382.501(a) that a driver
1159 is prohibited from operating a commercial motor vehicle, the
1160 department shall immediately notify the driver who is the

596-03095-23

20231252c1

1161 subject of such notification that he or she is prohibited from
 1162 operating a commercial motor vehicle and, upon his or her
 1163 request, must afford him or her an opportunity for an informal
 1164 hearing pursuant to this section. The department's notice must
 1165 be provided to the driver in the same manner as, and providing
 1166 such notice has the same effect as, notices provided pursuant to
 1167 s. 322.251(1) and (2).

1168 (b) Such informal hearing must be requested not later than
 1169 20 days after the driver receives the notice of the downgrade.
 1170 If a request for a hearing, together with the filing fee
 1171 required pursuant to s. 322.21, is not received within 20 days
 1172 after receipt of such notice, the department must enter a final
 1173 order directing the downgrade of the driver's commercial driver
 1174 license or commercial instruction permit, unless the department
 1175 receives notification pursuant to 49 C.F.R. s. 382.503(a) that
 1176 the driver is no longer prohibited from operating a commercial
 1177 motor vehicle.

1178 (c) A hearing requested pursuant to paragraph (b) must be
 1179 scheduled and held not later than 30 days after receipt by the
 1180 department of a request for the hearing, together with the
 1181 filing fee required pursuant to s. 322.21. The submission of a
 1182 request for hearing pursuant to this subsection tolls the
 1183 deadline to file a petition for writ of certiorari pursuant to
 1184 s. 322.31 until after the department enters a final order after
 1185 a hearing pursuant to this subsection.

1186 (d) The informal hearing authorized pursuant to this
 1187 subsection is exempt from chapter 120. Such hearing must be
 1188 conducted before a hearing officer designated by the department.
 1189 The hearing officer may conduct such hearing from any location

Page 41 of 51

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596-03095-23

20231252c1

1190 in this state by means of communications technology.

1191 (e) The notification received by the department pursuant to
 1192 49 C.F.R. s. 382.501(a) must be in the record for consideration
 1193 by the hearing officer and in any proceeding pursuant to s.
 1194 322.31 and is considered self-authenticating. The basis for the
 1195 notification received by the department pursuant to 49 C.F.R. s.
 1196 382.501(a) and the information in the Commercial Driver's
 1197 License Drug and Alcohol Clearinghouse which resulted in such
 1198 notification are not subject to challenge in the hearing or in
 1199 any proceeding brought under s. 322.31.

1200 (f) If, before the entry of a final order arising from a
 1201 notification received by the department pursuant to 49 C.F.R. s.
 1202 382.501(a), the department receives notification pursuant to 49
 1203 C.F.R. s. 382.503(a) that the driver is no longer prohibited
 1204 from operating a commercial motor vehicle, the department must
 1205 dismiss the action to downgrade the driver's commercial driver
 1206 license or commercial instruction permit.

1207 (g) Upon the entry of a final order that results in the
 1208 downgrade of a driver's commercial driver license or commercial
 1209 instruction permit, the department shall record immediately in
 1210 the driver's record that the driver is disqualified from
 1211 operating or driving a commercial motor vehicle. The downgrade
 1212 of a commercial driver license or commercial instruction permit
 1213 pursuant to a final order entered pursuant to this section, and,
 1214 upon the entry of a final order, the recording in the driver's
 1215 record that the driver subject to such a final order is
 1216 disqualified from operating or driving a commercial motor
 1217 vehicle, are not stayed during the pendency of any proceeding
 1218 pursuant to s. 322.31.

Page 42 of 51

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596-03095-23

20231252c1

1219 (h) If, after the entry of a final order that results in
 1220 the downgrade of a driver's commercial driver license or
 1221 commercial instruction permit and the department recording in
 1222 the driver's record that the driver is disqualified from
 1223 operating or driving a commercial motor vehicle, the department
 1224 receives notification pursuant to 49 C.F.R. s. 382.503(a) that
 1225 the driver is no longer prohibited from operating a commercial
 1226 motor vehicle, the department must reinstate the driver's
 1227 commercial driver license or commercial instruction permit upon
 1228 application by such driver.

1229 (i) The department is not liable for any commercial driver
 1230 license or commercial instruction permit downgrade resulting
 1231 from the discharge of its duties.

1232 (j) This section is the exclusive procedure for the
 1233 downgrade of a commercial driver license or commercial
 1234 instruction permit following notification received by the
 1235 department that, pursuant to 49 C.F.R. s. 382.501(a), a driver
 1236 is prohibited from operating a commercial motor vehicle.

1237 (k) The downgrade of a commercial driver license or
 1238 commercial instruction permit of a person pursuant to this
 1239 section does not preclude the suspension of the driving
 1240 privilege for that person pursuant to s. 322.2615 or the
 1241 disqualification of that person from operating a commercial
 1242 motor vehicle pursuant to s. 322.64. The driving privilege of a
 1243 person whose commercial driver license or commercial instruction
 1244 permit has been downgraded pursuant to this section also may be
 1245 suspended for a violation of s. 316.193.

1246 (4) Beginning November 18, 2024, a driver for whom the
 1247 department receives notification that, pursuant to 49 C.F.R. s.

Page 43 of 51

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596-03095-23

20231252c1

1248 382.501(a), such person is prohibited from operating a
 1249 commercial motor vehicle may, if otherwise qualified, be issued
 1250 a Class E driver license pursuant to s. 322.251(4), valid for
 1251 the length of his or her unexpired license period, at no cost.

1252 Section 21. Subsection (2) of section 322.34, Florida
 1253 Statutes, is amended to read:

1254 322.34 Driving while license suspended, revoked, canceled,
 1255 or disqualified.—

1256 (2) Any person whose driver license or driving privilege
 1257 has been canceled, suspended, or revoked as provided by law, or
 1258 who does not have a driver license or driving privilege but is
 1259 under suspension or revocation equivalent status as defined in
 1260 s. 322.01 ~~s. 322.01(42)~~, except persons defined in s. 322.264,
 1261 who, knowing of such cancellation, suspension, revocation, or
 1262 suspension or revocation equivalent status, drives any motor
 1263 vehicle upon the highways of this state while such license or
 1264 privilege is canceled, suspended, or revoked, or while under
 1265 suspension or revocation equivalent status, commits:

1266 (a) A misdemeanor of the second degree, punishable as
 1267 provided in s. 775.082 or s. 775.083.

1268 (b)1. A misdemeanor of the first degree, punishable as
 1269 provided in s. 775.082 or s. 775.083, upon a second or
 1270 subsequent conviction, except as provided in paragraph (c).

1271 2. A person convicted of a third or subsequent conviction,
 1272 except as provided in paragraph (c), must serve a minimum of 10
 1273 days in jail.

1274 (c) A felony of the third degree, punishable as provided in
 1275 s. 775.082, s. 775.083, or s. 775.084, upon a third or
 1276 subsequent conviction if the current violation of this section

Page 44 of 51

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596-03095-23 20231252c1

1277 or the most recent prior violation of the section is related to
 1278 driving while license canceled, suspended, revoked, or
 1279 suspension or revocation equivalent status resulting from a
 1280 violation of:

- 1281 1. Driving under the influence;
- 1282 2. Refusal to submit to a urine, breath-alcohol, or blood
 1283 alcohol test;
- 1284 3. A traffic offense causing death or serious bodily
 1285 injury; or
- 1286 4. Fleeing or eluding.

1287 The element of knowledge is satisfied if the person has been
 1288 previously cited as provided in subsection (1); or the person
 1289 admits to knowledge of the cancellation, suspension, or
 1290 revocation, or suspension or revocation equivalent status; or
 1291 the person received notice as provided in subsection (4). There
 1292 is shall be a rebuttable presumption that the knowledge
 1293 requirement is satisfied if a judgment or order as provided in
 1294 subsection (4) appears in the department's records for any case
 1295 except for one involving a suspension by the department for
 1296 failure to pay a traffic fine or for a financial responsibility
 1297 violation.

1299 Section 22. Subsection (4) of section 322.61, Florida
 1300 Statutes, is amended to read:

1301 322.61 Disqualification from operating a commercial motor
 1302 vehicle.—

1303 (4) Any person who is transporting hazardous materials as
 1304 defined in s. 322.01 ~~s. 322.01(24) shall~~, upon conviction of an
 1305 offense specified in subsection (3), is be disqualified from

596-03095-23 20231252c1

1306 operating a commercial motor vehicle for a period of 3 years.
 1307 The penalty provided in this subsection is shall be in addition
 1308 to any other applicable penalty.

1309 Section 23. Subsection (3) of section 324.0221, Florida
 1310 Statutes, is amended to read:

1311 324.0221 Reports by insurers to the department; suspension
 1312 of driver license and vehicle registrations; reinstatement.—

1313 (3) An operator or owner whose driver license or
 1314 registration has been suspended under this section or s. 316.646
 1315 may effect its reinstatement upon compliance with the
 1316 requirements of this section and upon payment to the department
 1317 of a nonrefundable reinstatement fee of \$150 for the first
 1318 reinstatement. The reinstatement fee is \$250 for the second
 1319 reinstatement and \$500 for each subsequent reinstatement during
 1320 the 3 years following the first reinstatement. A person
 1321 reinstating her or his insurance under this subsection must also
 1322 secure ~~noncancelable~~ coverage as described in ss. 324.021(8),
 1323 324.023, and 627.7275(2) and present to the appropriate person
 1324 proof that the coverage is in force on a form adopted by the
 1325 department, and such proof must shall be maintained for 2 years.
 1326 If the person does not have a second reinstatement within 3
 1327 years after her or his initial reinstatement, the reinstatement
 1328 fee is \$150 for the first reinstatement after that 3-year
 1329 period. If a person's license and registration are suspended
 1330 under this section or s. 316.646, only one reinstatement fee
 1331 must be paid to reinstate the license and the registration. All
 1332 fees must shall be collected by the department at the time of
 1333 reinstatement. The department shall issue proper receipts for
 1334 such fees and shall promptly deposit those fees in the Highway

596-03095-23

20231252c1

1335 Safety Operating Trust Fund. One-third of the fees collected
 1336 under this subsection must ~~shall~~ be distributed from the Highway
 1337 Safety Operating Trust Fund to the local governmental entity or
 1338 state agency that employed the law enforcement officer seizing
 1339 the license plate pursuant to s. 324.201. The funds may be used
 1340 by the local governmental entity or state agency for any
 1341 authorized purpose.

1342 Section 24. Section 324.131, Florida Statutes, is amended
 1343 to read:

1344 324.131 Period of suspension.—Such license, registration
 1345 and nonresident's operating privilege must ~~shall~~ remain ~~so~~
 1346 suspended and may ~~shall~~ not be renewed, nor may ~~shall~~ any such
 1347 license or registration be thereafter issued in the name of such
 1348 person, including any such person not previously licensed,
 1349 unless and until every such judgment is stayed, satisfied in
 1350 full or to the extent of the limits stated in s. 324.021(7) and
 1351 until the said person gives proof of financial responsibility as
 1352 provided in s. 324.031, such proof to be maintained for 3 years.
 1353 In addition, if the person's license or registration has been
 1354 suspended or revoked due to a violation of s. 316.193 or
 1355 pursuant to s. 322.26(2), that person must ~~shall~~ maintain
 1356 ~~noncancelable~~ liability coverage for each motor vehicle
 1357 registered in his or her name, as described in s. 627.7275(2),
 1358 and must present proof that coverage is in force on a form
 1359 adopted by the Department of Highway Safety and Motor Vehicles,
 1360 such proof to be maintained for 3 years.

1361 Section 25. Paragraph (g) of subsection (3) of section
 1362 627.311, Florida Statutes, is amended to read:

1363 627.311 Joint underwriters and joint reinsurers; public

Page 47 of 51

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596-03095-23

20231252c1

1364 records and public meetings exemptions.—

1365 (3) The office may, after consultation with insurers
 1366 licensed to write automobile insurance in this state, approve a
 1367 joint underwriting plan for purposes of equitable apportionment
 1368 or sharing among insurers of automobile liability insurance and
 1369 other motor vehicle insurance, as an alternate to the plan
 1370 required in s. 627.351(1). All insurers authorized to write
 1371 automobile insurance in this state shall subscribe to the plan
 1372 and participate therein. The plan is ~~shall be~~ subject to
 1373 continuous review by the office which may at any time disapprove
 1374 the entire plan or any part thereof if it determines that
 1375 conditions have changed since prior approval and that in view of
 1376 the purposes of the plan changes are warranted. Any disapproval
 1377 by the office is ~~shall be~~ subject to ~~the provisions of~~ chapter
 1378 120. The Florida Automobile Joint Underwriting Association is
 1379 created under the plan. The plan and the association:

1380 (g) Must make available ~~noncancelable~~ coverage as provided
 1381 in s. 627.7275(2).

1382 Section 26. Subsection (1) of section 627.351, Florida
 1383 Statutes, is amended to read:

1384 627.351 Insurance risk apportionment plans.—

1385 (1) MOTOR VEHICLE INSURANCE RISK APPORTIONMENT.—Agreements
 1386 may be made among casualty and surety insurers with respect to
 1387 the equitable apportionment among them of insurance that ~~which~~
 1388 may be afforded applicants who are in good faith entitled to,
 1389 but are unable to, procure such insurance through ordinary
 1390 methods, and such insurers may agree among themselves on the use
 1391 of reasonable rate modifications for such insurance. Such
 1392 agreements and rate modifications are ~~shall be~~ subject to the

Page 48 of 51

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596-03095-23

20231252c1

1393 approval of the office. The office shall, after consultation
 1394 with the insurers licensed to write automobile liability
 1395 insurance in this state, adopt a reasonable plan or plans for
 1396 the equitable apportionment among such insurers of applicants
 1397 for such insurance who are in good faith entitled to, but are
 1398 unable to, procure such insurance through ordinary methods, and,
 1399 when such plan has been adopted, all such insurers shall
 1400 ~~subscribe to and participate in the plan thereto and shall~~
 1401 ~~participate therein~~. Such plan or plans shall include rules for
 1402 classification of risks and rates therefor. The plan or plans
 1403 shall make available ~~noncancelable~~ coverage as provided in s.
 1404 627.7275(2). Any insured placed with the plan must ~~shall~~ be
 1405 notified of the fact that insurance coverage is being afforded
 1406 through the plan and not through the private market, and such
 1407 notification must ~~shall~~ be given in writing within 10 days of
 1408 such placement. To assure that plan rates are made adequate to
 1409 pay claims and expenses, insurers shall develop a means of
 1410 obtaining loss and expense experience at least annually, and the
 1411 plan shall file such experience, when available, with the office
 1412 in sufficient detail to make a determination of rate adequacy.
 1413 Prior to the filing of such experience with the office, the plan
 1414 shall poll each member insurer as to the need for an actuary who
 1415 is a member of the Casualty Actuarial Society and who is not
 1416 affiliated with the plan's statistical agent to certify the
 1417 plan's rate adequacy. If a majority of those insurers responding
 1418 indicate a need for such certification, the plan must ~~shall~~
 1419 include the certification as part of its experience filing. Such
 1420 experience shall be filed with the office not more than 9 months
 1421 following the end of the annual statistical period under review,

Page 49 of 51

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596-03095-23

20231252c1

1422 together with a rate filing based on such ~~said~~ experience. The
 1423 office shall initiate proceedings to disapprove the rate and so
 1424 notify the plan or shall finalize its review within 60 days
 1425 after ~~of~~ receipt of the filing. Notification to the plan by the
 1426 office of its preliminary findings, which include a point of
 1427 entry to the plan pursuant to chapter 120, ~~tolls shall toll~~ the
 1428 60-day period during any such proceedings and subsequent
 1429 judicial review. The rate is ~~shall be~~ deemed approved if the
 1430 office does not issue notice to the plan of its preliminary
 1431 findings within 60 days after ~~of~~ the filing. In addition to
 1432 provisions for claims and expenses, the ratemaking formula must
 1433 ~~shall~~ include a factor for projected claims trending and 5
 1434 percent for contingencies. The formula may not ~~In no instance~~
 1435 ~~shall the formula~~ include a renewal discount for plan insureds.
 1436 However, the plan shall reunderwrite each insured on an annual
 1437 basis, based upon all applicable rating factors approved by the
 1438 office. Trend factors may ~~shall~~ not be found to be inappropriate
 1439 if they are not in excess of trend factors normally used in the
 1440 development of residual market rates by the appropriate licensed
 1441 rating organization. Each application for coverage in the plan
 1442 must ~~shall~~ include, in boldfaced 12-point type immediately
 1443 preceding the applicant's signature, the following statement:

1444
 1445 "THIS INSURANCE IS BEING AFFORDED THROUGH THE FLORIDA
 1446 JOINT UNDERWRITING ASSOCIATION AND NOT THROUGH THE
 1447 PRIVATE MARKET. PLEASE BE ADVISED THAT COVERAGE WITH A
 1448 PRIVATE INSURER MAY BE AVAILABLE FROM ANOTHER AGENT AT
 1449 A LOWER COST. AGENT AND COMPANY LISTINGS ARE AVAILABLE
 1450 IN THE LOCAL YELLOW PAGES."

Page 50 of 51

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596-03095-23

20231252c1

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The plan shall annually report to the office the number and percentage of plan insureds who are not surcharged due to their driving record.

Section 27. Paragraph (b) of subsection (2) of section 627.7275, Florida Statutes, is amended to read:

627.7275 Motor vehicle liability.—

(2)

(b) The policies described in paragraph (a) ~~must shall~~ be issued for at least 6 months and, ~~as to the minimum coverages required under this section, may not be canceled by the insured for any reason or by the insurer after 60 days, during which period the insurer is completing the underwriting of the policy.~~ After the insurer has issued ~~completed underwriting~~ the policy, the insurer shall notify the Department of Highway Safety and Motor Vehicles that the policy is in full force and effect ~~and is not cancelable for the remainder of the policy period. A premium shall be collected and the coverage is in effect for the 60-day period during which the insurer is completing the underwriting of the policy whether or not the person's driver license, motor vehicle tag, and motor vehicle registration are in effect. Once the noncancelable provisions of the policy becomes~~ ~~become~~ effective, the coverages for bodily injury, property damage, and personal injury protection may not be reduced during the policy period below the minimum limits required under s. 324.021 or s. 324.023 ~~during the policy period.~~

Section 28. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4-20-23

Meeting Date

SB 1252

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Jennifer Blasdel

Phone 941-875-5037

Address 143 Hourglass Dr

Street

Email jennblasdel@gmail.com

Venice

City

FL

State

34293

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20 Meeting Date

SB 1252 Bill Number or Topic

Fiscal Policy Committee

Amendment Barcode (if applicable)

Jennifer Langston Name

417-3100 Phone

2900 Apachee Pkwy Address Street

jenniflangston@flhsmv.gov Email

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing:

FL HSMV

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

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4-20-23

Meeting Date

Fiscal Policy

Committee

1252

Bill Number or Topic

Amendment Barcode (if applicable)

Name Ethan Perry

Phone 850-224-1400

Address 200 S Monroe St.

Street

Email ethanp@floridarealtors.org

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Realtors

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

1252

Bill Number or Topic

Fiscal Policy

Committee

854998

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Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Tax Collectors Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

4/20/22

Meeting Date

The Florida Senate APPEARANCE RECORD

SB 1252

Bill Number or Topic

Fiscal policy

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

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Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

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I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1352

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Health and Human Services;
Senators Rouson and Davis

SUBJECT: Sickle Cell Disease Medications, Treatment, and Screening

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stovall</u>	<u>Brown</u>	<u>HP</u>	Favorable
2.	<u>McKnight</u>	<u>Money</u>	<u>AHS</u>	Fav/CS
3.	<u>Stovall</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1352 requires the Agency for Health Care Administration (AHCA) to conduct a biennial review of Medicaid enrollees with sickle cell disease (SCD) and report the findings and recommendations from the preceding two year period. The first report is due November 1, 2024, and by November 1 of every other year thereafter, and reports are to be submitted to the Governor, President of the Senate, Speaker of the House of Representatives, the Office of Minority Health and Health Equity, and the Rare Disease Advisory Council, and published by the AHCA on a publicly accessible website.

The objective of the review is to determine whether available covered medications, treatment, and services are adequate to meet the needs of Medicaid enrollees diagnosed with SCD and whether the AHCA should seek coverage of additional medications, treatment, or services.

The AHCA is also required to assess existing payment methodologies for approved SCD treatments and medications in the inpatient setting and whether they result in barriers to access. If barriers to access are identified, the AHCA must assess whether the payment methodologies may be modified or improved.

In addition, the bill:

- Requires the Department of Health (DOH) to contract with a community-based sickle cell disease medical treatment and research center to establish and maintain a registry to track

outcome measures of newborns who are identified as carrying a sickle cell hemoglobin variant.

- Requires a screening provider to notify the primary care physician of an infant who tests positive for sickle cell hemoglobin variant and to submit the results of the screening to the DOH for inclusion in the sickle cell registry.
- Requires the primary care physician to provide the information on the availability and benefits of genetic counseling to the parent or guardian of the newborn.

The bill appropriates \$1.1 million from the General Revenue Fund to the DOH and authorizes five positions for the purposes of implementing the bill.

The bill will have an indeterminate, significant negative fiscal impact to the AHCA and the DOH. *See* Section V of this analysis.

The bill takes effect on July 1, 2023.

II. Present Situation:

Sickle Cell Disease and Sickle Cell Trait

Sickle cell disease (SCD) is a group of inherited red blood cell disorders. Red blood cells contain hemoglobin, a protein that carries oxygen. Healthy red blood cells are round, and they move through small blood vessels to carry oxygen to all parts of the body. In someone who has SCD, the hemoglobin is abnormal, which causes the red blood cells to become hard and sticky and look like a C-shaped farm tool called a sickle. The sickle cells die early, which causes a constant shortage of red blood cells. Also, when they travel through small blood vessels, they get stuck and clog the blood flow. This can cause pain and other serious health complications such as infection, acute chest syndrome, and stroke.¹

The exact number of people living with SCD in the U.S. is unknown. The U.S. Centers for Disease Control and Prevention (CDC) estimates:²

- SCD affects approximately 100,000 Americans.
- SCD occurs among about one out of every 365 Black or African-American births.
- SCD occurs among about one out of every 16,300 Hispanic-American births.
- Roughly 7.7 percent of Black or African-American babies are born with sickle cell trait (SCT).

There are several types of SCD. The specific type a person has depends on the genes they inherited from their parents. People with SCD inherit genes that contain instructions, or code, for abnormal hemoglobin. The most common types of SCD include:³

¹ U.S. Centers for Disease Control and Prevention, *Sickle Cell Disease*, available at <https://www.cdc.gov/ncbddd/sicklecell/facts.html#:~:text=In%20someone%20who%20has%20SCD,shortage%20of%20red%20blood%20cells> (last visited Mar. 29, 2023)

² U.S. Centers for Disease Control and Prevention, *Data and Statistics on Sickle Cell Disease*, available at <https://www.cdc.gov/ncbddd/sicklecell/data.html> (last visited Mar. 29, 2023).

³ *Id.*

- HbSS. People who have this form of SCD inherit two genes, one from each parent, that code for hemoglobin “S.” Hemoglobin S is an abnormal form of hemoglobin that causes the red cells to become rigid, and sickle shaped. This is commonly called *sickle cell anemia* and is usually the most severe form of the disease.
- HbSC. People who have this form of SCD inherit a hemoglobin “S” gene from one parent and a gene for a different type of abnormal hemoglobin called “C” from the other parent. This is usually a milder form of SCD.
- HbS beta thalassemia. People who have this form of SCD inherit a hemoglobin “S” gene from one parent and a gene for beta thalassemia, another type of hemoglobin abnormality, from the other parent. There are two types of beta thalassemia: “zero” (HbS beta⁰) and “plus” (HbS beta⁺). Those with HbS beta⁰-thalassemia usually have a severe form of SCD. People with HbS beta⁺-thalassemia tend to have a milder form of SCD.

There also are a few rare types of SCD, such as HbSD, HbSE, and HbSO. People who have these forms of SCD inherit one hemoglobin “S” gene and one gene that codes for another abnormal type of hemoglobin (“D”, “E”, or “O”). The severity of these rarer types of SCD varies.

SCD is diagnosed with a simple blood test. In children born in the U.S., it most often is found at birth during routine newborn screening tests at the hospital. In addition, SCD can be diagnosed while the baby is in the womb. Because children with SCD are at an increased risk of infection and other health problems, early diagnosis and treatment are important.

People with SCD may start to have signs of the disease during the first year of life, usually around five months of age. Symptoms and complications of SCD are different for each person and can range from mild to severe.

Management of SCD is focused on preventing and treating pain episodes, anemia, and other complications. Prevention strategies include lifestyle behaviors as well as medical screening and interventions to prevent SCD complications. Lifestyle behaviors might include drinking plenty of water and avoiding getting too hot or cold, high altitudes, or extreme exertion. Vaccines can prevent against harmful infections. Other intervention strategies might include prevention of severe anemia through blood transfusions which has its own set of complications such as iron overload that can cause life-threatening damage to the liver, heart, and other organs.

SCD is a disease that worsens over time. Currently the U.S. Food and Drug Administration (FDA) has approved four treatments. However, the only therapy approved by the FDA that may be able to cure SCD is a bone marrow or stem cell transplant, which can be very risky.⁴

SCT presents itself in people who inherit one sickle cell gene and one normal gene. People with SCT usually do not have any symptoms of SCD, although in rare cases they might experience complications of SCD. A person with SCT can pass the trait on to their children. SCT is diagnosed with a blood test.⁵

⁴ U.S. Centers for Disease Control and Prevention, *What is Sickle Cell Disease?*, available at <https://www.cdc.gov/ncbddd/sicklecell/facts.html> (last visited Mar. 29, 2023).

⁵ U.S. Centers for Disease Control and Prevention, *Sickle Cell Trait*, available at <https://www.cdc.gov/ncbddd/sicklecell/traits.html> (last visited Mar. 29, 2023).

Florida Medicaid Study of Enrollees with Sickle Cell Disease

In the Fiscal Year 2022-2023 General Appropriations Act,⁶ the AHCA was directed to conduct a review and provide a written report concerning the impact of SCD in the Florida Medicaid program. As directed, the AHCA contracted with the Florida Medical School Quality Network, including key personnel of the Foundation for Sickle Cell Disease Research and the Sickle Care and Research Network, which is a dedicated SCD medical treatment and research center headquartered in Hollywood, Florida, and maintains a sickle cell patient database and tracks SCD outcome measures. The report was submitted on February 1, 2023.⁷

Findings in this report indicate the number of people with SCD in the Florida Medicaid program (program) averages 7,328 people per year. The prevalence rate of SCD in the program is twice as high as the national average for Medicaid and the program has one of the highest numbers of SCD patients in the U.S., indicating a disproportionate impact from a national perspective. The program's SCD population was predominately female (58 percent), young (median age 18 years), and Black (63 percent). Geographically, the highest number of Medicaid SCD patients live in Central and South Florida.

Further, the report states that over the last four years, nearly all Medicaid SCD patients were evaluated at least once by a physician, 85 percent were evaluated and treated in an outpatient clinic, 61 percent were treated in the ER, and 52 percent were hospitalized. Stroke screening with transcranial doppler ultrasound in Medicaid children and adolescents with SCD was very low. SCD-relevant medications were prescribed and filled in 77 percent of Medicaid SCD patients. Guideline-recommended treatments with penicillin or hydroxyurea were observed in 58 percent or 22 percent, respectively, of program SCD patients, indicating a gap between use and evidence-based treatments. Newer therapies with L-glutamine, voxelotor, or crizanlizumab have been used in the program's SCD population, albeit at low utilization. Supportive care with iron chelating agents or opioids have also been used in the program's SCD population, at low utilization.

Among medical services in the program, the highest expenditure was inpatient hospitalization, although this amount has decreased each year for the past four years. The total expenditures for program recipients with SCD in calendar year 2021 was over \$91 million, which averaged approximately \$4,500 per person with SCD. In comparison, this per capita Medicaid SCD spending was below the amount spent on Medicaid recipients with diabetes in State Fiscal Year 2020-2021, despite SCD having higher morbidity and mortality. Within the Medicaid SCD population, 54 percent were determined high-utilizers of acute care facilities. Their expenditures made up 70 percent of the total cost of care for the SCD population. There was slightly higher prevalence of high-utilizers in West Florida compared to other regions. Clinical treatment centers specializing in SCD were identified in Florida and found predominantly in Central and South Florida.

⁶ See Chapter 2022-156, Laws of Fla., Specific Appropriation 189.

⁷ See Agency for Health Care Administration, *Florida Medicaid Study of Enrollees with Sickle Cell Disease*, available at [Florida Medicaid Study of Enrollees with Sickle Cell Disease.pdf \(myflorida.com\)](https://myflorida.com) (last visited Mar. 29, 2023).

Office of Minority Health and Equity

The Office of Minority Health and Health Equity is established in the Department of Health (DOH).⁸ It is responsible for developing and promoting the statewide implementation of policies, programs, and practices that increase health equity in this state, including, but not limited to, increased access to, and quality of health care services for, racial and ethnic minority populations.

Rare Disease Advisory Council

Florida's Rare Disease Advisory Council (RDAC) was established in 2021, in s. 381.99, F.S., to assist the DOH in providing recommendations to improve health outcomes for individuals residing in this state who have a rare disease.⁹ Rare diseases include genetic disorders, infectious diseases, cancers, and other various pediatric and adult conditions. SCD is classified as a genetic and rare disease.¹⁰

The RDAC is composed of representatives from state agencies, health care providers, researchers, advocacy groups, insurance and pharmaceutical industries, as well as individuals with rare diseases and caregivers of individuals with rare diseases.¹¹ Council members hold a shared vision: to improve health outcomes for individuals residing in Florida who have rare diseases.¹²

III. Effect of Proposed Changes:

Section 1 creates s. 383.147, F.S., to require the Department of Health (DOH) to contract with a community-based sickle cell disease (SCD) medical treatment and research center to establish and maintain a registry to track outcome measures of newborns who are identified as carrying a sickle cell hemoglobin variant. The bill requires a screening provider to notify the primary care physician of an infant who tests positive for sickle cell hemoglobin variant and to submit the results of the screening to the DOH for inclusion in the sickle cell registry. The primary care physician must provide information on the availability and benefits of genetic counseling to the parent or guardian of the newborn.

The bill requires the DOH to establish a system to ensure that the sickle cell research center notifies the parent or guardian of a child included in the registry that a follow-up consultation with a physician is recommended, at least once during early adolescence and once during late adolescence. The bill also requires the DOH to provide individuals who are 18 years of age and that are included in the registry with information regarding available educational services, genetic counseling, and other beneficial resources.

⁸ Section 20.43(9), F.S.

⁹ See Department of Health, *Rare Disease Advisory Council*, available at <https://www.floridahealth.gov/provider-and-partner-resources/rdac/index.html> (last visited Mar. 31, 2023).

¹⁰ See NIH National Center for Advancing Translational Sciences, *Genetic and Rare Diseases Information Center*, available at <https://rarediseases.info.nih.gov/diseases?category=&page=1&letter=&search=sickle%20cell> (last visited Mar. 31, 2023).

¹¹ A list of the council members as of July 1, 2022, is available in the Rare Disease Advisory Council Annual Report dated July 1, 2022, available at https://www.floridahealth.gov/provider-and-partner-resources/rdac/documents/Rare-Disease-Advisory-Council-Legislative-Report_2022.pdf (last visited Mar. 31, 2023).

¹² *Id.* Executive Summary.

The bill provides rulemaking authority to the DOH to create the registry and requires the DOH to adopt rules to establish a process for removing individuals from the registry.

Section 2 creates s. 409.91235, F.S., to require the Agency for Health Care Administration (AHCA), in consultation with the Florida Medical Schools Quality Network and a dedicated SCD medical treatment and research center that maintains a sickle cell patient database and tracks SCD outcome measures, to biennially conduct a review and develop a written report that details the review findings.

The objective of the review is to determine whether available covered medications, treatment, and services are adequate to meet the needs of Medicaid enrollees diagnosed with SCD and whether the AHCA should seek coverage of additional medications, treatment, or services to improve outcomes.

The first report is due November 1, 2024, and by November 1 of every other year thereafter, and reports are to be submitted to the Governor, President of the Senate, Speaker of the House of Representatives, the Office of Minority Health and Health Equity, and the Rare Disease Advisory Council, and published by the AHCA on a publicly accessible website.

The bill also requires the AHCA to assess their existing Medicaid payment methodologies for approved SCD treatments and medications in the inpatient setting and whether such payment methodologies result in barriers to access. If barriers to access are identified, the AHCA must assess whether the payment methodologies may be modified or improved.

Section 3 appropriates \$1,060,804 in recurring funds and \$21,355 in nonrecurring funds from the General Revenue Fund to the DOH for the 2023-2024 fiscal year and authorizes five positions and salary rate of 254,408 for the purpose of implementing the bill.

Section 4 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

For State Fiscal Year 2023-2024, the bill appropriates \$1,060,804 in recurring funds and \$21,355 in nonrecurring funds from the General Revenue Fund to the DOH and authorizes five positions with associated salary rate of 254,408 for the purpose of implementing this act.

The Agency for Health Care Administration (AHCA) may incur costs to conduct the review and develop the report every two years. The AHCA has not provided an estimate of CS/CS/SB 1352's fiscal impact, but was appropriated \$250,000 in nonrecurring general revenue in Fiscal Year 2022-2023 for a comparable review and report.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates the following sections of the Florida Statutes: 383.147 and 409.91235.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Fiscal Policy on April 20, 2023:

The committee substitute revises the appropriation to substitute a total appropriation for 2023-2024 in the amount of \$1,082,159 to the Department of Health and authorizes five positions and associated rate for the purpose of implementing the bill.

¹³ Chapter 2022-156, Specific Appropriation 189.

CS by Appropriations Committee on Health and Human Services on April 12, 2023:

The committee substitute:

- Requires the Department of Health (DOH) to contract with a community-based sickle cell disease (SCD) medical treatment and research center to establish and maintain a registry, which tracks SCD outcome measures, for newborns who are identified as carrying a sickle cell hemoglobin variant.
- Requires a screening provider to notify the primary care physician of an infant who tests positive for sickle cell hemoglobin variant and to submit the results of the screening to the DOH for inclusion in the sickle cell registry.
- Requires the primary care physician to provide the parent or guardian of the newborn or infant information regarding the availability and benefits of genetic counseling.
- Requires the DOH to:
 - Adopt a rule to create a process for a parent or guardian of a newborn to request to have their child removed from the registry.
 - Establish a system to ensure that the sickle cell research center notifies the parent or guardian of a child included in the registry that a follow-up consultation with a physician is recommended, at least once during early adolescence and once during late adolescence.
 - Make every reasonable effort to notify individuals who are 18 years of age that they may be removed from the registry, and requires the DOH to adopt a rule to create a process for such notification.
 - Provide individuals who are 18 years of age and that are included in the registry with information regarding available educational services, genetic counseling, and other beneficial resources.
- Provides rulemaking authority to the DOH.
- Requires the Agency for Health Care Administration (AHCA) to consult with the Florida Medical Schools Quality Network and a dedicated SCD medical treatment and research center that maintains a sickle cell database and tracks SCD outcomes for the bill's underlying biannual review and written report.
- Authorizes \$250,000 in nonrecurring funds from the General Revenue Fund to the DOH to contract with a community-based SCD medical treatment and research center to establish and maintain the sickle cell registry.

B. Amendments:

None.



765662

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Rouson) recommended the following:

Senate Amendment (with title amendment)

Delete lines 131 - 137

and insert:

Section 3. For the 2023-2024 fiscal year, the sums of \$1,060,804 in recurring funds and \$21,355 in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Health, and five full-time equivalent positions with associated salary rate of 254,408 are authorized, for the purpose of implementing this act.



765662

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

And the title is amended as follows:

Delete line 28

and insert:

providing appropriations and authorizing positions;

providing an effective

By the Appropriations Committee on Health and Human Services;
and Senators Rouson and Davis

603-03747-23

20231352c1

A bill to be entitled

An act relating to sickle cell disease medications, treatment, and screening; creating s. 383.147, F.S.; requiring newborn and infant screening providers to notify primary care physicians of newborns and infants of certain screening results and to submit the results to the Department of Health for a specified purpose; requiring such physicians to provide certain information to parents and guardians of such newborns or infants; requiring the department to contract with a certain center to establish and maintain a sickle cell registry; providing a requirement for the registry; authorizing parents and guardians of children in the registry to request to have them removed from the registry; providing duties of the department and the center; providing requirements for certain notification that the center must provide to parents and guardians; requiring the department to adopt rules; creating s. 409.91235, F.S.; requiring the Agency for Health Care Administration, in consultation with certain entities, to review sickle cell disease medications, treatments, and services for Medicaid recipients and develop a written report, post the report on its website, and submit a copy of the report to the Governor, the Legislature, and certain entities by a specified date and every 2 years thereafter; providing requirements for the report; providing an appropriation; providing an effective date.

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

603-03747-23

20231352c1

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

Section 1. Section 383.147, Florida Statutes, is created to read:

383.147 Newborn and infant screenings for sickle cell hemoglobin variants; registry.—

(1) If a screening provider detects that a newborn or an infant, as those terms are defined in s. 383.145(2), is carrying a sickle cell hemoglobin variant, it must notify the primary care physician of the newborn or infant and submit the results of such screening to the Department of Health for inclusion in the sickle cell registry established under paragraph (2)(a). The primary care physician must provide to the parent or guardian of the newborn or infant information regarding the availability and benefits of genetic counseling.

(2)(a) The Department of Health shall contract with a community-based sickle cell disease medical treatment and research center to establish and maintain a registry for newborns and infants who are identified as carrying a sickle cell hemoglobin variant. The sickle cell registry must track sickle cell disease outcome measures. A parent or guardian of a newborn or an infant in the registry may request to have his or her child removed from the registry by submitting a form prescribed by the department by rule.

(b) The Department of Health shall also establish a system to ensure that the community-based sickle cell disease medical treatment and research center notifies the parent or guardian of a child who has been included in the registry that a follow-up

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

603-03747-23 20231352c1

59 consultation with a physician is recommended. Such notice must
 60 be provided to the parent or guardian of such child at least
 61 once during early adolescence and once during late adolescence.
 62 The department shall make every reasonable effort to notify
 63 persons included in the registry who are 18 years of age that
 64 they may request to be removed from the registry by submitting a
 65 form prescribed by the department by rule. The department shall
 66 also provide to such persons information regarding available
 67 educational services, genetic counseling, and other beneficial
 68 resources.

69 (3) The Department of Health shall adopt rules to implement
 70 this section.

71 Section 2. Section 409.91235, Florida Statutes, is created
 72 to read:

73 409.91235 Agency review and report on medications,
 74 treatments, and services for sickle cell disease.-

75 (1) The Agency for Health Care Administration, in
 76 consultation with the Florida Medical Schools Quality Network
 77 and a dedicated sickle cell disease medical treatment and
 78 research center that maintains a sickle cell patient database
 79 and tracks sickle cell disease outcome measures, shall, every 2
 80 years:

81 (a) Conduct a review to determine whether the available
 82 covered medications, treatments, and services for sickle cell
 83 disease are adequate to meet the needs of Medicaid recipients
 84 diagnosed with such disease and whether the agency should seek
 85 to add additional medications, treatments, or services to
 86 improve outcomes.

87 (b)1. Develop a written report that details the review

603-03747-23 20231352c1

88 findings.

89 2. Beginning November 1, 2024, and by November 1 of every
 90 other year thereafter, post the report on the agency's website.

91 3. Submit a copy of the report to the Governor, the
 92 President of the Senate, the Speaker of the House of
 93 Representatives, the Department of Health's Office of Minority
 94 Health and Health Equity, and the Rare Disease Advisory Council.

95 (2) (a) The report developed under subsection (1) must be
 96 based on the data collected from the prior 2 years and must
 97 include any recommendations for improvements in the delivery of
 98 and access to medications, treatments, or services for Medicaid
 99 recipients diagnosed with sickle cell disease.

100 (b) The report must provide detailed information on
 101 Medicaid recipients diagnosed with sickle cell disease,
 102 including:

103 1. The total number of Medicaid recipients diagnosed with
 104 sickle cell disease.

105 2. The age and population demographics of the Medicaid
 106 recipients diagnosed with sickle cell disease.

107 3. The health care utilization patterns and total
 108 expenditures, both pharmaceutical and medical, for services
 109 provided by Medicaid for all Medicaid recipients diagnosed with
 110 sickle cell disease.

111 4. The number of Medicaid recipients diagnosed with sickle
 112 cell disease within the general sickle cell patient population
 113 who have experienced two or more emergency room visits or two or
 114 more hospital inpatient admissions in a 12-month period,
 115 including length of stay, and the expenditures, both
 116 pharmaceutical and medical, for those Medicaid recipients.

603-03747-23

20231352c1

117 5. The number of clinical treatment programs available for
118 the care of Medicaid recipients diagnosed with sickle cell
119 disease which are specifically designed or certified to provide
120 health care coordination and health care access for individuals
121 diagnosed with sickle cell disease and the number of those
122 clinical treatment programs, per region, with which managed care
123 plans have contracted.

124 6. An assessment of the agency's existing payment
125 methodologies for approved treatments or medications for the
126 treatment of sickle cell disease in the inpatient setting and
127 whether such payment methodologies result in barriers to access.
128 If barriers to access are identified, the report must include an
129 assessment of whether such methodologies may be modified or
130 improved through the adoption of new or additional policies.

131 Section 3. For the 2023-2024 fiscal year, the sum of
132 \$250,000 in nonrecurring funds from the General Revenue Fund is
133 appropriated for the Department of Health to contract with a
134 community-based sickle cell disease medical treatment and
135 research center to establish and maintain the sickle cell
136 registry established under s. 383.147, Florida Statutes, as
137 created by this act.

138 Section 4. This act shall take effect July 1, 2023.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1386

INTRODUCER: Fiscal Policy Committee; Appropriations Committee on Education; Senator Perry; and others

SUBJECT: Florida School for Competitive Academics

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Bouck</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Fav/CS
3.	<u>Bouck</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1386 establishes the Florida School for Competitive Academics (FSCA) as a public school in Alachua County for students in grades 6-12, to be admitted starting in the 2024-2025 school year. The school is intended to provide a rigorous academic curriculum, and to prepare students for regional, state, and national academic competitions in all areas of study, including, but not limited to, science, technology, engineering, and mathematics.

The bill establishes a board of trustees to govern the FSCA, appointed by the Governor and confirmed by the Senate. The board of trustees is authorized to manage, maintain, support, and control the FSCA. Specific authority includes, but is not limited to, admissions, personnel, purchasing, school safety, budgets, and records.

The FSCA is exempted from Florida Statutes in the same manner as charter schools, and is subject to financial and operational audits by the Auditor General in the same manner as other public educational institutions.

Funding for the FSCA will be as specified in the General Appropriations Act.

The bill takes effect on July 1, 2023.

II. Present Situation:

Buchholz High School (BHS) in Alachua County has won 14 national championship in 15 years at the National Mu Alpha Theta Competition. The Mu Alpha Theta currently has more than 100,000 members across 2,420 schools in the United States and in 23 Foreign Countries.¹ The BHS team broke records by winning a total of 304 trophies, with many of the team members earning first-place awards. The team has taken first place in 32 out of 39 national competitions.²

Walt Frazer, the coach of the BHS team, believes in competition. He refuses to call the Buchholz math students a club because he wants them to think of themselves as a team. “A club is a social organization,” he said. “A team comes together to win.” And he was out to win. He believes the pipeline for the high school’s math team must begin long before students reach high school, so Mr. Frazer searches for prospects in elementary school and steers them to accelerated math classes in middle school. The mathletes who try out for the team and make the cut are combined into one class section and fly through competitive algebra, geometry and calculus during the school day. “I cover everything the state wants me to cover,” he said. “But there is no restriction on covering extra material.”³

Advanced Academic Public Schools

Florida offers a number of public school options for academically talented students, for example:

- The **Pine View School**, established in 1969 in Sarasota County, serves intellectually gifted students in grades 2-12. Its mission is to provide a qualitatively different learning environment that nurtures a passion for intellectual curiosity, encourages risk taking, independence and innovation, and is committed to a tradition of academic excellence and social responsibility. Children are admitted based on a series of tests, recommendations and other pertinent admissions data. These are reviewed by a committee of teachers and other personnel. The basic curriculum conforms to local and state requirements as expressed in accreditation standards and the officially approved programs of studies.⁴
- **Stanton College Preparatory School** opened in 1981 in Duval County as the district’s first magnet school. The school serves grades 9-12, with a mission to provide a rigorous academic program of all advanced academic courses supplemented by philanthropic, artistic, and forensic activities. Stanton consistently ranks first in the county and in the top three in the state for the number of National Merit Semi-Finalists.⁵
- **The School for Advanced Studies (SAS)** is a nationally recognized collegiate high school of excellence, a combined effort between Miami-Dade County Public Schools and Miami

¹ Mu Alpha Theta, the National High School and Two-Year College Mathematics Honor Society is dedicated to inspiring a keen interest in mathematics, developing strong scholarship in the subject, and promoting the enjoyment of mathematics 2 Mu Alpha Theta, *About Us*, <https://mualphatheta.org/about-us> (last visited Mar. 16, 2023).

² The Gainesville Sun, *Buchholz High School takes home 14th national math championship win in 15-year span*, <https://www.gainesville.com/story/news/2022/07/19/buchholz-high-school-wins-14th-national-championship/10089688002/> (last visited Mar. 22 2023).

³ The Wall Street Journal, *How a Public School in Florida Built America’s Greatest Math Team*, <https://www.wsj.com/articles/the-secrets-of-americas-greatest-high-school-math-team-11657791000> (last visited Mar. 16, 2023).

⁴ Pine View School, *About Pine View School*, <https://www.sarasotacountyschools.net/domain/1447> (last visited Mar. 16, 2023).

⁵ Stanton College Preparatory School, *About Us*, <https://dcps.duvalschools.org/Page/10562> (last visited March 22, 2023).

Dade College. Students attending SAS complete their last two years of high school while they obtain a two-year Associate in Arts degree from Miami Dade College. The opportunity for acceleration and enrichment attracts motivated and academically talented students. SAS provides its students with a rich and rigorous liberal arts education with many of its students specializing in STEM. SAS was recently recognized by U.S. News and World Report and the "Best High School in Florida" and the "Fifth Best High School in the United States."⁶ Admissions is based on a variety of factors including GPA, attendance record, and college placement test scores.⁷

The Present Situation is presented in the Effect of Proposed Changes section of the analysis.

III. Effect of Proposed Changes:

Florida's Early Learning-20 Education System

Present Situation

Early Learning-20 Education System

Florida's Early Learning-20 education system includes publicly supported and controlled K-12 schools, Florida College System institutions, state universities and other postsecondary educational institutions, other educational institutions, and other educational services as provided or authorized by the Constitution and laws of the state. These include:

- The Voluntary Prekindergarten Education Program and the school readiness program.
- Public K-12 schools, which include charter schools and consist of kindergarten classes; elementary, middle, and high school grades and special classes; virtual instruction programs; workforce education; career centers; adult, part-time, and evening schools, courses, or classes, as authorized by law to be operated under the control of district school boards; and lab schools operated under the control of state universities.
- Public postsecondary educational institutions, which include workforce education; Florida College System institutions; state universities; and all other state-supported postsecondary educational institutions that are authorized and established by law.
- The Florida School for the Deaf and the Blind.
- The Florida Virtual School.⁸

Commissioner of Education Duties

In 2023,⁹ due to the range of school choice options and the variety of ways students learn, the Commissioner of Education was directed to develop an online portal that enables parents to choose the best educational options for their student. At a minimum, the portal must:¹⁰

- Recommend educational options based on questions about the student, including the needs and interests of the student.

⁶ School for Advanced Studies, *About Us*, https://sasdreamfactory.org/apps/pages/index.jsp?uREC_ID=473938&type=d (last visited Mar. 22, 2023).

⁷ School for Advanced Studies, *Eligibility*, https://sasdreamfactory.org/apps/pages/index.jsp?uREC_ID=473950&type=d (last visited Mar. 22, 2023).

⁸ Section 1000.04, F.S.

⁹ Ch. 2023-16, s. 12, Laws of Fla.

¹⁰ Section 1001.10(10), F.S.

- Advise parents on the recommended educational options for their student.
- Enable schools to develop a school profile and connect directly with families who express interest in the school.
- Allow parents to complete the school enrollment process.

Effect of Proposed Changes

The bill modifies s. 1000.04, F.S., to create the Florida School for Competitive Academics (FSCA) as an additional component of Florida's Early Learning-20 public education system.

The bill creates s. 1002.351, F.S., to establish the FSCA in Alachua County as a state-supported public school for Florida residents in grades 6-12. The primary purpose of the school is to provide a rigorous academic curriculum, and the secondary purpose is to prepare students for regional, state, and national academic competitions in all areas of study, including, but not limited to, science, technology, engineering, and mathematics. The school may admit students in grades 6-12 beginning in the 2024-2025 school year.

The bill also establishes the mission of the FSCA to provide students who meet selective admissions requirements an environment that will foster high academic engagement and advanced understanding of subject areas, develop productive work habits, build resiliency, connect students with industry leaders, and promote civic leadership.

To assist in the recruitment of students, the FSCA must be included in the school choice online portal established in s. 1001.10(10), F.S. The portal must include information about the opportunity for parents to submit their child's educational records to the FSCA for consideration for admission.

Board of Trustees

The governance of the FSCA is very similar to that of the Florida School for the Deaf and the Blind,¹¹ which is governed by a seven-member board of trustees.

The bill establishes the FSCA board of trustees composed of seven members appointed by the Governor to 4-year terms and confirmed by the Senate. For purposes of staggering terms, four members, including the chair as designated by the Governor, will be appointed to 4-year terms beginning July 1, 2023, and three members will be appointed to 2-year terms beginning July 1, 2023. After the initial 4-year term, the chair will be elected by the board. The bill specifies that no more than one employee of the school may serve on the board of trustees as a member or as chairman. The members of the board of trustees serve without compensation, but may be reimbursed for per diem and travel expenses.

The board of trustees is established as a public agency entitled to sovereign immunity, and the members as public officers who bear fiduciary responsibility for the FSCA. As a corporation, the board of trustees is authorized by the bill to operate and manage the FSCA. Gifts, donations, or bequests to the FSCA are under the jurisdiction of the board of trustees; all other property and assets are under the jurisdiction of the State Board of Education (SBE).

¹¹ Section 1002.36, F.S.

The bill establishes the powers and authority of the board of trustees that include:

- Adopting rules that comply with state law, which must be submitted to the SBE for approval.
- Appointing and removing a principal, administrators, teachers, and other employees.
- Determining eligibility of students and procedures for admission.
- Providing for the proper keeping of accounts and records and for budgeting of funds.
- Receiving gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity for the use and benefit of the school.
- Recommending to the Legislature for the school to become a residential public school.
- Performing every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible.

The bill also requires the board of trustees to:

- Prepare and submit legislative budget requests for operations and fixed capital outlay to the Department of Education (DOE) for review and approval. The DOE will analyze the request to determine if the request is consistent with the school's campus master plan, educational plant survey, and facilities master plan.
- Approve and administer an annual operating budget in accordance with law.
- Require all purchases to be in accordance requirements in law, except for purchases made with funds received as gifts, donations, or bequests or funds raised by or belonging to student clubs or student organizations.
- Administer and maintain personnel programs for all employees of the board of trustees and the FSCA, who shall be school employees, including the personnel.
- Ensure that the FSCA complies with laws concerning the coordination of planning between the FSCA and local governing bodies.
- Ensure that the FSCA complies with laws concerning per diem and travel expenses.
- Adopt a master plan that specifies the objectives of the FSCA. The plan must be for a period of 5 years and must be reviewed for needed modifications every 2 years. The board of trustees must submit the initial plan and subsequent modifications to the President of the Senate and the Speaker of the House of Representatives.

Student and Employee Records

The bill requires the board of trustees to provide for the content and custody of student records subject to the law regarding education records in accordance with the Family Educational Rights and Privacy Act (FERPA).¹² The board of trustees must maintain employee records subject to the law regarding public school personnel files, which include all records, information, data, or materials uniquely applicable to that employee whether maintained in one or more locations.¹³

Personnel

The FSCA board of trustees and all employees and applicants for employment must undergo a Level 2 background screening¹⁴ similar to the requirement for all public school personnel who seek an educator certificate. The bill specifies that an individual may not be employed as an

¹² Section 1002.22, F.S.

¹³ Section 1012.31, F.S.

¹⁴ Section 435.04(1)(a), F.S.

employee or contract personnel of the FSCA or serve as a member of the board of trustees if the individual is on the disqualification list maintained by the Department of Education.

The bill requires the FSCA board of trustees to administer and maintain personnel programs for all employees, which must include:

- Rules, policies, and procedures related to the appointment, employment, and removal of personnel.
- Compensation, including salaries and fringe benefits, and other conditions of employment for such personnel.
- A requirement that classroom teachers employed by the school must be certified.
- A requirement that each person employed by the board of trustees in an academic administrative or instructional capacity with the FSCA is entitled to a contract as provided by rules of the board of trustees.
- A requirement that all employees except temporary, seasonal, and student employees may be provided Florida Retirement System benefits from the school through operational costs.

The bill makes the following conforming changes to other statutes regarding personnel authority by the FSCA board of trustees.

The bill modifies s. 216.251, F.S., to specify that FSCA salaries are provided within the classification and pay plans established by the board of trustees for the FSCA and approved by the SBE for academic and academic administrative personnel.

Salary rates are currently provided in the General Appropriations Act (GAA).¹⁵ Those salary rates not listed in the GAA are provided in DMS classification programs, in a classification plan by the board of trustees of the FSDB and approved by the SBE, with the Board of Governors of the State University System, with the Legislature, or with the judicial branch.¹⁶

The bill modifies s. 447.203, F.S., to specify that the board of trustees of the FSCA is deemed to be the public employer with respect to the academic and academic administrative personnel of the FSCA.

The Florida Constitution deems collective bargaining is a constitutional right afforded to public employees¹⁷ in Florida.¹⁸ Through collective bargaining, public employees collectively negotiate with their public employer in the determination of the terms and conditions of their employment.¹⁹ Educational institution public employers include:

- The Board of Governors of the State University System for all public employees of each constituent state university.
- The board of trustees of a community college for all employees of the community college.
- The district school board for all employees of the school district.

¹⁵ Section 216.251(1), F.S.

¹⁶ Section 216.251(2), F.S.

¹⁷ Section 447.203(3), F.S.

¹⁸ FLA. CONST. Art. I, s. 6.

¹⁹ Section 447.301(2), F.S.

- The Board of Trustees of the Florida School for the Deaf and the Blind for the academic and academic administrative personnel of the Florida School for the Deaf and the Blind.
- The Governor for all employees in the Correctional Education Program of the Department of Corrections.²⁰

Funding

The bill specifies that the FSCA must receive state funds for operating purposes as provided in the General Appropriations Act (GAA). The bill does not establish the FSCA as a special school district, so it is likely the FSCA will receive funds similar to the Florida School for the Deaf and the Blind rather than as an allocation through the Florida Education Finance Program based on the full-time enrollment of its students. In addition to the funds provided in the GAA, the bill authorizes the FSCA to receive other funds from grants and donations.

Budget

The bill creates s. 1011.58, F.S., to require and establish procedures for the FSCA to prepare and submit legislative budget requests (LBRs). The requirement is similar to the requirement for the Florida School for the Deaf and the Blind (FSDB).

The bill requires that the LBR of the FSCA must be prepared using the same format, procedures, and timelines required for the submission of the legislative budget of the DOE. The FSCA must submit its LBR and an implementation plan to the DOE for review and approval. Once approved, the Commissioner of Education must include the FSCA in the DOE's LBR to the SBE, the Governor, and the Legislature. The LBR for the FSCA must be a separate identifiable sum in the DOE LBR.

The bill requires the annual appropriation for the FSCA to be distributed monthly, without using the Florida Education Finance Program, in payments as nearly equal as possible. Appropriations for textbooks, instructional technology, and school buses may be released and distributed as necessary to serve the instructional program for the students.

The bill also requires the FSCA to submit its fixed capital outlay request to the DOE for review and approval in the same manner as the FSDB. Subsequent to the department's approval, the FSCA's request must be included within the DOE's public education capital outlay LBR.

The bill creates s. 1011.59, F.S., which creates flexibility in managing FSCA funds. The bill authorizes that, notwithstanding specified sections of law, and subject to the GAA, funds for the operation of the FSCA must be requested and appropriated within budget entities, program components, program categories, lump sums, or special categories, but may be transferred to traditional categories for expenditure by the board of trustees of the FSCA. The board of trustees must develop an annual operating budget that allocates funds by program component and traditional expenditure category.

The bill exempts the FSCA from preparing a lump-sum plan to implement the special categories, program categories, or lump-sum appropriations, subject to the GAA. Upon request of the board

²⁰ Section 447.203(2), F.S.

of trustees, the Chief Financial Officer must transfer or reallocate funds to or among accounts established for disbursement purposes. The board of trustees must maintain records to account for the original appropriation.

The bill authorizes the FSCA board of trustees, subject to the GAA, to establish the number of positions at the school, but may amend such positions within the total funds authorized annually in the GAA.

Finally, the bill authorizes all unexpended funds appropriated for the FSCA to be carried forward and included as the balance forward for that fund in the approved operating budget for the following year.

Audits and Investigations

The bill requires the Auditor General (AG)²¹ to conduct audits of the accounts and records of the FSCA as provided in law. Currently, the AG is required to conduct annual financial audits²² of the accounts and records of all district school boards in counties with populations of fewer than 150,000 and the Florida School for the Deaf and the Blind. In addition, every three years the AG must conduct operational audits²³ of the accounts and records of state agencies, state universities, state colleges, district school boards, the Florida Clerks of Court Operations Corporation, water management districts, and the Florida School for the Deaf and the Blind.²⁴

The bill also modifies s. 11.45, F.S., as a conforming provision to require the AG to conduct an annual financial audit of the FSCA, and at least every three years conduct an operational audit of the FSCA.

The bill also authorizes the Department of Education's (DOE's) Inspector General²⁵ to conduct investigations according to law. Currently, the OIG is authorized to conduct, coordinate, or request investigations into substantiated allegations of waste, fraud, or financial mismanagement under certain conditions. The office must also investigate allegations or reports of possible fraud or abuse against a district school board made by any member of the Cabinet; the presiding officer of either house of the Legislature; a chair of a substantive or appropriations committee with jurisdiction; or a member of the board for which an investigation is sought.²⁶

²¹ The Auditor General (AG) is a constitutional officer appointed by the Legislative Auditing Committee and confirmed by both houses of the Legislature. The AG provides unbiased, timely, and relevant information used to promote government accountability and stewardship and improve government operations.

Florida Auditor General, *Welcome*, <https://flauditor.gov/> (last visited Mar. 22, 2023).

²² "Financial audits must be conducted in accordance with auditing standards generally accepted in the United States and government auditing standards. Section 11.45(1)(d), F.S.

²³ Such audits examine internal controls that are designed and placed in operation to promote and encourage the achievement of management's control objectives in the categories of compliance, economic and efficient operations, reliability of financial records and reports, and safeguarding of assets, and identify weaknesses in those internal controls. Section 11.45(1)(i), F.S.

²⁴ Section 11.45(2), F.S.

²⁵ The Office of Inspector General in the Florida Department of Education is responsible for promoting accountability, efficiency, and effectiveness and detecting fraud and abuse within school districts, the Florida School for the Deaf and the Blind (FSDB), and Florida College System (FCS) institutions in Florida. Section 1001.20(4)(e), F.S.

²⁶ Section 1001.20(4)(e), F.S.

Accordingly, the bill modifies s. 1001.20, F.S., to add the FSCA to those institutions under the authorized investigatory activities of the DOE Office of Inspector General.

Exemption from Statutes

In order to provide maximum flexibility to the FSCA, the bill provides exemptions from statute in the same manner as provided to charter schools.²⁷

The bill specifies that the FSCA is exempt from all statutes in chs. 1000-1013, F.S. However, the FSCA must comply with the following statutes in chs. 1000-1013, F.S.:

- Those statutes pertaining to the student assessment program and school grading system.
- Those statutes pertaining to the provision of services to students with disabilities.
- Those statutes pertaining to civil rights, including, but not limited to, s. 1000.05, F.S., relating to discrimination.
- Those statutes pertaining to student health, safety, and welfare.
- Section 286.011, F.S., relating to public meetings and records, public inspection, and criminal and civil penalties.
- Chapter 119, F.S., relating to public records.
- Section 1006.12, F.S., relating to safe-school officers.
- Section 1006.07(7), F.S., relating to threat assessment teams.
- Section 1006.07(9), F.S., relating to school environmental safety incident reporting.
- Section 1006.07(10), F.S., relating to reporting of involuntary examinations.
- Section 1006.1493, F.S., relating to the Florida Safe Schools Assessment Tool.
- Section 1006.07(6)(d), F.S., relating to adopting active assailant response plans.
- Section 943.082(4)(b), F.S., relating to the mobile suspicious activity reporting tool.
- Section 1012.584, F.S., relating to youth mental health awareness and assistance training.
- Section 1003.4282, F.S., relating to requirements for a standard high school diploma.
- Section 1003.03(1), F.S., relating to class size maximums.
- Section 1011.61, F.S., relating to instructional hours requirements, but may provide instruction that exceeds the minimum time requirements for the purposes of offering a summer program.

The bill specifies that, similar to a charter school, for purposes of the exemption from statutes, the duties assigned to a district school superintendent apply to the director of the FSCA, and the duties to a district school board apply to the board of trustees.

The bill takes effect on July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

²⁷ Section 1002.33(16), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill will have a significant impact on state revenue and expenditures. This bill creates the Florida School for Competitive Academics (FSCA) within the state. The sum of \$24,013,302 has been appropriated in the Senate's General Appropriations Act for the establishment of FSCA, including \$3,280,000 for operational costs (\$8,200/student with an anticipated enrollment of 400 students) and \$20,033,302 for fixed capital outlay. The remaining funds are allocated to the Department of Education for administrative support and to the FSCA's board of trustees to support the FSCA's establishment.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 11.45, 216.251, 447.203, 1000.04, and 1001.20.

This bill creates the following sections of the Florida Statutes: 1002.351, 1011.58, and 1011.59.

The bill creates an undesignated section of Florida Law.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS by Fiscal Policy Committee on April 20, 2023:

The committee substitute:

- Removes the requirement that the district school board ensure all students are informed about the Florida School for Competitive Academics (FSCA), in favor of the use of the school choice online portal established in s. 1001.10(10), F.S.
- Removes the authority, for the 2023-2024 through 2027-2028 fiscal years, for the FSCA's board of trustees to expend, reserve, or carry forward balances from prior year operational and programmatic appropriations for fixed capital outlay projects, but retains the authority to carryforward operational funds.
- Removes the provision regarding career service exempt positions for the FSCA.

CS by Appropriations Committee on Education on April 12, 2023:

The committee substitute:

- Requires each district school board, rather than the Commissioner of Education, to ensure students are informed about the Florida School for Competitive Academics (FSCA), and to inform parents regarding transfer of records to the FSCA.
- Removes from the bill the authority of the FSCA board of trustees to:
 - Have a stand-alone law enforcement agency; and
 - Exercise the power of eminent domain.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 99 - 399
and insert:

(b) To assist in the recruitment of students, the Florida School for Competitive Academics must be included in the school choice online portal established in s. 1001.10(10). The portal must include information about the opportunity for parents to submit their child's educational records to the Florida School for Competitive Academics for consideration for admission.



759490

11 (3) BOARD OF TRUSTEES.-

12 (a)1. The Florida School for Competitive Academics shall be
13 governed by a board of trustees composed of seven members
14 appointed by the Governor to 4-year terms and confirmed by the
15 Senate. For purposes of staggering terms, four members,
16 including the chair as designated by the Governor, shall be
17 appointed to 4-year terms beginning July 1, 2023, and three
18 members shall be appointed to 2-year terms beginning July 1,
19 2023. After the initial 4-year term, the chair shall be elected
20 by the board.

21 2. No more than one employee of the school may serve on the
22 board of trustees as a member or as chairman.

23 (b) Members of the board of trustees shall serve without
24 compensation, but may be reimbursed for per diem and travel
25 expenses pursuant to s. 112.061.

26 (c) The board of trustees is a public agency entitled to
27 sovereign immunity pursuant to s. 768.28, and board members are
28 public officers who bear fiduciary responsibility for the
29 Florida School for Competitive Academics.

30 (d) The board of trustees is a body corporate with all the
31 powers of a body corporate and with such authority as is needed
32 for the proper operation and improvement of the Florida School
33 for Competitive Academics. Title to any gift, donation, or
34 bequest received by the board of trustees must vest in the board
35 of trustees. Title to all other property and other assets of the
36 Florida School for Competitive Academics must vest in the State
37 Board of Education, but the board of trustees has complete
38 jurisdiction over the management of the school.

39 (e) The board of trustees has the full power and authority



759490

40 to:

41 1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to
42 implement provisions of law relating to operation of the Florida
43 School for Competitive Academics. Such rules must be submitted
44 to the State Board of Education for approval or disapproval.
45 After a rule is approved by the State Board of Education, the
46 rule must be filed immediately with the Department of State. The
47 board of trustees shall act at all times in conjunction with the
48 rules of the State Board of Education.

49 2. Appoint a principal, administrators, teachers, and other
50 employees.

51 3. Remove principals, administrators, teachers, and other
52 employees at the board's discretion.

53 4. Determine eligibility of students and procedures for
54 admission.

55 5. Provide for the proper keeping of accounts and records
56 and for budgeting of funds.

57 6. Receive gifts, donations, and bequests of money or
58 property, real or personal, tangible or intangible, from any
59 person, firm, corporation, or other legal entity for the use and
60 benefit of the school.

61 7. Recommend to the Legislature for the school to become a
62 residential public school.

63 8. Do and perform every other matter or thing requisite to
64 the proper management, maintenance, support, and control of the
65 school at the highest efficiency economically possible.

66 (f) The board of trustees shall:

67 1. Prepare and submit legislative budget requests for
68 operations and fixed capital outlay, in accordance with chapter



759490

69 216 and ss. 1011.56 and 1013.60, to the Department of Education
70 for review and approval. The department shall analyze the amount
71 requested for fixed capital outlay to determine if the request
72 is consistent with the school's campus master plan, educational
73 plant survey, and facilities master plan.

74 2. Approve and administer an annual operating budget in
75 accordance with ss. 1011.56 and 1011.57.

76 3. Require all purchases to be in accordance with chapter
77 287 except for purchases made with funds received as gifts,
78 donations, or bequests or funds raised by or belonging to
79 student clubs or student organizations.

80 4. Administer and maintain personnel programs for all
81 employees of the board of trustees and the Florida School for
82 Competitive Academics, who shall be school employees, including
83 the personnel.

84 5. Ensure that the Florida School for Competitive Academics
85 complies with s. 1013.351 concerning the coordination of
86 planning between the Florida School for Competitive Academics
87 and local governing bodies.

88 6. Ensure that the Florida School for Competitive Academics
89 complies with s. 112.061 concerning per diem and travel
90 expenses.

91 7. Adopt a master plan that specifies the objectives of the
92 Florida School for Competitive Academics. The plan must be for a
93 period of 5 years and must be reviewed for needed modifications
94 every 2 years. The board of trustees shall submit the initial
95 plan and subsequent modifications to the President of the Senate
96 and the Speaker of the House of Representatives.

97 (4) STUDENT AND EMPLOYEE RECORDS.—The board of trustees



759490

98 shall provide for the content and custody of student and
99 employee personnel records. Student records are subject to s.
100 1002.22. Employee records are subject to s. 1012.31.

101 (5) PERSONNEL.—

102 (a) The Florida School for Competitive Academics Board of
103 Trustees shall require all employees and applicants for
104 employment to undergo background screening as provided in s.
105 1012.32 as a condition of employment and continued employment.
106 Members of the board of trustees must also undergo background
107 screening in accordance with the relevant provisions of s.
108 1012.32. An individual may not be employed as an employee or as
109 contract personnel of the school or serve as a member of the
110 board of trustees if the individual is on the disqualification
111 list maintained by the department pursuant to s. 1001.10(4)(b).

112 (b) In accordance with law and rules of the State Board of
113 Education, the board of trustees shall administer and maintain
114 personnel programs for all employees of the board of trustees
115 and the Florida School for Competitive Academics. The board of
116 trustees may adopt rules, policies, and procedures related to
117 the appointment, employment, and removal of personnel.

118 1. The board of trustees shall determine the compensation,
119 including salaries and fringe benefits, and other conditions of
120 employment for such personnel.

121 2. Classroom teachers employed by the school must be
122 certified pursuant to chapter 1012.

123 3. Each person employed by the board of trustees in an
124 academic administrative or instructional capacity with the
125 Florida School for Competitive Academics is entitled to a
126 contract as provided by rules of the board of trustees.



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127 4. All employees except temporary, seasonal, and student
128 employees may be provided Florida Retirement System benefits
129 from the school through operational costs.

130 (6) FUNDING.—

131 (a) The Florida School for Competitive Academics shall
132 receive state funds for operating purposes as provided in the
133 General Appropriations Act.

134 (b) In addition to the funds provided in the General
135 Appropriations Act, the Florida School for Competitive Academics
136 may receive other funds from grants and donations.

137 (7) AUDITS.—The Auditor General shall conduct audits of the
138 accounts and records of the Florida School for Competitive
139 Academics as provided in s. 11.45. The Department of Education's
140 Inspector General is authorized to conduct investigations at the
141 school as provided in s. 1001.20(4)(e).

142 (8) EXEMPTION FROM STATUTES.—

143 (a) The Florida School for Competitive Academics is exempt
144 from all statutes in chapters 1000-1013. However, the Florida
145 School for Competitive Academics shall be in compliance with the
146 following statutes in chapters 1000-1013:

147 1. This section.

148 2. Those statutes pertaining to the student assessment
149 program and school grading system.

150 3. Those statutes pertaining to the provision of services
151 to students with disabilities.

152 4. Those statutes pertaining to civil rights, including,
153 but not limited to, s. 1000.05, relating to discrimination.

154 5. Those statutes pertaining to student health, safety, and
155 welfare.



759490

156 (b) Additionally, the Florida School for Competitive
157 Academics shall be in compliance with the following statutes:
158 1. Section 286.011, relating to public meetings and
159 records, public inspection, and criminal and civil penalties.
160 2. Chapter 119, relating to public records.
161 3. Section 1006.12, relating to safe-school officers.
162 4. Section 1006.07(7), relating to threat assessment teams.
163 5. Section 1006.07(9), relating to school environmental
164 safety incident reporting.
165 6. Section 1006.07(10), relating to reporting of
166 involuntary examinations.
167 7. Section 1006.1493, relating to the Florida Safe Schools
168 Assessment Tool.
169 8. Section 1006.07(6)(d), relating to adopting active
170 assailant response plans.
171 9. Section 943.082(4)(b), relating to the mobile suspicious
172 activity reporting tool.
173 10. Section 1012.584, relating to youth mental health
174 awareness and assistance training.
175 11. Section 1003.4282, relating to requirements for a
176 standard high school diploma.
177 12. Section 1003.03(1), relating to class size maximums.
178 13.a. Section 1011.61, relating to instructional hours
179 requirements.
180 b. Notwithstanding sub-subparagraph a., the school may
181 provide instruction that exceeds the minimum time requirements
182 for the purposes of offering a summer program.
183 (c) For purposes of this subsection:
184 1. The duties assigned to a district school superintendent



759490

185 apply to the director of the Florida School for Competitive
186 Academics.

187 2. The duties assigned to a district school board apply to
188 the board of trustees.

189 Section 3. Section 1011.58, Florida Statutes, is created to
190 read:

191 1011.58 Procedure for legislative budget requests for the
192 Florida School for Competitive Academics.—

193 (1)(a) The legislative budget request of the Florida School
194 for Competitive Academics established in s. 1002.351 must be
195 prepared using the same format, procedures, and timelines
196 required for the submission of the legislative budget of the
197 Department of Education.

198 (b) The Florida School for Competitive Academics shall
199 submit its legislative budget request to the Department of
200 Education for review and approval. The school must create and
201 submit to the department an implementation plan before the
202 department may approve the budget request.

203 (c) Subsequent to the Department of Education's approval,
204 the Commissioner of Education shall include the Florida School
205 for Competitive Academics in the department's legislative budget
206 request to the State Board of Education, the Governor, and the
207 Legislature. The legislative budget request and the
208 appropriation for the Florida School for Competitive Academics
209 must be a separate identifiable sum in the public schools budget
210 entity of the Department of Education.

211 (d) The annual appropriation for the school shall be
212 distributed monthly, without using the Florida Education Finance
213 Program, in payments as nearly equal as possible. Appropriations



759490

214 for textbooks, instructional technology, and school buses may be
215 released and distributed as necessary to serve the instructional
216 program for the students.

217 (2) The school shall submit its fixed capital outlay
218 request to the Department of Education for review and approval
219 in accordance with s. 1002.36(4)(f)1. Subsequent to the
220 department's approval, the school's request must be included
221 within the department's public education capital outlay
222 legislative budget request.

223 Section 4. Section 1011.59, Florida Statutes, is created to
224 read:

225 1011.59 Florida School for Competitive Academics; board of
226 trustees; management flexibility.-

227 (1) Notwithstanding ss. 216.031, 216.181, and 216.262 to
228 the contrary and pursuant to s. 216.351, but subject to any
229 guidelines imposed in the General Appropriations Act, funds for
230 the operation of the Florida School for Competitive Academics
231 must be requested and appropriated within budget entities,
232 program components, program categories, lump sums, or special
233 categories. Funds appropriated to the Florida School for
234 Competitive Academics for each program category, lump sum, or
235 special category may be transferred to traditional categories
236 for expenditure by the board of trustees of the school. The
237 board of trustees shall develop an annual operating budget that
238 allocates funds by program component and traditional expenditure
239 category.

240 (2) Notwithstanding s. 216.181 and pursuant to s. 216.351,
241 but subject to any requirements imposed in the General
242 Appropriations Act, a lump-sum plan is not required to implement



759490

243 the special categories, program categories, or lump-sum
244 appropriations. Upon release of the special categories, program
245 categories, or lump-sum appropriations to the board of trustees,
246 the Chief Financial Officer shall, upon the request of the board
247 of trustees, transfer or reallocate funds to or among accounts
248 established for disbursement purposes. The board of trustees
249 shall maintain records to account for the original
250 appropriation.

251 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and
252 216.262 to the contrary and pursuant to s. 216.351, but subject
253 to any requirements imposed in the General Appropriations Act,
254 the board of trustees shall establish the authorized positions
255 and may amend such positions within the total funds authorized
256 annually in the appropriations act.

257 (4) Notwithstanding s. 216.301 to the contrary, all
258 unexpended funds appropriated for the Florida School for
259 Competitive Academics must be carried forward and included as
260 the balance forward for that fund in the approved operating
261 budget for the following year.

262 Section 5. Paragraphs (d) and (f) of subsection (2) of
263 section 11.45, Florida Statutes, are amended to read:

264 11.45 Definitions; duties; authorities; reports; rules.—

265 (2) DUTIES.—The Auditor General shall:

266 (d) Annually conduct financial audits of the accounts and
267 records of all district school boards in counties with
268 populations of fewer than 150,000, according to the most recent
269 federal decennial statewide census, ~~and~~ the Florida School for
270 the Deaf and the Blind, and the Florida School for Competitive
271 Academics.



759490

272 (f) At least every 3 years, conduct operational audits of
273 the accounts and records of state agencies, state universities,
274 state colleges, district school boards, the Florida Clerks of
275 Court Operations Corporation, water management districts, ~~and~~
276 the Florida School for the Deaf and the Blind, and the Florida
277 School for Competitive Academics.

278
279 The Auditor General shall perform his or her duties
280 independently but under the general policies established by the
281 Legislative Auditing Committee. This subsection does not limit
282 the Auditor General's discretionary authority to conduct other
283 audits or engagements of governmental entities as authorized in
284 subsection (3).

285
286 ===== T I T L E A M E N D M E N T =====

287 And the title is amended as follows:

288 Delete lines 10 - 51

289 and insert:

290 the school; requiring that the school be included in
291 the school choice online portal and that the portal
292 include information to assist parents who wish their
293 children to considered for admission; providing for
294 the appointment of the board of trustees; prescribing
295 the powers and duties of the board of trustees;
296 providing sovereign immunity to the board of trustees;
297 specifying the board's duties regarding the
298 maintenance of student and employee records; providing
299 requirements regarding background screening of school
300 personnel; specifying duties of the board regarding



759490

301 personnel; providing for funding of the school;
302 requiring the Auditor General to conduct audits of the
303 school; authorizing the Department of Education's
304 Office of Inspector General to conduct investigations,
305 as appropriate; exempting the school from specified
306 requirements in the Florida Early Learning-20
307 Education Code; providing exceptions; specifying
308 applicability of certain provisions of law; creating
309 s. 1011.58, F.S.; prescribing procedures for the
310 school's submittal of legislative budget requests;
311 requiring the school to submit an implementation plan
312 to the Department of Education; requiring the
313 Commissioner of Education to include the school in the
314 department's legislative budget request, subject to
315 specified conditions; requiring the school to submit
316 its fixed capital outlay request to the department;
317 creating s. 1011.59, F.S.; prescribing procedures and
318 requirements governing the request and the
319 appropriation of funds for the operation of the
320 school; requiring the board to develop an annual
321 operating budget; requiring the Chief Financial
322 Officer to transfer or reallocate funds if certain
323 conditions are met; requiring the board to establish
324 authorized positions within funds appropriated to the
325 school; requiring the carry forward of any unexpended
326 funds; amending s. 11.45, F.S.; revising the duties of
327 the Auditor General to conform to changes made by the
328 act; amending s. 216.251, F.S.; specifying

By the Appropriations Committee on Education; and Senators Perry and Collins

602-03780-23

20231386c1

1 A bill to be entitled
 2 An act relating to the Florida School for Competitive
 3 Academics; amending s. 1000.04, F.S.; revising the
 4 components of the delivery of public education within
 5 the Florida Early Learning-20 education system to
 6 include the Florida School for Competitive Academics;
 7 creating s. 1002.351, F.S.; providing for the
 8 establishment of the Florida School for Competitive
 9 Academics; providing for the purpose and mission of
 10 the school; requiring each district school board to
 11 ensure eligible students are informed of the school;
 12 providing for the appointment of the board of
 13 trustees; prescribing the powers and duties of the
 14 board of trustees; providing sovereign immunity to the
 15 board of trustees; specifying the board's duties
 16 regarding the maintenance of student and employee
 17 records; providing requirements regarding background
 18 screening of school personnel; specifying duties of
 19 the board regarding personnel; providing for funding
 20 of the school; requiring the Auditor General to
 21 conduct audits of the school; authorizing the
 22 Department of Education's Office of Inspector General
 23 to conduct investigations, as appropriate; exempting
 24 the school from specified requirements in the Florida
 25 Early Learning-20 Education Code; providing
 26 exceptions; specifying applicability of certain
 27 provisions of law; creating s. 1011.58, F.S.;
 28 prescribing procedures for the school's submittal of
 29 legislative budget requests; requiring the school to

Page 1 of 18

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602-03780-23

20231386c1

30 submit an implementation plan to the Department of
 31 Education; requiring the Commissioner of Education to
 32 include the school in the department's legislative
 33 budget request, subject to specified conditions;
 34 requiring the school to submit its fixed capital
 35 outlay request to the department; creating s. 1011.59,
 36 F.S.; prescribing procedures and requirements
 37 governing the request and the appropriation of funds
 38 for the operation of the school; requiring the board
 39 to develop an annual operating budget; requiring the
 40 Chief Financial Officer to transfer or reallocate
 41 funds if certain conditions are met; requiring the
 42 board to establish authorized positions within funds
 43 appropriated to the school; providing for the carry
 44 forward of any unexpended funds; providing that the
 45 board of trustees may expend, reserve, or carry
 46 forward of certain balances for fixed capital outlay
 47 projects; amending s. 11.45, F.S.; revising the duties
 48 of the Auditor General to conform to changes made by
 49 the act; amending s. 110.205, F.S.; exempting school
 50 personnel from provisions governing the state career
 51 service system; amending s. 216.251, F.S.; specifying
 52 the manner of setting salaries for positions within
 53 the school; amending s. 447.203, F.S.; revising the
 54 definition of the terms "public employer" or
 55 "employer" to include the school for purposes of part
 56 II of ch. 447, F.S.; making technical changes;
 57 amending s. 1001.20, F.S.; revising the powers of the
 58 department's Office of Inspector General to conform to

Page 2 of 18

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602-03780-23 20231386c1

59 changes made by the act; providing a directive to the
60 Division of Law Revision; providing an effective date.

61
62 Be It Enacted by the Legislature of the State of Florida:

63
64 Section 1. Subsection (6) is added to section 1000.04,
65 Florida Statutes, to read:

66 1000.04 Components for the delivery of public education
67 within the Florida Early Learning-20 education system.—Florida’s
68 Early Learning-20 education system provides for the delivery of
69 early learning and public education through publicly supported
70 and controlled K-12 schools, Florida College System
71 institutions, state universities and other postsecondary
72 educational institutions, other educational institutions, and
73 other educational services as provided or authorized by the
74 Constitution and laws of the state.

75 (6) THE FLORIDA SCHOOL FOR COMPETITIVE ACADEMICS.—The
76 Florida School for Competitive Academics is a component of the
77 delivery of public education within Florida’s Early Learning-20
78 education system.

79 Section 2. Section 1002.351, Florida Statutes, is created
80 to read:

81 1002.351 The Florida School for Competitive Academics.—

82 (1) ESTABLISHMENT.—There is established the Florida School
83 for Competitive Academics. The school shall be located in
84 Alachua County and is a state-supported public school for
85 Florida residents in grades 6-12. The primary purpose of the
86 school is to provide a rigorous academic curriculum, and the
87 secondary purpose is to prepare students for regional, state,

602-03780-23 20231386c1

88 and national academic competitions in all areas of study,
89 including, but not limited to, science, technology, engineering,
90 and mathematics. The school may admit students in grades 6-12
91 beginning in the 2024-2025 school year.

92 (2) MISSION.—

93 (a) The mission of the Florida School for Competitive
94 Academics is to provide students who meet selective admissions
95 requirements an environment that will foster high academic
96 engagement and advanced understanding of subject areas, develop
97 productive work habits, build resiliency, connect students with
98 industry leaders, and promote civic leadership.

99 (b) To assist in the recruitment of students, each district
100 school board shall ensure all eligible students are informed of
101 the Florida School for Competitive Academics. Each district
102 school board shall inform parents of public school students that
103 they may provide their child’s student records to the Florida
104 School for Competitive Academics Board of Trustees for
105 recruitment purposes.

106 (3) BOARD OF TRUSTEES.—

107 (a)1. The Florida School for Competitive Academics shall be
108 governed by a board of trustees composed of seven members
109 appointed by the Governor to 4-year terms and confirmed by the
110 Senate. For purposes of staggering terms, four members,
111 including the chair as designated by the Governor, shall be
112 appointed to 4-year terms beginning July 1, 2023, and three
113 members shall be appointed to 2-year terms beginning July 1,
114 2023. After the initial 4-year term, the chair shall be elected
115 by the board.

116 2. No more than one employee of the school may serve on the

602-03780-23

20231386c1

117 board of trustees as a member or as chairman.
 118 (b) Members of the board of trustees shall serve without
 119 compensation, but may be reimbursed for per diem and travel
 120 expenses pursuant to s. 112.061.
 121 (c) The board of trustees is a public agency entitled to
 122 sovereign immunity pursuant to s. 768.28, and board members are
 123 public officers who bear fiduciary responsibility for the
 124 Florida School for Competitive Academics.
 125 (d) The board of trustees is a body corporate with all the
 126 powers of a body corporate and with such authority as is needed
 127 for the proper operation and improvement of the Florida School
 128 for Competitive Academics. Title to any gift, donation, or
 129 bequest received by the board of trustees must vest in the board
 130 of trustees. Title to all other property and other assets of the
 131 Florida School for Competitive Academics must vest in the State
 132 Board of Education, but the board of trustees has complete
 133 jurisdiction over the management of the school.
 134 (e) The board of trustees has the full power and authority
 135 to:
 136 1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to
 137 implement provisions of law relating to operation of the Florida
 138 School for Competitive Academics. Such rules must be submitted
 139 to the State Board of Education for approval or disapproval.
 140 After a rule is approved by the State Board of Education, the
 141 rule must be filed immediately with the Department of State. The
 142 board of trustees shall act at all times in conjunction with the
 143 rules of the State Board of Education.
 144 2. Appoint a principal, administrators, teachers, and other
 145 employees.

Page 5 of 18

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602-03780-23

20231386c1

146 3. Remove principals, administrators, teachers, and other
 147 employees at the board's discretion.
 148 4. Determine eligibility of students and procedures for
 149 admission.
 150 5. Provide for the proper keeping of accounts and records
 151 and for budgeting of funds.
 152 6. Receive gifts, donations, and bequests of money or
 153 property, real or personal, tangible or intangible, from any
 154 person, firm, corporation, or other legal entity for the use and
 155 benefit of the school.
 156 7. Recommend to the Legislature for the school to become a
 157 residential public school.
 158 8. Do and perform every other matter or thing requisite to
 159 the proper management, maintenance, support, and control of the
 160 school at the highest efficiency economically possible.
 161 (f) The board of trustees shall:
 162 1. Prepare and submit legislative budget requests for
 163 operations and fixed capital outlay, in accordance with chapter
 164 216 and ss. 1011.56 and 1013.60, to the Department of Education
 165 for review and approval. The department must analyze the amount
 166 requested for fixed capital outlay to determine if the request
 167 is consistent with the school's campus master plan, educational
 168 plant survey, and facilities master plan.
 169 2. Approve and administer an annual operating budget in
 170 accordance with ss. 1011.56 and 1011.57.
 171 3. Require all purchases to be in accordance with chapter
 172 287 except for purchases made with funds received as gifts,
 173 donations, or bequests or funds raised by or belonging to
 174 student clubs or student organizations.

Page 6 of 18

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602-03780-23

20231386c1

175 4. Administer and maintain personnel programs for all
 176 employees of the board of trustees and the Florida School for
 177 Competitive Academics, who shall be school employees, including
 178 the personnel.

179 5. Ensure that the Florida School for Competitive Academics
 180 complies with s. 1013.351 concerning the coordination of
 181 planning between the Florida School for Competitive Academics
 182 and local governing bodies.

183 6. Ensure that the Florida School for Competitive Academics
 184 complies with s. 112.061 concerning per diem and travel
 185 expenses.

186 7. Adopt a master plan that specifies the objectives of the
 187 Florida School for Competitive Academics. The plan must be for a
 188 period of 5 years and must be reviewed for needed modifications
 189 every 2 years. The board of trustees shall submit the initial
 190 plan and subsequent modifications to the President of the Senate
 191 and the Speaker of the House of Representatives.

192 (4) STUDENT AND EMPLOYEE RECORDS.—The board of trustees
 193 shall provide for the content and custody of student and
 194 employee personnel records. Student records are subject to s.
 195 1002.22. Employee records are subject to s. 1012.31.

196 (5) PERSONNEL.—

197 (a) The Florida School for Competitive Academics Board of
 198 Trustees shall require all employees and applicants for
 199 employment to undergo background screening as provided in s.
 200 1012.32 as a condition of employment and continued employment.
 201 Members of the board of trustees must also undergo background
 202 screening in accordance with the relevant provisions of s.
 203 1012.32. An individual may not be employed as an employee or

Page 7 of 18

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602-03780-23

20231386c1

204 contract personnel of the school or serve as a member of the
 205 board of trustees if the individual is on the disqualification
 206 list maintained by the department pursuant to s. 1001.10(4)(b).
 207 (b) In accordance with law and rules of the State Board of
 208 Education, the board of trustees shall administer and maintain
 209 personnel programs for all employees of the board of trustees
 210 and the Florida School for Competitive Academics. The board of
 211 trustees may adopt rules, policies, and procedures related to
 212 the appointment, employment, and removal of personnel.

213 1. The board of trustees shall determine the compensation,
 214 including salaries and fringe benefits, and other conditions of
 215 employment for such personnel.

216 2. Classroom teachers employed by the school must be
 217 certified pursuant to chapter 1012.

218 3. Each person employed by the board of trustees in an
 219 academic administrative or instructional capacity with the
 220 Florida School for Competitive Academics is entitled to a
 221 contract as provided by rules of the board of trustees.

222 4. All employees except temporary, seasonal, and student
 223 employees may be provided Florida Retirement System benefits
 224 from the school through operational costs.

225 (6) FUNDING.—

226 (a) The Florida School for Competitive Academics shall
 227 receive state funds for operating purposes as provided in the
 228 General Appropriations Act.

229 (b) In addition to the funds provided in the General
 230 Appropriations Act, the Florida School for Competitive Academics
 231 may receive other funds from grants and donations.

232 (7) AUDITS.—The Auditor General shall conduct audits of the

Page 8 of 18

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602-03780-23 20231386c1

233 accounts and records of the Florida School for Competitive
 234 Academics as provided in s. 11.45. The Department of Education's
 235 Inspector General is authorized to conduct investigations at the
 236 school as provided in s. 1001.20(4)(e).

237 (8) EXEMPTION FROM STATUTES.-

238 (a) The Florida School for Competitive Academics is exempt
 239 from all statutes in chapters 1000-1013. However, the Florida
 240 School for Competitive Academics shall be in compliance with the
 241 following statutes in chapters 1000-1013:

242 1. This section.

243 2. Those statutes pertaining to the student assessment
 244 program and school grading system.

245 3. Those statutes pertaining to the provision of services
 246 to students with disabilities.

247 4. Those statutes pertaining to civil rights, including,
 248 but not limited to, s. 1000.05, relating to discrimination.

249 5. Those statutes pertaining to student health, safety, and
 250 welfare.

251 (b) Additionally, the Florida School for Competitive
 252 Academics shall be in compliance with the following statutes:

253 1. Section 286.011, relating to public meetings and
 254 records, public inspection, and criminal and civil penalties.

255 2. Chapter 119, relating to public records.

256 3. Section 1006.12, relating to safe-school officers.

257 4. Section 1006.07(7), relating to threat assessment teams.

258 5. Section 1006.07(9), relating to school environmental
 259 safety incident reporting.

260 6. Section 1006.07(10), relating to reporting of
 261 involuntary examinations.

602-03780-23 20231386c1

262 7. Section 1006.1493, relating to the Florida Safe Schools
 263 Assessment Tool.

264 8. Section 1006.07(6)(d), relating to adopting active
 265 assailant response plans.

266 9. Section 943.082(4)(b), relating to the mobile suspicious
 267 activity reporting tool.

268 10. Section 1012.584, relating to youth mental health
 269 awareness and assistance training.

270 11. Section 1003.4282, relating to requirements for a
 271 standard high school diploma.

272 12. Section 1003.03(1), relating to class size maximums.

273 13.a. Section 1011.61, relating to instructional hours
 274 requirements.

275 b. Notwithstanding sub-subparagraph a., the school may
 276 provide instruction that exceeds the minimum time requirements
 277 for the purposes of offering a summer program.

278 (c) For purposes of this subsection:

279 1. The duties assigned to a district school superintendent
 280 apply to the director of the Florida School for Competitive
 281 Academics.

282 2. The duties assigned to a district school board apply to
 283 the board of trustees.

284 Section 3. Section 1011.58, Florida Statutes, is created to
 285 read:

286 1011.58 Procedure for legislative budget requests for the
 287 Florida School for Competitive Academics.-

288 (1)(a) The legislative budget request of the Florida School
 289 for Competitive Academics established in s. 1002.351 must be
 290 prepared using the same format, procedures, and timelines

602-03780-23 20231386c1

291 required for the submission of the legislative budget of the
 292 Department of Education.

293 (b) The Florida School for Competitive Academics shall
 294 submit its legislative budget request to the Department of
 295 Education for review and approval. The school must create and
 296 submit to the department an implementation plan before the
 297 department may approve the budget request.

298 (c) Subsequent to the Department of Education's approval,
 299 the Commissioner of Education shall include the Florida School
 300 for Competitive Academics in the department's legislative budget
 301 request to the State Board of Education, the Governor, and the
 302 Legislature. The legislative budget request and the
 303 appropriation for the Florida School for Competitive Academics
 304 must be a separate identifiable sum in the public schools budget
 305 entity of the Department of Education.

306 (d) The annual appropriation for the school shall be
 307 distributed monthly, without using the Florida Education Finance
 308 Program, in payments as nearly equal as possible. Appropriations
 309 for textbooks, instructional technology, and school buses may be
 310 released and distributed as necessary to serve the instructional
 311 program for the students.

312 (2) The school shall submit its fixed capital outlay
 313 request to the Department of Education for review and approval
 314 in accordance with s. 1002.36(4)(f)1. Subsequent to the
 315 department's approval, the school's request must be included
 316 within the department's public education capital outlay
 317 legislative budget request.

318 Section 4. Section 1011.59, Florida Statutes, is created to
 319 read:

Page 11 of 18

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602-03780-23 20231386c1

320 1011.59 Florida School for Competitive Academics; board of
 321 trustees; management flexibility.-

322 (1) Notwithstanding ss. 216.031, 216.181, and 216.262 to
 323 the contrary and pursuant to s. 216.351, but subject to any
 324 guidelines imposed in the General Appropriations Act, funds for
 325 the operation of the Florida School for Competitive Academics
 326 shall be requested and appropriated within budget entities,
 327 program components, program categories, lump sums, or special
 328 categories. Funds appropriated to the Florida School for
 329 Competitive Academics for each program category, lump sum, or
 330 special category may be transferred to traditional categories
 331 for expenditure by the board of trustees of the school. The
 332 board of trustees shall develop an annual operating budget that
 333 allocates funds by program component and traditional expenditure
 334 category.

335 (2) Notwithstanding s. 216.181 and pursuant to s. 216.351,
 336 but subject to any requirements imposed in the General
 337 Appropriations Act, a lump-sum plan is not required to implement
 338 the special categories, program categories, or lump-sum
 339 appropriations. Upon release of the special categories, program
 340 categories, or lump-sum appropriations to the board of trustees,
 341 the Chief Financial Officer shall, upon the request of the board
 342 of trustees, transfer or reallocate funds to or among accounts
 343 established for disbursement purposes. The board of trustees
 344 shall maintain records to account for the original
 345 appropriation.

346 (3) Notwithstanding ss. 216.031, 216.181, 216.251, and
 347 216.262 to the contrary and pursuant to s. 216.351, but subject
 348 to any requirements imposed in the General Appropriations Act,

Page 12 of 18

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602-03780-23

20231386c1

349 the board of trustees shall establish the authorized positions
 350 and may amend such positions within the total funds authorized
 351 annually in the appropriations act.

352 (4) (a) Notwithstanding s. 216.301 to the contrary, all
 353 unexpended funds appropriated for the Florida School for
 354 Competitive Academics shall be carried forward and included as
 355 the balance forward for that fund in the approved operating
 356 budget for the following year.

357 (b) Notwithstanding any other law, for the 2023-2024
 358 through 2027-2028 fiscal years, the school's board of trustees
 359 may expend, reserve, or carry forward balances from prior year
 360 operational and programmatic appropriations for fixed capital
 361 outlay projects needed for the establishment of this school.

362 Section 5. Paragraphs (d) and (f) of subsection (2) of
 363 section 11.45, Florida Statutes, are amended to read:

364 11.45 Definitions; duties; authorities; reports; rules.—

365 (2) DUTIES.—The Auditor General shall:

366 (d) Annually conduct financial audits of the accounts and
 367 records of all district school boards in counties with
 368 populations of fewer than 150,000, according to the most recent
 369 federal decennial statewide census, ~~and~~ the Florida School for
 370 the Deaf and the Blind, and the Florida School for Competitive
 371 Academics.

372 (f) At least every 3 years, conduct operational audits of
 373 the accounts and records of state agencies, state universities,
 374 state colleges, district school boards, the Florida Clerks of
 375 Court Operations Corporation, water management districts, ~~and~~
 376 the Florida School for the Deaf and the Blind, and the Florida
 377 School for Competitive Academics.

602-03780-23

20231386c1

378
 379 The Auditor General shall perform his or her duties
 380 independently but under the general policies established by the
 381 Legislative Auditing Committee. This subsection does not limit
 382 the Auditor General's discretionary authority to conduct other
 383 audits or engagements of governmental entities as authorized in
 384 subsection (3).

385 Section 6. Paragraph (d) of subsection (2) of section
 386 110.205, Florida Statutes, is amended to read:

387 110.205 Career service; exemptions.—

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

390 (d) All officers and employees of the state universities
 391 and the academic personnel and academic administrative personnel
 392 of the Florida School for the Deaf and the Blind and the Florida
 393 School for Competitive Academics. In accordance with ~~the~~
 394 ~~provisions of~~ s. 1002.36, the salaries for academic personnel
 395 and academic administrative personnel of the Florida School for
 396 the Deaf and the Blind and the Florida School for Competitive
 397 Academics shall be set by the board of trustees for the
 398 respective schools ~~school,~~ subject only to the approval of the
 399 State Board of Education.

400 Section 7. Paragraph (a) of subsection (2) of section
 401 216.251, Florida Statutes, is amended to read:

402 216.251 Salary appropriations; limitations.—

403 (2) (a) The salary for each position not specifically
 404 indicated in the appropriations acts shall be as provided in one
 405 of the following subparagraphs:

406 1. Within the classification and pay plans provided for in

602-03780-23

20231386c1

407 chapter 110.

408 2. Within the classification and pay plans established by
 409 the Board of Trustees for the Florida School for the Deaf and
 410 the Blind of the Department of Education and approved by the
 411 State Board of Education for academic and academic
 412 administrative personnel.

413 3. Within the classification and pay plan approved and
 414 administered by the Board of Governors or the designee of the
 415 board for those positions in the State University System.

416 4. Within the classification and pay plan approved by the
 417 President of the Senate and the Speaker of the House of
 418 Representatives, as the case may be, for employees of the
 419 Legislature.

420 5. Within the approved classification and pay plan for the
 421 judicial branch.

422 6. Within the classification and pay plans established by
 423 the Board of Trustees for the Florida School for Competitive
 424 Academics of the Department of Education and approved by the
 425 State Board of Education for academic and academic
 426 administrative personnel.

427 Section 8. Subsection (2) of section 447.203, Florida
 428 Statutes, is amended to read:

429 447.203 Definitions.—As used in this part:

430 (2) "Public employer" or "employer" means the state or any
 431 county, municipality, or special district or any subdivision or
 432 agency thereof which the commission determines has sufficient
 433 legal distinctiveness properly to carry out the functions of a
 434 public employer. With respect to all public employees determined
 435 by the commission as properly belonging to a statewide

Page 15 of 18

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602-03780-23

20231386c1

436 bargaining unit composed of State Career Service System
 437 employees or Selected Professional Service employees, the
 438 Governor ~~is shall be~~ deemed to be the public employer; and the
 439 Board of Governors of the State University System, or the
 440 board's designee, ~~is shall be~~ deemed to be the public employer
 441 with respect to all public employees of each constituent state
 442 university. The board of trustees of a community college is
 443 ~~shall be~~ deemed to be the public employer with respect to all
 444 employees of the community college. The district school board is
 445 ~~shall be~~ deemed to be the public employer with respect to all
 446 employees of the school district. The Board of Trustees of the
 447 Florida School for the Deaf and the Blind is shall be deemed to be
 448 the public employer with respect to the academic and academic
 449 administrative personnel of the Florida School for the Deaf and
 450 the Blind. The Board of Trustees of the Florida School for
 451 Competitive Academics is deemed to be the public employer with
 452 respect to the academic and academic administrative personnel of
 453 the Florida School for Competitive Academics. The Governor is
 454 ~~shall be~~ deemed to be the public employer with respect to all
 455 employees in the Correctional Education Program of the
 456 Department of Corrections established pursuant to s. 944.801.

457 Section 9. Paragraph (e) of subsection (4) of section
 458 1001.20, Florida Statutes, is amended to read:

459 1001.20 Department under direction of state board.—

460 (4) The Department of Education shall establish the
 461 following offices within the Office of the Commissioner of
 462 Education which shall coordinate their activities with all other
 463 divisions and offices:

464 (e) *Office of Inspector General.*—Organized using existing

Page 16 of 18

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602-03780-23 20231386c1

465 resources and funds and responsible for promoting
 466 accountability, efficiency, and effectiveness and detecting
 467 fraud and abuse within school districts, the Florida School for
 468 the Deaf and the Blind, the Florida School for Competitive
 469 Academics, and Florida College System institutions in Florida.
 470 If the Commissioner of Education determines that a district
 471 school board, the Board of Trustees for the Florida School for
 472 the Deaf and the Blind, the Board of Trustees for the Florida
 473 School for Competitive Academics, or a Florida College System
 474 institution board of trustees is unwilling or unable to address
 475 substantiated allegations made by any person relating to waste,
 476 fraud, or financial mismanagement within the school district,
 477 the Florida School for the Deaf and the Blind, the Florida
 478 School for Competitive Academics, or the Florida College System
 479 institution, the office must ~~shall~~ conduct, coordinate, or
 480 request investigations into such substantiated allegations. The
 481 office shall investigate allegations or reports of possible
 482 fraud or abuse against a district school board made by any
 483 member of the Cabinet; the presiding officer of either house of
 484 the Legislature; a chair of a substantive or appropriations
 485 committee with jurisdiction; or a member of the board for which
 486 an investigation is sought. The office shall have access to all
 487 information and personnel necessary to perform its duties and
 488 shall have all of its current powers, duties, and
 489 responsibilities authorized in s. 20.055.

490 Section 10. The Division of Law Revision is directed to
 491 revise the title of subpart D of part I of chapter 1011, Florida
 492 Statutes, consisting of ss. 1011.55-1011.59, Florida Statutes,
 493 to read "Florida School for the Deaf and the Blind and Florida

Page 17 of 18

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602-03780-23 20231386c1

494 School for Competitive Academics: Preparation, Adoption, and
 495 Implementation of Budgets" to conform to the amendments made by
 496 this act.

497 Section 11. This act shall take effect July 1, 2023.

Page 18 of 18

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1408

INTRODUCER: Appropriations Committee on Health and Human Services; Health Policy Committee;
and Senator Davis

SUBJECT: Sickle Cell Program

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stovall</u>	<u>Brown</u>	<u>HP</u>	<u>Fav/CS</u>
2.	<u>Howard</u>	<u>Money</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	<u>Stovall</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/CS/SB 1408 establishes a grant program within the Department of Health (department) for the prevention, care, and treatment of sickle cell disease (SCD) and sickle cell trait or sickle cell trait carriers and for community-based educational programs concerning the prevention, care, and treatment of the disease. The act is named the “Sickle Cell Disease and Sickle Cell Trait Prevention, Care, and Treatment Act.”

The department must develop application criteria and standards of eligibility for funds under the grant program. The bill directs that priority for grant awards be given to established SCD and sickle cell trait or sickle cell trait carrier community-based applicants throughout the state. Further priority must be given to ensuring the establishment of SCD and sickle cell trait or sickle cell trait carrier centers in underserved areas with a higher population of SCD and sickle cell trait or sickle cell trait carrier patients.

The department is also tasked with conducting a study to determine the prevalence, impact, and needs of patients diagnosed with SCD or sickle cell trait or sickle cell trait carriers in this state.

The bill is estimated to have a significant negative fiscal impact on the department requiring four additional positions and \$3.5 million in General Revenue funding. See Section V. of this analysis.

The bill takes effect July 1, 2023.

II. Present Situation:

Sickle Cell Disease and Sickle Cell Trait

Sickle cell disease is a group of inherited red blood cell disorders. Red blood cells contain hemoglobin, a protein that carries oxygen. Healthy red blood cells are round, and they move through small blood vessels to carry oxygen to all parts of the body. In someone who has SCD, the hemoglobin is abnormal, which causes the red blood cells to become hard and sticky and look like a C-shaped farm tool called a sickle. The sickle cells die early, which causes a constant shortage of red blood cells. Also, when they travel through small blood vessels, they get stuck and clog the blood flow. This can cause pain and other serious health complications such as infection, acute chest syndrome, and stroke.¹

The exact number of people living with SCD in the U.S. is unknown. The U.S. Centers for Disease Control and Prevention (CDC) estimates:²

- SCD affects approximately 100,000 Americans.
- SCD occurs among about one out of every 365 Black or African-American births.
- SCD occurs among about one out of every 16,300 Hispanic-American births.
- Roughly 7.7 percent of Black or African-American babies are born with sickle cell trait (SCT).

There are several types of SCD. The specific type a person has depends on the genes they inherited from their parents. People with SCD inherit genes that contain instructions, or code, for abnormal hemoglobin. The most common types of SCD include:³

- HbSS. People who have this form of SCD inherit two genes, one from each parent, that code for hemoglobin “S.” Hemoglobin S is an abnormal form of hemoglobin that causes the red cells to become rigid, and sickle shaped. This is commonly called *sickle cell anemia* and is usually the most severe form of the disease.
- HbSC. People who have this form of SCD inherit a hemoglobin “S” gene from one parent and a gene for a different type of abnormal hemoglobin called “C” from the other parent. This is usually a milder form of SCD.
- HbS beta thalassemia. People who have this form of SCD inherit a hemoglobin “S” gene from one parent and a gene for beta thalassemia, another type of hemoglobin abnormality, from the other parent. There are two types of beta thalassemia: “zero” (HbS beta⁰) and “plus” (HbS beta⁺). Those with HbS beta⁰-thalassemia usually have a severe form of SCD. People with HbS beta⁺-thalassemia tend to have a milder form of SCD.

¹ Centers for Disease Control and Prevention, Sickle Cell Disease available at: <https://www.cdc.gov/ncbddd/sicklecell/facts.html#:~:text=In%20someone%20who%20has%20SCD,shortage%20of%20red%20blood%20cells>. (last visited March 29, 2023)

² Centers for Disease Control and Prevention, Data and Statistics on Sickle Cell Disease, available at: <https://www.cdc.gov/ncbddd/sicklecell/data.html> (last visited March 29, 2023).

³ *Id.*

There also are a few rare types of SCD, such as HbSD, HbSE, and HbSO. People who have these forms of SCD inherit one hemoglobin “S” gene and one gene that codes for another abnormal type of hemoglobin (“D”, “E”, or “O”). The severity of these rarer types of SCD varies.

SCD is diagnosed with a simple blood test. In children born in the U.S., it most often is found at birth during routine newborn screening tests at the hospital. In addition, SCD can be diagnosed while the baby is in the womb. Because children with SCD are at an increased risk of infection and other health problems, early diagnosis and treatment are important.

People with SCD may start to have signs of the disease during the first year of life, usually around five months of age. Symptoms and complications of SCD are different for each person and can range from mild to severe.

Management of SCD is focused on preventing and treating pain episodes, anemia, and other complications. Prevention strategies include lifestyle behaviors as well as medical screening and interventions to prevent SCD complications. Lifestyle behaviors might include drinking plenty of water and avoiding getting too hot or cold, high altitudes, or extreme exertion. Vaccines can prevent against harmful infections. Other intervention strategies might include prevention of severe anemia through blood transfusions which has its own set of complications such as iron overload that can cause life-threatening damage to the liver, heart, and other organs.

SCD is a disease that worsens over time. Currently the Food and Drug Administration (FDA) has approved four treatments. However, the only therapy approved by the FDA that may be able to cure SCD is a bone marrow or stem cell transplant, which can be very risky.⁴

Sickle cell trait (SCT) presents itself in people who inherit one sickle cell gene and one normal gene. People with SCT usually do not have any symptoms of SCD, although in rare cases they might experience complications of SCD. A person with SCT can pass the trait on to their children. SCT is diagnosed with a blood test.⁵

Florida’s Sickle Cell Program

The Sickle Cell Program is found in s. 381.815, F.S. Under this section, the department is required, to the extent that resources are available, to provide education to Floridians about SCD, work cooperatively with not-for-profit centers to provide community-based education, patient teaching and counseling, and to encourage diagnostic screening. The department is directed to make grants or enter into contract with not-for-profit centers.

Office of Minority Health and Health Equity

The Office of Minority Health and Health Equity within the department is responsible for developing and promoting the statewide implementation of policies, programs, and practices that increase health equity in this state, including, but not limited to, increased access to, and quality of health care services for, racial and ethnic minority populations. As a part of this responsibility,

⁴ Center for Disease Control and Prevention, <https://www.cdc.gov/ncbddd/sicklecell/facts.html> (last visited March 29, 2023).

⁵ Centers for Disease Control and Prevention, Sickle Cell Trait available at: <https://www.cdc.gov/ncbddd/sicklecell/traits.html> (last visited March 29, 2023)

the department administers the Closing the Gap grant program found in s. 381.7353, F.S. A Closing the Gap grant proposal must address one or more of 12 priority areas. One of those areas is decreasing racial and ethnic disparities in morbidity and mortality rates relating to SCD.

Closing the Gap grants are awarded on a match basis with one dollar in local matching funds required for each three dollars in grant payment from the state. Exceptions are based on population in which case in-kind contributions may be used to offset some or all of the required match and grant awards to Front Porch Florida Communities are exempt from providing a match.⁶

The amount of a grant award is based on the merits of the application. Awards are made on an annual basis and may be renewed upon application and approval by the department, subject to the achievement of quality standards, objectives, and outcomes and to the availability of funds. The Closing the Gap grant program is subject to a specific appropriation provided in the General Appropriations Act.⁷

The 2022-2023 General Appropriations Act provided \$283,860 to the Sickle Cell Disease Association of Florida, Inc. – Sickle Cell Outreach⁸ and \$3 million to the Foundation for Sickle Cell Disease Research.⁹

III. Effect of Proposed Changes:

The act is named the “Sickle Cell Disease and Sickle Cell Trait Prevention, Care, and Treatment Act.”

The bill amends s. 381.815, F.S., by rewriting subsection (3) of that statute to establish a grant program to be administered by the department for the prevention, care, and treatment of SCD and sickle cell trait or sickle cell trait carriers and for community-based educational programs concerning the disease. All grant funds issued under the bill must be used for these purposes. The educational programs must include an outreach program that provides for the dissemination of information relating to the prevention, care, and treatment of SCD and sickle cell trait or sickle cell trait carriers.

The bill directs the department to develop application criteria and standards of eligibility for groups or organizations. Established SCD and sickle cell trait or sickle cell trait carrier community-based applicants must be given priority. Further priority must be given to ensuring the establishment of SCD and sickle cell trait or sickle cell trait carrier centers in underserved areas with a higher population of SCD and sickle cell trait or sickle cell trait carrier patients.

The department is also tasked under the bill with conducting a study to determine the prevalence, impact and needs of patients diagnosed with SCD or sickle cell trait or sickle cell trait carriers in this state.

⁶ See s. 381.7356(2), F.S.

⁷ See s. 381.7356(6) and (7), F.S.

⁸ See HB 5001 (2022) General Appropriations Act at line 524.

⁹ See HB 5001 (2022) General Appropriations Act at line 476.

The department is directed to adopt rules necessary to implement the bill's provisions.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The Department of Health projects it will need four full-time equivalent (FTE) positions and \$3,531,944 in additional General Revenue appropriation will be needed to establish the Sickle Cell Prevention, Care, and Treatment Act. This additional appropriation includes \$3,512,588 in recurring funding and \$19,356 in nonrecurring funding. The funding includes \$362,409 for Salaries and Benefits including 254,410 in salary rate authority, \$68,168 for operating Expenses, \$1,367 for Human Resources Outsourcing, and \$3,100,000 for Contracted Services.

The Contracted Services funding includes \$2,500,000 for the Sickle Cell Grant Program for Prevention, Care and Treatment contracts (assuming 10 contracts at \$250,000 each), \$300,000 for a Sickle Cell Study, and \$300,000 for a Sickle Cell Campaign. ¹⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 381.815 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

CS/CS by Appropriations Committee on Health and Human Services on April 12, 2023:

The committee substitute eliminates a technical deficiency by removing catchline language from the bill referencing a voluntary registry. The requirement to develop a sickle cell disease registry was removed from the bill.

CS by Health Policy on April 4, 2023:

The CS expands the scope of the bill to include sickle cell trait and sickle cell trait carriers. The CS also removes from the underlying bill a duty for the department to develop and maintain a voluntary sickle cell disease registry for persons diagnosed with sickle cell disease.

B. Amendments:

None.

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

¹⁰ Email from the Department of Health to the Senate Appropriations Committee on Health and Human Services, April 3, 2023, (on file with the Senate Appropriations Committee on Health and Human Services).

By the Appropriations Committee on Health and Human Services;
the Committee on Health Policy; and Senator Davis

603-03748-23

20231408c2

A bill to be entitled

An act relating to the sickle cell program; providing a short title; amending s. 381.815, F.S.; requiring the Department of Health to establish a grant program for the prevention, care, and treatment of sickle cell disease and sickle cell trait or sickle cell trait carriers and for certain educational programs; requiring the department to develop application criteria and standards of eligibility for grants under the program; requiring the department to ensure that grant funds are used for specified purposes; requiring the department to conduct a specified study; requiring the department to adopt rules; providing an effective date.

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

Section 1. This act may be known as the "Sickle Cell Disease and Sickle Cell Trait Prevention, Care, and Treatment Act."

Section 2. Subsections (1) and (3) of section 381.815, Florida Statutes, are amended to read:

381.815 Sickle cell ~~Sickle-cell~~ program.—The Department of Health shall, to the extent that resources are available:

(1) Provide education to the citizens of Florida about sickle cell ~~sickle-cell~~ disease.

(3)(a)1. Establish a grant program for the prevention, care, and treatment of sickle cell disease and sickle cell trait or sickle cell trait carriers and for community-based

Page 1 of 2

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603-03748-23

20231408c2

educational programs concerning the disease.

2. The community-based educational programs shall include an outreach program that provides for the dissemination of information relating to the prevention, care, and treatment of sickle cell disease and sickle cell trait or sickle cell trait carriers.

(b) Develop application criteria and standards of eligibility for applicants for funds under the grant program.

1. Groups or organizations that meet the eligibility standards developed by the department may apply for funds under the program.

2.a. Priority for grants shall be given to established sickle cell disease and sickle cell trait or sickle cell trait carrier community-based applicants throughout this state.

b. Further priority shall be given to ensuring the establishment of sickle cell disease and sickle cell trait or sickle cell trait carrier centers in underserved areas with a higher population of sickle cell disease and sickle cell trait or sickle cell trait carrier patients.

(c) Require that all program grant funds be used for the purpose of prevention, care, and treatment of sickle cell disease or sickle cell trait or sickle cell trait carriers or for educational programs concerning the disease.

(d) Conduct a study to determine the prevalence, impact, and needs of patients diagnosed with sickle cell disease or sickle cell trait or sickle cell trait carriers in this state.

(e) Adopt rules necessary to implement this subsection ~~Make grants or enter into contracts with not-for-profit centers.~~

Section 3. This act shall take effect July 1, 2023.

Page 2 of 2

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The Florida Senate

APPEARANCE RECORD

SB 1408

4/20/23

Meeting Date

Bill Number or Topic

Deliver both copies of this form to Senate professional staff conducting the meeting

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D. (Florida PTA)

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Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

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[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 1424

INTRODUCER: Senator Calatayud

SUBJECT: Student Outcomes

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sabitsch/Brick</u>	<u>Bouck</u>	<u>ED</u>	Favorable
2.	<u>Gray</u>	<u>Elwell</u>	<u>AED</u>	Favorable
3.	<u>Sabitsch/Brick</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 1424 provides various supports to student outcomes through specifying strategies related to students struggling in literacy and mathematics from prekindergarten through grade 4.

Specifically the bill:

- Directs the Just Read, Florida! Office to develop, along with the New Worlds Reading Initiative administrator, and provide access to an online repository of digital science of reading instructional resources, and to identify instructional and intervention programs grounded in science.
- Requires that the primary instructional strategies for teaching word reading is phonics instruction and prohibits the use of the three-cueing model.
- Modifies the requirements of the charter school application and agreement, VPK instructor training and standards, educator professional development, teacher preparation programs, district certification add-on programs, instructional materials programs, resources provided by the Florida Center for Reading Research, the Reading Achievement Initiative for Scholastic Excellence program, and the Evidence-Based Reading Instruction Allocation to ensure instruction and materials are grounded in the science of reading and prohibits use of the three-cueing model or visual memory for teaching word reading.
- Modifies the requirements of the coordinated screening and progress monitoring system to:
 - Require a progress monitoring plan and interventions for a student struggling in mathematics.
 - Require the Department of Education to provide a list of comprehensive reading and intervention programs for students with dyslexia and for all struggling readers.
- Requires school districts to include substantial mathematics deficiencies in their Early Warning System.
- Adds mathematics interventions to the Supplemental Academic Instruction Allocation.

The bill takes effect on July 1, 2023.

II. Present Situation:

Florida Student Performance

Florida Statewide Assessment Performance

For more than twenty years Florida has, at the statewide level, administered a variety of assessments to gauge student performance. Up until 2022, the state administered the Florida Statewide Assessment (FSA) to students in grades 3 through 10 as well as End of Course (EOC) assessments. At the student level, scaled scores are reported that classify student performance levels, also referred to as achievement levels. Performance levels range from 1 to 5, with Level 1 as the lowest, and Level 5 as the highest. For all assessments, Level 3 indicates satisfactory performance. The passing score for each assessment is the minimum scale score in Performance Level 3. Results from the last five years are shown below for grades 3-8. These results show a decline in the percent of students passing or meeting a “satisfactory” level (performance level 3) ¹ of performance in 2021 and 2022 when compared to the results prior to the impact of the COVID-19 Public Health Emergency where no results are shown for 2020.²

Results on Florida Standards and End of Course Assessments					
Grade-Subject	Percent at or Above Achievement Level 3				
	2018	2019	2020	2021	2022
Grades 3-5 English Language Arts	56%	57%	Not Reported	53%	55%
Grades 6-8 English Language Arts	53%	54%	Not Reported	51%	50%
Grades 3-8 Mathematics	60%	61%	Not Reported	51%	55%

The Nation’s Report Card

The National Assessment of Educational Progress (NAEP) is the largest nationally representative and continuing assessment of student comprehension and skills in various subject areas. Assessments are conducted periodically in mathematics, reading, science, writing, the arts, civics, economics, geography, U.S. history, and technology and engineering literacy. Each subject is assessed at grades 4, 8, and 12, although not all grades are assessed each time. Results for the nation, states, and some urban districts are released as The Nation’s Report Card.³

NAEP is a congressionally mandated project administered by the National Center for Education Statistics (NCES) and overseen by the National Assessment Governing Board (NAGB). In the state of Florida, participation in NAEP is mandated by s. 1008.22(2), Florida Statutes.⁴

¹ Florida Department of Education, *Understanding Florida Statewide Assessment Report* (2022), page 2, available at <https://www.fldoe.org/core/fileparse.php/5663/urlt/USFL-SWAssessReports.pdf>.

² Florida Department of Education, *Florida Standards Assessments, English Language Arts and Mathematics* (2022), available at <https://www.fldoe.org/core/fileparse.php/5668/urlt/80FSAResults22.pdf>.

³ Florida Department of Education, *National assessment of Educational Progress (NAEP)*, <https://www.fldoe.org/accountability/assessments/national-international-assessments/naep/> (last visited Mar. 31, 2023).

⁴ Florida Department of Education, *National assessment of Educational Progress (NAEP)*, <https://www.fldoe.org/accountability/assessments/national-international-assessments/naep/> (last visited Mar. 31, 2023).

NAEP reports achievement level percentages that show the percentage of students who meet or exceed expectation of what students should know and be able to do.⁵ The results of the NAEP assessment are shown below for grades 4 and 8 for the most recent four years.⁶ These results show consistent performance in each grade where at grade 4 approximately sixty percent of students are below proficient in both reading and mathematics for 2022 and at grade 8 over seventy percent of students are below proficient in both subjects. Grade 4 performance over time is consistent for reading but the 2022 performance for mathematics is noticeably lower than the two prior years. Grade 8 performance over time shows lower scores in both reading and mathematics for 2022 when compared to the prior two years.

Florida Results on NAEP

Grade-Subject	Percent at or Above Proficient			
	2015	2017	2019	2022
Grade 4 Reading	39%	41%	38%	39%
Grade 8 Reading	30%	35%	34%	29%
Grade 4 Mathematics	42%	48%	48%	41%
Grade 8 Mathematics	26%	29%	31%	23%

International Performance

The Program for International Student Assessment tests 15-year-old students around the world and is administered by the Organization for Economic Cooperation and Development (OECD). In 2018, when the test was last administered, the U.S. placed 11th out of 79 countries in science and did much worse in math, ranking 30th. When analyzing the U.S.'s results over the years, the scores have been stable over time. There has been no detectable change in U.S. students' math scores since 2003 or science scores since 2006.⁷

Strategies for Reading Instruction

The science of reading (SOR)⁸ is a body of research that incorporates insights and research from disciplines that include developmental psychology, educational psychology, cognitive science, and cognitive neuroscience. The science of reading has been documented around the world, in all languages and cultures. The National Reading Panel (NRP) report in 2000 found that explicit, systematic, cumulative instruction in these five essential elements is key to reading success: phonemic awareness; phonics; vocabulary; fluency; and comprehension.⁹ Decoding and encoding are defined as follows:

⁵ The Nation’s Report Card, *The NAEP Glossary of Terms*, <https://www.nationsreportcard.gov/glossary.aspx?ispopup=false> (last visited Mar. 31, 2023).

⁶ The Nation’s Report Card, How has your state performed?, <https://www.nationsreportcard.gov/> (last visited Mar. 31, 2023).

⁷ The balance, U.S. Educational Rankings are Falling Behind the Rest of the World, <https://www.thebalancemoney.com/the-u-s-is-losing-its-competitive-advantage-3306225> (last visited Mar. 31, 2023).

⁸ Email, ExcelinEd, Why The Three-Cueing Systems Model Doesn’t Teach Children to Read, (Mar. 16, 2023) (on file with Senate Committee on Education).

⁹ Email, ExcelinEd, Why The Three-Cueing Systems Model Doesn’t Teach Children to Read, (Mar. 16, 2023) (on file with Senate Committee on Education).

- **Decoding** is the art of applying knowledge of phonics, the relationship between letters and sounds, to pronounce words correctly. To apply decoding strategies, students employ knowledge of individual phoneme/grapheme relationships, including identifying vowels and consonants. Next, they discover the syllable division pattern(s), which indicates how to cut the word into syllables. Then, students look at each syllable and determine the syllable type, which indicates how to pronounce the vowel sounds.¹⁰
- **Encoding** is the process of breaking a spoken word into each of its individual sounds, known as phonemes. Phonemes are the smallest units in our spoken language that distinguish one word from another. Knowledge of spelling patterns and rules knit together the layers of the English language as students use phonology (sound patterns that occur within languages), orthography (the way in which the words of a language are spelled), and morphology (how words are formed in language) to identify how to spell words. Ensuring mastery of phonological awareness skills as a foundation upon which students build phonetic knowledge is extremely important. Students will segment to spell the phonemes in monosyllabic and polysyllabic words with increasing automaticity in order to become fluent writer.¹¹

The three-cueing method or Meaning, Syntax and Visual cues (MSV) is defined as a methodology that directs teachers to prompt students who are not able to read a word to first think about what would make sense (Meaning). If the student guesses incorrectly, then the student is prompted to think of a word that sounds right (Syntax). If the student guesses incorrectly again, then the student is prompted to look at the first few letters (Visual) and say a word that matches those letters. In each case, the student relies on guessing to think of a word that fits the text.¹²

Conditions Effecting Performance in Reading and Mathematics

Dyslexia is a language-based learning disability that causes difficulties with word recognition, spelling, and reading comprehension. Dyslexia is classified as a neurodevelopmental condition and is closely related to other learning disabilities like dyscalculia, dyspraxia, and dysgraphia. It affects learning ability in people of normal and above-average intelligence.¹³

Dyscalculia is a learning disability that affects the ability to learn arithmetic and mathematics in someone of normal intelligence, as compared with those of the same age who receive identical instruction. It may cause difficulty with counting, measuring quantity, working memory for numbers, sequential memory, ability to recognize patterns, time perception, telling time, sense of direction, and mental retrieval of mathematical facts and procedures. Dyscalculia is a lifelong condition that can hinder academic progress and self-esteem; however, it can be managed with treatment, especially that which is initiated in early childhood.¹⁴

¹⁰ Institute for Multi-Sensory Education, *What Is Decoding?*, <https://journal.imse.com/what-is-decoding/> (last visited Mar. 31, 2023).

¹¹ Institute for Multi-Sensory Education, *What Is Encoding?*, <https://journal.imse.com/what-is-encoding/> (last visited Mar. 31, 2023).

¹² Informed Literacy, *5 Problems with Using MSV (aka The Three-Cueing System)*, <https://informedliteracy.com/five-problems-with-using-msv/> (last visited Mar. 31, 2023).

¹³ Psychology Today, *Dyslexia*, <https://www.psychologytoday.com/us/conditions/dyslexia> (last visited Mar. 31, 2023).

¹⁴ Psychology Today, *Dyscalculia*, <https://www.psychologytoday.com/us/conditions/dyscalculia> (last visited Mar. 31, 2023).

Florida Center for Reading Research

The Florida Center for Reading Research (FCRR) is a multidisciplinary research center at the Florida State University established in 2002. Drawing from multiple disciplines, FCRR investigates all aspects of reading and reading-related skills across the lifespan. Through rigorous and robust research, innovation, and engagement, FCRR advances the science of reading to improve learning and achievement from birth through adulthood.

FCRR contributes to the quality, accessibility, use and relevance of reading and reading-related research by leveraging our talent, resources, and partnerships to:

- Conduct basic and applied interdisciplinary research on all aspects of reading and reading-related skills to benefit learners;
- Apply rigorous and innovative approaches that are responsive to the pressing problems of practice, policy, and research;
- Develop innovative multimedia resources to translate and disseminate results of high quality research relevant to a diverse group of stakeholders;
- Create and sustain meaningful, mutually supportive, and lasting cross-sector partnerships with diverse organizations to solve high leverage problems locally, nationally, and internationally;
- Engage in leadership and entrepreneurial activities to empower researchers, practitioners, and other stakeholders to discover solutions, transform practices, and make improvements continuously; and
- Foster a diverse intellectual community of researchers and practitioners to advance the science of reading and develop the next generation of scholars and leaders.¹⁵

Additional elements of the Present Situation that related to specific portions of the bill will be provided with the related topic in Section III, Effect of the Proposed Changes.

III. Effect of Proposed Changes:

Reading Instructional Resources

Present Situation

On September 7, 2001, Governor Jeb Bush signed Executive Order 01-260, designating Just Read, Florida! as a comprehensive and coordinated reading initiative, that prioritizes reading in Florida's public schools and among all the community groups and volunteer organizations that support literacy. Just Read, Florida! was launched with the unequivocal goal of every child being able to read at or above grade level. Just Read, Florida! is based on the latest reading research that includes emphasis on oral language development, phonological awareness, phonics, vocabulary, fluency and comprehension. With that goal in mind, Just Read, Florida! focuses on three main components: student success, educator quality, and parent support.¹⁶

¹⁵ Florida Center for Reading Research, <https://fcrr.org/about>, (last visited: Mar. 16, 2023).

¹⁶ Florida Department of Education, *Just Read, Florida!*, <https://www.fldoe.org/academics/standards/just-read-fl/> (last visited, Mar. 17, 2023).

The Just Read, Florida! Office was established in the Department of Education (DOE) in 2006¹⁷ to develop training, curriculum, and other resources to help students read at their highest level. Duties include:

- The development of sequenced, content-rich curriculum programming, instructional practices, and resources that help elementary schools use state-adopted instructional materials to increase students' background knowledge and literacy skills.
- Working with the Florida Center for Reading Research to identify scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies.¹⁸

Effect of Proposed Changes

The bill modifies s. 1001.215, F.S., to direct the Just Read, Florida! Office to develop and provide access to an online repository of digital science of reading instructional resources. The resources and instructional programs to be developed in partnership with the Florida Center for Reading Research must:

- Be grounded in the Science of Reading (SOR).
- Utilize phonics instruction for decoding and encoding as the primary instructional strategy for teaching word reading.
- Not utilize the three-cueing system model of reading or visual memory (MSV) as a basis for teaching word reading. However, the bill authorizes use of visual information and strategies to improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but not to be used to teach word reading.

Charter Schools

Present Situation

Charter schools are tuition-free public schools created through an agreement or "charter" typically between the school and the local district school board. This agreement gives the charter school a measure of expanded freedom relative to traditional public schools in return for a commitment to higher standards of accountability. Since 1996, Florida charter schools have played a key role in increasing parental options in public education and providing innovative learning opportunities for students.¹⁹

Charter schools must provide parents with information about whether their child is reading at grade level, and must increase learning opportunities, with emphasis on reading.

The charter school application requirements and the requirements of the charter agreement itself are set in law. The application must describe the reading curriculum and differentiated strategies that will be used for students reading at grade level or higher and a separate curriculum and strategies for students who are reading below grade level. The application must be denied if the

¹⁷ Ch. 2006-74, s. 8, Laws of Fla.

¹⁸ Section 1001.215, F.S.

¹⁹ Florida Department of Education, *Florida's Charter Schools*, Sept. 2022, available at <https://www.fldoe.org/core/fileparse.php/7778/urlt/Charter-Sept-2022.pdf>

strategies are not consistent with effective teaching strategies and are grounded in scientifically-based reading research.

The terms and conditions for the operation of a charter school, including a virtual charter school, are set by the sponsor and the applicant in a written contractual agreement, called a charter.²⁰

Effect of Proposed Changes

The bill modifies s. 1002.33, F.S., to require a charter school to include in its application reading instructional strategies for foundational skills that include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not include those that employ the three-cueing system model of reading or visual memory (also known as MSV) as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading. The same limitation must also be included in the charter agreement itself.

Voluntary Prekindergarten Program Requirements

Present Situation

The Voluntary Prekindergarten Education Program (VPK) prepares early learners for success in kindergarten and beyond. VPK helps build a strong foundation for school using educational material corresponding to various stages in a child's development. To be eligible, children must live in Florida and be 4 years old on or before September 1 of the current school year.²¹ Private child care centers and schools, public schools, and specialized instructional services providers offer VPK. Since the program began in 2005-06, more than 2.6 million children have benefited from VPK. Data collected by the DOE show that children who participate in VPK are more ready for kindergarten than children who do not participate in VPK.²²

The DOE is responsible for administration of the VPK program. Those responsibilities include adopting minimum standards for courses in emergent literacy that are required of all VPK instructors²³ and the development and adoption of performance standards for the program. All VPK providers are required to utilize a curriculum that is developmentally appropriate and be designed to:

- Prepare a student for early literacy and provide for instruction in early math skills.
- Enhance the age-appropriate progress of students in attaining the performance standards.
- Support student learning gains through differentiated instruction measured by the coordinated screening and progress monitoring program.²⁴

However, VPK providers are not required to use a state approved curriculum unless the program is required to as part of an improvement plan.

²⁰ Section 1002.33, F.S.

²¹ Section 1002.53(2), F.S.

²² Florida Division of Early Learning, *About Voluntary Prekindergarten*, <https://www.floridaearlylearning.com/vpk/floridas-vpk-program> (last visited Mar. 31, 2023).

²³ Section 1002.59(1), F.S.

²⁴ Section 1002.67, F.S.

Effect of Proposed Changes

The bill modifies s. 1002.59, F.S., to add that each emergent literacy course developed by the DOE must include foundational background knowledge designed to correlate with the content that students will encounter in grades K-12 and that content and strategies must be grounded in the science of reading.

The bill modifies s. 1002.67, F.S., to add:

- That the performance standards developed and adopted by DOE must address emergent literacy skills that are grounded in the science of reading. The performance standards must also include foundational background knowledge designed to correlate with the content that students will encounter in grades K-12.
- A requirement that a VPK provider's curriculum must develop student background knowledge through a content-rich and sequential knowledge-building early literacy curriculum.

New Worlds Reading Initiative

Present situation

In 2021, the Florida Legislature created the New Worlds Reading Initiative (NWRI), Florida's first statewide book distribution program, to provide at-home literacy supports for students identified with a substantial reading deficiency or students who scored below a Level 3 on the preceding year's statewide, standardized ELA assessment.²⁵ To improve the literacy skills of students, the NWRI provides home delivery of high-quality, hardcopy free books on a monthly basis to eligible public and charter school students in kindergarten through grade 5. Students remain in the initiative until they are promoted to 6th grade or their parent opts out. Parents are provided resources to help improve their student's reading skills and instill a love of reading.²⁶

The Lastinger Center for Learning at the University of Florida administers the NWRI and is responsible for:

- Developing, in consultation with the Just Read, Florida! Office, a selection of high-quality books encompassing diverse subjects and genres for each grade level.
- Distributing books at no cost to students either directly or through an agreement with a book distribution company.
- Maintaining a clearinghouse for information on national, state, and local nonprofit organizations that support efforts to improve literacy and provide books to children.
- Developing, for parents of students in the initiative, resources and training materials that engage families in reading and support the reading achievement of their students.
- Developing a micro-credential that requires teachers to demonstrate competency to diagnose literacy difficulties and determine the appropriate range of literacy interventions based upon the age and literacy deficiency of the student; use evidence-based instructional and intervention practices; and effectively use progress monitoring and intervention materials.

²⁵ Section 1003.485(2), F.S.

²⁶ Staff of the Florida House of Representatives, *Legislative Bill Analysis for HB 7039* (2023).

- Administering the early literacy micro-credential program, designed specifically for instructional personnel in prekindergarten through grade 3, which includes components on content, student learning, pedagogy, and professional development, built on a strong foundation of scientifically researched and evidence-based reading instructional and intervention programs that incorporate explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, and text comprehension and incorporate decodable or phonetic text instructional strategies.

In 2022 the New Worlds Reading Initiative served all 67 Florida Counties, 2,387 schools, 165,672 students with over two million books shipped. Over \$7.6 million was raised in tax credit donations.²⁷

The Lastinger Center for Learning has developed three micro-credentials, known as the Flamingo Literacy Micro-Credentials that are a hybrid model of online modules, instructor-supported online course and job-embedded practicum. All three credentials are designed so they can be completed in four months.

The application for the micro-credential became available in January of 2023, and 1,327 individuals have enrolled for the emergent micro-credential, 704 for the elementary micro-credential, and 197 for the secondary micro-credential (as of Mar. 6, 2023)²⁸

Effect of Proposed Changes

The bill modifies s. 1003.485, F.S., to define that the evidence-based professional development activities that are included in the Micro-credential must be grounded in the science of reading. The bill also requires the teachers participating the in micro-credential to demonstrate competency in the use of evidence-based instructional and intervention practices that are grounded in the science of reading.

The bill requires the administrator of the New World Reading Initiative to develop, in consultation with the Just Read, Florida! Office an online repository of digital science of reading materials and science of reading instructional resources that is accessible to public school teachers, school leaders, parents, and educator preparation programs and associated faculty.

Teacher Preparation Programs

Present Situation

In Florida, teacher preparation programs are accountable for producing individuals with the competencies and skills necessary to achieve state education goals.²⁹ State approved teacher preparation program uniform core curricula must include scientifically researched and evidence-based reading instructional strategies that improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness,

²⁷ Email, Lastinger Center for Learning, External Affairs and Communication (Mar. 20, 2023) (on file with Senate Committee on Education).

²⁸ Email, Florida Department of Education, Legislative Affairs, (Mar. 6, 2023) (on file with Senate Committee on Education).

²⁹ Section 1004.04(1)(b), F.S.

phonics, vocabulary, fluency, and text comprehension and multisensory intervention strategies.³⁰ Teacher preparation program completers are eligible for a Florida Professional Educator's Certification upon program completion.³¹

Educator Preparation Institutes (EPIs) are offered by Florida postsecondary institutions or qualified private providers to provide instruction for non-education baccalaureate or higher degree holders,³² resulting in qualification for an initial Florida Professional Educator's Certificate.

Effect of Proposed Changes

The bill modifies ss. 1004.04 and 1004.85, F.S., to require that the rules to establish uniform core curricula for each state-approved teacher preparation program and each educator preparation institute must include:

- Scientifically researched and evidence-based reading instructional strategies that are grounded in the science of reading.
- Approaches to teaching that must include phonics instruction for decoding and encoding as the primary instructional strategy for word reading.

Approaches to teaching instructional strategies may not include those that employ the three-cueing system model of reading or visual memory (also known as MSV) as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.

District School Board Educational Materials

Present Situation

Each Florida district school board or a consortium of school districts may implement an instructional materials program for the review, recommendation, adoption and purchase of instructional materials. Each year the district school superintendent must certify to the DOE by March 31 of each year that all materials for core courses used the by district are aligned with state standards. The certification must include a list of the core instructional materials that will be used or purchased for use.³³ Instructional materials that have been reviewed by district instructional materials reviewers must meet state academic standards³⁴ and must meet the requirements of reviewers set in statute.³⁵

Effect of Proposed Changes

The bill modifies ss. 1006.283 and 1006.31, F.S., to require that all instructional materials reviewed and approved through the school district, consortium, or state-level evaluation process

³⁰ Section 1004.04(2)(b)3., F.S.

³¹ Florida Department of Education (DOE), *Educator Preparation*, <http://www.fldoe.org/teaching/preparation/> (last visited Apr. 03, 2023), and Rule 6A-5.066(1)(k), F.A.C.

³² Section 1004.85, F.S.

³³ Section 1006.283(1), F.S.

³⁴ Section 1003.41, F.S.

³⁵ Section 1006.31, F.S.

for foundational reading skills must be based on the science of reading and include phonics instruction for decoding and encoding as the primary strategies for word reading. Instructional strategies may not include those that employ the three-cueing system model of reading or visual memory (also known as MSV) as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but may not be used to teach word reading.

Support for Underperforming Students

Present Situation

It is the intent of the Legislature that each student's progression from one grade to another be determined, in part, upon satisfactory performance in English Language Arts, social studies, science, and mathematics. District school board policies should facilitate student achievement and each student and his or her parent be informed of that student's academic progress.³⁶ Students should have access to educational options that provide academically challenging coursework or accelerated instruction.³⁷

Reading

State Board of Education (SBE) rule provides criteria for determining whether a student has a substantial deficiency in reading. A student is identified as having a substantial deficiency in reading if:³⁸

- For kindergarten and grades 1 and 2, the student scores below the tenth (10th) percentile or is unable to complete the practice items on the coordinated screening and progress monitoring system and the student has demonstrated, through progress monitoring, formative assessments, or teacher observation data, minimum skill levels for reading competency in one or more of the following areas:³⁹
 - phonological awareness
 - phonics
 - vocabulary, including oral language skills
 - fluency, or
 - comprehension.⁴⁰
- For grade 3, the student scores a Level 1 on the end of the year statewide, standardized English Language Arts assessment,⁴¹ or below the twentieth (20th) percentile at the beginning or middle of the year on the coordinated screening and progress monitoring system⁴² and the student has demonstrated, through progress monitoring, formative assessments, or teacher observation data, minimum skill levels for reading competency in one or more of the following areas;
 - phonological awareness,

³⁶ Section 1008.25(1), F.S.

³⁷ Section 1002.3105, F.S.

³⁸ Rule 6A-6.053(10), F.A.C.

³⁹ Rule 6A-6.053(10), F.A.C.

⁴⁰ Rule 6A-6.053(10), F.A.C.

⁴¹ Section 1008.22(3), F.S.

⁴² Section 1008.25(8), F.S.

- phonics,
- vocabulary, including oral language skills,
- fluency, or
- comprehension.⁴³

The parent of any student who exhibits a substantial deficiency in reading must be notified in writing of the deficiency and of all available services and proposed interventions, and be provided with a “read at home plan,” which outlines strategies that parents can use to help their children improve in reading⁴⁴

Mathematics

Florida law requires all public school students in grades 3 through 8 to participate in the annual statewide, standardized mathematics assessment.⁴⁵ The law also provides that students enrolled in Algebra 1 and Geometry courses must take the associated statewide, standardized end-of-course (EOC) assessment.⁴⁶ A student must pass the statewide, standardized Algebra I EOC assessment, or earn a comparative score,⁴⁷ in order to earn a standard high school diploma.⁴⁸ A student who does not achieve a Level 3 or above on the statewide, standardized Mathematics assessment or the Algebra I EOC assessment must be evaluated to determine the nature of the student’s difficulty, the areas of academic need, and strategies for providing academic supports to improve the student’s performance.⁴⁹

A student who is not meeting the school district or state requirements for satisfactory performance in mathematics must be covered by one of the following plans:

- A federally required student plan such as an individual education plan;
- A school-wide system of progress monitoring for all students, except that a student who scores Level 4 or above on the mathematics assessment may be exempted from participation by the principal; or
- An individualized progress monitoring plan.⁵⁰

Effect of the Proposed Changes

The bill modifies s. 1008.25, F.S., to modify or create a number of requirements for struggling students in reading or mathematics.

Reading

The bill requires students with a substantial deficiency in reading to be provided with services such as an individual education plan (IEP) or an individualized progress monitoring plan or both. The bill adds requirements to the individualized progress monitoring plan to include the following:

⁴³ Rule 6A-6.053(10), F.A.C.

⁴⁴ Section 1008.25

⁴⁵ Section 1008.22(3)(a), F.S.

⁴⁶ Section 1008.22(3)(b), F.S.

⁴⁷ See rule 6A-1.09422(8)(b)2., F.A.C.

⁴⁸ Section 1003.4282(3), F.S.

⁴⁹ Section 1008.25(4)(a), F.S.

⁵⁰ Section 1008.25(4)(b), F.S.

- The student's specific, diagnosed reading or mathematics skill deficiencies.
- Goals and benchmarks for student growth in reading or mathematics.
- A description of the specific measures that will be used to evaluate and monitor the student's reading or mathematics progress.
- For a substantial reading deficiency, the specific evidence-based literacy instruction grounded in the science of reading which the student will receive.
- Strategies, resources, and materials that will be provided to the student's parent to support the student to make reading or mathematics progress.
- Any additional services the teacher deems available and appropriate to accelerate the student's reading or mathematics skill development.

The bill requires the following for programs aimed at helping students in kindergarten through grade 3 with a reading deficiency:

- A student who exhibits the characteristics of dyslexia must be provided specified reading interventions, which must be specified in SBE rule.
- The DOE must provide a list of state-vetted and approved reading and intervention programs beyond what is provided for all students.
- Reading intervention programs must:
 - Include explicit, direct instruction that is systematic, sequential, and cumulative in language development, phonological awareness, phonics, fluency, vocabulary, and comprehension.
 - Include daily targeted small group reading interventions based on student need in phonological awareness, phonics including decoding and encoding, sight words, vocabulary, or comprehension.
 - Be implemented during regular school hours.

The bill requires school districts to evaluate students at the end of every grading period to determine if the student exhibits a reading deficiency, and provide supports. The district may not wait to provide supports until the student is identified using screening, diagnostic, progress monitoring or assessment data, statewide assessments, or teacher observations. The coordinated screening and progress monitoring system must identify students who have a substantial deficiency in mathematics and dyscalculia.

The bill modifies requirements for students retained in third grade to clarify that:

- Reading instruction must be grounded in the science of reading.
- Reading instruction may include explicit and systematic instruction with more explanations, guided practice and feedback, and supplemental evidence-based reading interventions grounded in the science of reading that is delivered by a highly-effective teacher certified or endorsed in reading.

The bill requires that the primary instructional strategy for word reading for retained students is phonics instruction for decoding and encoding. Instructional strategies must not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.

Mathematics

The bill creates an identification, intervention, and parental notification structure in mathematics similar to that of reading for students in kindergarten through grade 4 who exhibit a substantial deficiency in mathematics or the characteristics of dyscalculia. The program must include:

- Providing systematic and explicit mathematics instruction to address deficiencies that include either:
 - Daily targeted small group intervention.
 - Supplemental evidence-based interventions delivered by a highly qualified math teacher or trained tutor.
- Monitoring of student progress.

The bill requires the DOE to adopt rules to provide guidelines for determining whether a student in kindergarten through grade 4 has a substantial deficiency in mathematics.

The bill requires the DOE to provide a list of state vetted and approved mathematics intervention programs, curricula, and high quality supplemental materials which may be used to address a student's mathematics deficiencies. The DOE will work with the Florida Center for Mathematics and Science Education Research⁵¹ to disseminate information to school district and teachers. The resources much include programs that schools can share with parents as part of a home-based plan that is available online and includes:

- Developmentally appropriate, evidence-based strategies including links to video training and the ability for parent to sign up for activities delivered via text or email.
- An overview of the types of assessments used to identify mathematics deficiencies and the types of interventions and supports.
- An overview of the process of initiating and conducting evaluations for exceptional education eligibility.
- Characteristics of conditions associated with learning disorders including dyslexia, dysgraphia, dyscalculia and developmental aphasia.
- Resources for parents to support informed decision making processes which upon request of the parent must be provided in hardcopy.

The bill requires that schools not wait for a student to receive a failing grade at the end of a grading period to identify a student as having a substantial mathematics deficiency and initiating interventions or an evaluation for exceptional student status⁵² if the parent submits documentation from a profession licensed under psychological services which demonstrates that the student has been diagnosed with dyscalculia.

The bill requires monitoring of the student's progress until the student demonstrates grade level proficiency as determined by the district.

⁵¹ Section 1004.86, F.S.

⁵² Section 1003.57, F.S.

The bill modifies requirements of the coordinated screening and progress monitoring program used to measure student performance in Voluntary Prekindergarten (VPK) and public schools. Specifically the bill requires:

- The coordinated screening and progress monitoring system to identify students who have a substantial deficiency in mathematics.
- The coordinated screening and progress monitoring system to identify students with the characteristics of dyscalculia.
- Reporting results from the coordinated screening and progress monitoring system must include the number of students who demonstrate characteristics of dyscalculia.

The bill adds requirements for students retained at grade 3. Specifically the bill requires:

- Reading instruction to be “grounded in science.”
- Summer reading camps to place rigor and grade-level learning at the forefront.
- Small group instruction to be targeted.
- Explicit and systematic instruction with more explanations, guided practice and feedback.
- Supplemental evidence-based reading interventions to be delivered by a teacher who is certified or endorsed in reading and is rated highly effective on their performance evaluation.

The bill requires the parents of a student with a substantial deficiency in mathematics to be notified. The notification must be in writing and must include the following:

- An explanation of the exact nature of the student’s difficulty.
- A description of the current services provided to the student.
- A description of the proposed intensive interventions.
- Strategies the parent can use in a home-based plan to help the student succeed including access to resources developed by the DOE specifically for use in a home-based plan.
- Monthly notice of the student’s progress.

Early Warning System

Present Situation

Each school in Florida that serves students in kindergarten through grade 8 is required to implement an early warning system to identify students in such grades who need additional support to improve academic performance and stay engaged in school. The early warning system must include the following early warning indicators:

- Attendance below 90 percent, regardless of whether absence is excused or a result of out-of-school suspension.
- One or more suspensions, whether in school or out of school.
- Course failure in English Language Arts or mathematics during any grading period.
- A Level 1 score on the statewide, standardized assessments in English Language Arts or mathematics or, for students in kindergarten through grade 3, a substantial reading deficiency as prescribed in law.⁵³

⁵³ Section 1001.42(18), F.S.

Effect of Proposed Change

The bill modifies s. 1001.42, F.S., to add to the early warning system an indicator that includes a substantial mathematics deficiency for students in kindergarten through grade 4.

Reading Achievement Initiative for Scholastic Excellence

Present Situation

In 2021 the Reading Achievement Initiative for Scholastic Excellence (RAISE) Program was established within the DOE to provide instructional supports to school districts and their staff in implementing evidence-based reading instruction and interventions in order to improve student reading achievement. The RAISE program established 20 literacy support regions and regional support teams to assist school districts in improving low reading scores. Directors and teams are required to consist of personnel who have completed the competency-based reading endorsement pathway and meet other specified requirements related to reading instruction and progress monitoring.⁵⁴

The RAISE High School Tutoring Program prepares eligible high school students to tutor students in kindergarten through grade three. School districts that wish to participate in the RAISE High School Tutoring Program must recruit, train and deploy eligible high school students using the materials developed by the Florida DOE.⁵⁵

Effect of the Proposed Changes

The bill modifies s. 1008.365, F.S., related to the RAISE Act. The bill requires that activities related to the regional literacy support directors, the regional support team, and tutoring program be grounded in the science of reading.

Supplemental Academic Instruction

Present Situation

The Supplemental Academic Instruction (SAI) component of the Florida Education Finance Program (FEFP) provides additional funding for school districts for supplemental academic instruction. School districts with schools earning a “D” or “F” grade must use those schools’ portion of SAI funds to implement intervention and support strategies for school improvement and for salary incentives. For all other schools, the district may use SAI funds for reading instruction, modified curriculum, after-school instruction, tutoring, mentoring, class size reduction, extended school year instruction, summer instruction, dropout prevention programs, and other methods of improving student achievement or instruction provided during or beyond the 180-day school year. For the 2022-2023 fiscal year SAI funding was \$719,314,907.

The Evidenced-Based Reading Instruction Allocation is provided for a system of comprehensive reading instruction to students enrolled in prekindergarten through grade 12 programs as well as certain students who exhibit a substantial deficiency in early literacy. For the 2022-2023 fiscal

⁵⁴ Section 1008.365, F.S.

⁵⁵ Florida Department of Education, *Reading Achievement Initiative for Scholastic Excellence Act (RAISE) High School Tutoring Program*, <https://www.fldoe.org/academics/standards/just-read-fl/tutoring.stml> (last visited Apr. 03, 2023).

year, the evidence-based reading allocation was \$170,000,000. An amount of \$115,000 is allocated to each district, and the remaining balance is allocated based on each district's proportion of the total K-12 base funding.⁵⁶

Effect of the Proposed Changes

The bill modifies s. 1011.62, F.S., regarding the funds for operation of school and specifically for the supplemental academic instruction (SAI). Specifically the bill:

- Allows schools that are not “D” or “F” graded schools to use funding for evidence based mathematics interventions extending beyond the school day.
- Requires schools that are not “D” or “F” graded schools using funds for intensive skills development in summer school for those programs to place rigor and grade-level learning at the forefront.

The bill modifies the Evidence-based Reading Instruction Allocation to require:

- That supplemental instructional materials identified by the Just Read, Florida! Office be based on the science of reading and include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies must not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.
- Each district in their annual comprehensive reading plan to describe how the district prioritizes the assignment of highly effective teachers and how reading coaches are assigned to individual schools.
- The new required plan provisions to be approved by the Just Read, Florida! Office.

Educator Certification

Present Situation

The DOE has developed, and each school district, charter school, and charter management organization may provide, a cohesive competency-based professional development certification and education competency program by which instructional staff may satisfy the mastery of professional preparation and education competence requirements specified in Florida law⁵⁷ and rule.⁵⁸ Participants must hold a state-issued temporary certificate. The program must include the following:

- A minimum period of initial preparation before assuming duties as the teacher of record.
- An option for collaboration with other supporting agencies or educational entities for implementation.
- A teacher mentorship and induction component.⁵⁹

⁵⁶ Florida Department of Education, *2022-23 Funding for Florida School Districts*, available at <https://www.fldoe.org/core/fileparse.php/7507/urlt/fefpdist.pdf>.

⁵⁷ Section 1012.56(6), F.S.

⁵⁸ Rule 6A-5.069, F.A.C.

⁵⁹ Section 1012.56(8), F.S.

DOE and district school boards are responsible for issuing renewals of professional certificates depending on the employment status of the individual who holds a state issued professional certificate. District school boards are responsible for issuing renewals for those individuals employed the district, and the DOE is responsible for issuing renewals for those individuals who are not employed by a school district.⁶⁰ General requirements are established in law⁶¹ and rule.⁶²

Effects of the Proposed Changes

The bill modifies s. 1012.56, F.S., in regard to the professional development and education programs. Specifically the bill requires:

- Professional education preparation content knowledge to include researched and evidence-based instructional strategies grounded in the science of reading.
- That reading instructional strategies for foundational skills include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies must not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.
- That each district must maintain a system or program by which instructional staff may demonstrate mastery of professional and educational competence and the program must include scientifically researched and evidence-based reading instructional strategies grounded in the science of reading which improve reading performance for all students, including explicit, systematic, and sequential approaches to teaching phonemic awareness, phonics, vocabulary, fluency, text comprehension, and multisensory intervention strategies.

The bill modifies s. 1012.585, F.S., regarding the requirements for renewal of a professional certificate. Specifically the bill:

- Requires knowledge-based reading literacy training as part of the college credits or in-service points to be grounded in the science of reading.
- Adds to the renewal requirements for a certificate with a validity date of July 1, 2020, or later, in an area identified by the DOE to include reading instruction or intervention for any students in kindergarten through grade 6, that the credits or points in evidence-based instructions and interventions must be grounded in the science of reading.

School Community Professional Development Act

Present Situation

The School Community Professional Development Act⁶³ outlines the expectations for a coordinated, statewide system of professional development that increases student achievement; enhances classroom instruction to promote rigor and relevance throughout the curriculum; and prepares students for success in college, career and life. The goals are to:

⁶⁰ Section 1012.585(1), F.S.

⁶¹ Section 1012.585(2), F.S.

⁶² Rule 6A-4.0051, F.A.C.

⁶³ Section 1012.98, F.S.

- Increase student achievement.
- Enhance classroom instruction to promote rigor and relevance throughout the curriculum.
- Prepare students for success in college, career, and life.

Responsibilities of the system are distributed among many collaborative partners including the Florida DOE; public postsecondary institutions, school districts, and schools; and state education foundations, consortia, and professional organizations. These responsibilities, as well as the scope, focus and required elements for Florida's professional learning system are set forth in a series of connected statutes and rules that address the importance of professional growth for educators and the essential need for school districts to maintain professional learning systems.

The state's has a systemic process for enabling professional learning. To support this key component of quality school improvement, Florida has several elements:

- State standards for high-quality professional learning.
- District professional learning systems.
- District professional learning catalogs.
- Professional learning review protocol materials and site visits for evaluation of district professional learning systems.⁶⁴

Effect of the Proposed Changes

The bill modifies s. 1012.98, F.S., regarding the School Community Professional Development Act, that:

- Requires training for foundational skills to reading coaches, classroom teachers, and school administrators to identify characteristics of dyslexia and other causes diminished phonological process skills be based on the science of reading and include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.
- Requires that for contracted training for teaching foundational skills that those contracted trainings be based on the science of reading and include phonics instruction for decoding and encoding as the primary instructional strategy for word reading. Instructional strategies may not include those that employ the three-cueing system model of reading or visual memory as a basis for teaching word reading. Programs may include visual information and strategies which improve background and experiential knowledge, add context, and increase oral language and vocabulary to support comprehension, but should not be used to teach word reading.

The bill takes effect on July 1, 2023.

⁶⁴ Florida Department of Education, *Florida's Coordinated System of Professional Development*, <https://www.fldoe.org/teaching/professional-dev/> (last visited Apr. 03, 2023).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill could have a significant but indeterminate negative fiscal impact on state revenues or expenditures. For example, the bill:

- Requires the DOE to work with Just Read Florida! to revise the minimum standards for courses in emergent literacy for prekindergarten instructors to include certain reading instructional criteria; and developing an online repository of reading and science of reading resources.
- Requires the administrator of the New Worlds Reading Initiative to develop an online repository of reading materials that is assessable to various users across the education community
- Requires implementation of identification, interventions and notifications regarding students with a substantial deficiency in mathematics.

VI. Technical Deficiencies:

None.

VII. Related Issues:

It is unclear how the requirement for the Just Read, Florida! Office, in conjunction with the Lastinger Center for Learning at the University of Florida, to develop an online repository will differ from a similar repository hosted by the Florida Center for Reading Research.⁶⁵

The bill is generally replacing the term “Next Generation Sunshine State Standard” with “the state standards.” Sections 3 and 10 still contain a reference to the Sunshine State Standards.

The Office of Early Learning was changed to the Division of Early Learning in the Department of Education in 2021; section 11 still contains a reference to the Office of Early Learning.

VIII. Statutes Affected:

The bill substantially amends the following sections of the Florida Statutes: 1001.215, 1001.42, 1002.33, 1002.59, 1002.67, 1003.485, 1004.04, 1004.85, 1006.283, 1006.31, 1008.25, 1008.365, 1011.62, 1012.56, 1012.585, 1012.98, 1002.37, 1002.45, 1002.53, 1002.68, 1008.2125, 1008.22, 1008.34, and 1008.345.

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

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

None.

B. Amendments:

None.

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

⁶⁵ Florida Center for Reading Research, *Reading Program Repository*, <https://ferr.org/repository> (last visited Mar. 23, 2023).

By Senator Calatayud

38-01797-23

20231424__

1 A bill to be entitled
 2 An act relating to student outcomes; amending s.
 3 1001.215, F.S.; revising the responsibilities of the
 4 Just Read, Florida! Office; revising the primary
 5 instructional strategy for word reading; amending s.
 6 1001.42, F.S.; revising the early warning system that
 7 schools must implement for students with low academic
 8 performance; amending s. 1002.33, F.S.; providing that
 9 a charter school application must include certain
 10 reading instructional strategies; providing that a
 11 charter school charter must include certain reading
 12 instructional strategies; amending s. 1002.59, F.S.;
 13 revising the standards for emergent literacy and
 14 performance standards training courses; amending s.
 15 1002.67, F.S.; revising the performance standards of
 16 emergent literacy skills; adding a requirement for
 17 each prekindergarten provider's curriculum; amending
 18 s. 1003.485, F.S.; revising the definition of the term
 19 "micro-credential"; revising administrator
 20 responsibilities relating to the New Worlds Reading
 21 Initiative; amending s. 1004.04, F.S.; revising the
 22 rules for establishing uniform core curricula for
 23 teacher preparation programs; amending s. 1004.85,
 24 F.S.; providing that the certification program of a
 25 postsecondary educator preparation institute must
 26 include certain reading instructional strategies;
 27 amending s. 1006.283, F.S.; providing that district
 28 school board instructional materials must include
 29 certain reading instructional strategies; amending s.

Page 1 of 78

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38-01797-23

20231424__

30 1006.31, F.S.; providing that instructional materials
 31 relating to foundational reading skills which are
 32 under review must include certain reading
 33 instructional strategies; amending s. 1008.25, F.S.;
 34 revising requirements for an individualized progress
 35 monitoring plan; requiring a student who has dyslexia
 36 to be provided with certain interventions to address
 37 the deficiency; requiring the Department of Education
 38 to provide a specified list of intervention programs;
 39 requiring the department to provide specified daily
 40 reading interventions to certain students; requiring a
 41 school district to evaluate students for a reading
 42 deficiency at the end of every grading period;
 43 requiring students in kindergarten through grade 4 who
 44 exhibit a substantial deficiency in mathematics or
 45 dyscalculia to be provided with certain instruction;
 46 providing methods for such instruction; requiring the
 47 student's performance to be monitored; requiring the
 48 Department of Education to provide a list of approved
 49 mathematics intervention programs, curricula, and
 50 supplemental materials; providing that a Voluntary
 51 Prekindergarten Education student may be eligible to
 52 receive mathematics interventions from the local
 53 school district; requiring the parent of a student who
 54 has a deficiency in mathematics to be notified;
 55 providing requirements for the notification; requiring
 56 the school to keep the parent informed of the
 57 student's progress; requiring a school district to
 58 evaluate the students at the end of each grading

Page 2 of 78

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38-01797-23

20231424__

59 period for a mathematics deficiency; requiring a
 60 school to provide additional support to a student with
 61 a mathematics deficiency; requiring the department to
 62 collaborate with the Florida Center for Mathematics
 63 and Science Education Research to compile resources
 64 that each school district must incorporate into a
 65 home-based plan for students with a mathematics
 66 deficiency; providing requirements for the resources;
 67 providing that the resources must be provided to a
 68 parent in a hardcopy format, if requested; conforming
 69 provisions to changes made by the act; revising
 70 requirements for intensive interventions to address
 71 student reading deficiencies; revising requirements
 72 for a coordinated screening and progress monitoring
 73 system; conforming cross-references; amending s.
 74 1008.365, F.S.; conforming provisions to changes made
 75 by the act; amending s. 1011.62, F.S.; including
 76 specified mathematics interventions in a school
 77 district's use of funding for supplemental academic
 78 instruction; conforming a cross-reference; providing
 79 that supplemental materials must include certain
 80 instructional strategies to be eligible for an
 81 evidence-based reading instruction allocation;
 82 revising requirements for a comprehensive reading plan
 83 that each school district must submit to the
 84 department; amending s. 1012.56, F.S.; revising
 85 requirements for a competency-based professional
 86 development certification and education competency
 87 program; amending s. 1012.585, F.S.; revising the

Page 3 of 78

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38-01797-23

20231424__

88 requirements for the renewal of a professional
 89 certificate; amending s. 1012.98, F.S.; revising
 90 training requirements for reading coaches, classroom
 91 teachers, and school administrators to include certain
 92 instructional strategies; providing construction with
 93 regard to district school boards contracting for
 94 certain training; amending ss. 1002.37, 1002.45,
 95 1002.53, 1002.68, 1008.2125, 1008.22, 1008.34, and
 96 1008.345, F.S; conforming cross-references; providing
 97 an effective date.
 98
 99 Be It Enacted by the Legislature of the State of Florida:
 100
 101 Section 1. Subsections (4) and (8) of section 1001.215,
 102 Florida Statutes, are amended to read:
 103 1001.215 Just Read, Florida! Office.—There is created in
 104 the Department of Education the Just Read, Florida! Office. The
 105 office is fully accountable to the Commissioner of Education and
 106 shall:
 107 (4) Develop and provide access to an online repository of
 108 digital science of reading and science of reading instructional
 109 resources, sequenced, content-rich curriculum programming,
 110 instructional practices, and other resources that help
 111 elementary schools use state-adopted instructional materials to
 112 increase students' background knowledge and literacy skills,
 113 including student attainment of the state standards ~~Next~~
 114 ~~Generation Sunshine State Standards~~ for social studies, science,
 115 and the arts. The office shall, as part of the adoption cycle
 116 for English Language Arts instructional materials, assist in

Page 4 of 78

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38-01797-23

20231424__

117 evaluating elementary grades instructional materials submitted
 118 for adoption consideration in order to identify those materials
 119 that are closely aligned to the content and evidence-based
 120 strategies identified pursuant to subsection (8) and incorporate
 121 professional development to implement such strategies.

122 (8) Work with the Florida Center for Reading Research to
 123 identify scientifically researched and evidence-based reading
 124 instructional and intervention programs grounded in the science
 125 of reading that incorporate explicit, systematic, and sequential
 126 approaches to teaching phonemic awareness, phonics, vocabulary,
 127 fluency, and text comprehension and incorporate decodable or
 128 phonetic text instructional strategies. Reading intervention
 129 includes evidence-based strategies frequently used to remediate
 130 reading deficiencies and includes, but is not limited to,
 131 individual instruction, multisensory approaches, tutoring,
 132 mentoring, or the use of technology that targets specific
 133 reading skills and abilities. The primary instructional strategy
 134 for teaching word reading is phonics instruction for decoding
 135 and encoding. The identified reading instructional and
 136 intervention programs for foundational skills may not include
 137 those that employ the three-cueing system model of reading or
 138 visual memory as a basis for teaching word reading. Programs may
 139 include visual information and strategies which improve
 140 background and experiential knowledge, add context, and increase
 141 oral language and vocabulary to support comprehension, but
 142 should not be used to teach word reading.

143 Section 2. Paragraph (b) of subsection (18) of section
 144 1001.42, Florida Statutes, is amended to read:

145 1001.42 Powers and duties of district school board.—The

Page 5 of 78

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38-01797-23

20231424__

146 district school board, acting as a board, shall exercise all
 147 powers and perform all duties listed below:

148 (18) IMPLEMENT SCHOOL IMPROVEMENT AND ACCOUNTABILITY.—
 149 Maintain a system of school improvement and education
 150 accountability as provided by statute and State Board of
 151 Education rule. This system of school improvement and education
 152 accountability shall be consistent with, and implemented
 153 through, the district's continuing system of planning and
 154 budgeting required by this section and ss. 1008.385, 1010.01,
 155 and 1011.01. This system of school improvement and education
 156 accountability shall comply with the provisions of ss. 1008.33,
 157 1008.34, 1008.345, and 1008.385 and include the following:

158 (b) *Early warning system.*—

159 1. A school that serves any students in kindergarten
 160 through grade 8 shall implement an early warning system to
 161 identify students in such grades who need additional support to
 162 improve academic performance and stay engaged in school. The
 163 early warning system must include the following early warning
 164 indicators:

165 a. Attendance below 90 percent, regardless of whether
 166 absence is excused or a result of out-of-school suspension.

167 b. One or more suspensions, whether in school or out of
 168 school.

169 c. Course failure in English Language Arts or mathematics
 170 during any grading period.

171 d. A Level 1 score on the statewide, standardized
 172 assessments in English Language Arts or mathematics or, for
 173 students in kindergarten through grade 3, a substantial reading
 174 deficiency under s. 1008.25(5)(a), and for students in

Page 6 of 78

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38-01797-23

20231424__

175 kindergarten through grade 4, a substantial mathematics
 176 deficiency under s. 1008.25(6)(a).

178 A school district may identify additional early warning
 179 indicators for use in a school's early warning system. The
 180 system must include data on the number of students identified by
 181 the system as exhibiting two or more early warning indicators,
 182 the number of students by grade level who exhibit each early
 183 warning indicator, and a description of all intervention
 184 strategies employed by the school to improve the academic
 185 performance of students identified by the early warning system.

186 2. A school-based team responsible for implementing the
 187 requirements of this paragraph shall monitor the data from the
 188 early warning system. The team may include a school
 189 psychologist. When a student exhibits two or more early warning
 190 indicators, the team, in consultation with the student's parent,
 191 shall determine appropriate intervention strategies for the
 192 student unless the student is already being served by an
 193 intervention program at the direction of a school-based,
 194 multidisciplinary team. Data and information relating to a
 195 student's early warning indicators must be used to inform any
 196 intervention strategies provided to the student.

197 Section 3. Paragraph (a) of subsection (6) and paragraph
 198 (a) of subsection (7) of section 1002.33, Florida Statutes, are
 199 amended to read:

200 1002.33 Charter schools.—

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

203 (a) A person or entity seeking to open a charter school

38-01797-23

20231424__

204 shall prepare and submit an application on the standard
 205 application form prepared by the Department of Education which:

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

209 2. Provides a detailed curriculum plan that illustrates how
 210 students will be provided services to attain the Sunshine State
 211 Standards.

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

217 4. Describes the reading curriculum and differentiated
 218 strategies that will be used for students reading at grade level
 219 or higher and a separate curriculum and strategies for students
 220 who are reading below grade level. Reading instructional
 221 strategies for foundational skills shall include phonics
 222 instruction for decoding and encoding as the primary
 223 instructional strategy for word reading. Instructional
 224 strategies may not include those that employ the three-cueing
 225 system model of reading or visual memory as a basis for teaching
 226 word reading. Programs may include visual information and
 227 strategies which improve background and experiential knowledge,
 228 add context, and increase oral language and vocabulary to
 229 support comprehension, but should not be used to teach word
 230 reading. A sponsor shall deny an application if the school does
 231 not propose a reading curriculum that is consistent with
 232 effective teaching strategies that are grounded in

38-01797-23 20231424__

233 scientifically based reading research.

234 5. Contains an annual financial plan for each year
235 requested by the charter for operation of the school for up to 5
236 years. This plan must contain anticipated fund balances based on
237 revenue projections, a spending plan based on projected revenues
238 and expenses, and a description of controls that will safeguard
239 finances and projected enrollment trends.

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

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

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

254 (7) CHARTER.—The terms and conditions for the operation of
255 a charter school, including a virtual charter school, shall be
256 set forth by the sponsor and the applicant in a written
257 contractual agreement, called a charter. The sponsor and the
258 governing board of the charter school or virtual charter school
259 shall use the standard charter contract or standard virtual
260 charter contract, respectively, pursuant to subsection (21),
261 which shall incorporate the approved application and any addenda

38-01797-23 20231424__

262 approved with the application. Any term or condition of a
263 proposed charter contract or proposed virtual charter contract
264 that differs from the standard charter or virtual charter
265 contract adopted by rule of the State Board of Education shall
266 be presumed a limitation on charter school flexibility. The
267 sponsor may not impose unreasonable rules or regulations that
268 violate the intent of giving charter schools greater flexibility
269 to meet educational goals. The charter shall be signed by the
270 governing board of the charter school and the sponsor, following
271 a public hearing to ensure community input.

272 (a) The charter shall address and criteria for approval of
273 the charter shall be based on:

274 1. The school's mission, the types of students to be
275 served, and, for a virtual charter school, the types of students
276 the school intends to serve who reside outside of the sponsoring
277 school district, and the ages and grades to be included.

278 2. The focus of the curriculum, the instructional methods
279 to be used, any distinctive instructional techniques to be
280 employed, and identification and acquisition of appropriate
281 technologies needed to improve educational and administrative
282 performance which include a means for promoting safe, ethical,
283 and appropriate uses of technology which comply with legal and
284 professional standards.

285 a. The charter shall ensure that reading is a primary focus
286 of the curriculum and that resources are provided to identify
287 and provide specialized instruction for students who are reading
288 below grade level. The curriculum and instructional strategies
289 for reading must be consistent with the state's academic
290 standards ~~Next Generation Sunshine State Standards~~ and grounded

38-01797-23 20231424__

291 in scientifically based reading research. Reading instructional
 292 strategies for foundational skills shall include phonics
 293 instruction for decoding and encoding as the primary
 294 instructional strategy for word reading. Instructional
 295 strategies may not include those that employ the three-cueing
 296 system model of reading or visual memory as a basis for teaching
 297 word reading. Programs may include visual information and
 298 strategies which improve background and experiential knowledge,
 299 add context, and increase oral language and vocabulary to
 300 support comprehension, but should not be used to teach word
 301 reading.

302 b. In order to provide students with access to diverse
 303 instructional delivery models, to facilitate the integration of
 304 technology within traditional classroom instruction, and to
 305 provide students with the skills they need to compete in the
 306 21st century economy, the Legislature encourages instructional
 307 methods for blended learning courses consisting of both
 308 traditional classroom and online instructional techniques.
 309 Charter schools may implement blended learning courses which
 310 combine traditional classroom instruction and virtual
 311 instruction. Students in a blended learning course must be full-
 312 time students of the charter school pursuant to s.
 313 1011.61(1)(a)1. Instructional personnel certified pursuant to s.
 314 1012.55 who provide virtual instruction for blended learning
 315 courses may be employees of the charter school or may be under
 316 contract to provide instructional services to charter school
 317 students. At a minimum, such instructional personnel must hold
 318 an active state or school district adjunct certification under
 319 s. 1012.57 for the subject area of the blended learning course.

Page 11 of 78

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38-01797-23 20231424__

320 The funding and performance accountability requirements for
 321 blended learning courses are the same as those for traditional
 322 courses.

323 3. The current incoming baseline standard of student
 324 academic achievement, the outcomes to be achieved, and the
 325 method of measurement that will be used. The criteria listed in
 326 this subparagraph shall include a detailed description of:

327 a. How the baseline student academic achievement levels and
 328 prior rates of academic progress will be established.

329 b. How these baseline rates will be compared to rates of
 330 academic progress achieved by these same students while
 331 attending the charter school.

332 c. To the extent possible, how these rates of progress will
 333 be evaluated and compared with rates of progress of other
 334 closely comparable student populations.

335
 336 A district school board is required to provide academic student
 337 performance data to charter schools for each of their students
 338 coming from the district school system, as well as rates of
 339 academic progress of comparable student populations in the
 340 district school system.

341 4. The methods used to identify the educational strengths
 342 and needs of students and how well educational goals and
 343 performance standards are met by students attending the charter
 344 school. The methods shall provide a means for the charter school
 345 to ensure accountability to its constituents by analyzing
 346 student performance data and by evaluating the effectiveness and
 347 efficiency of its major educational programs. Students in
 348 charter schools shall, at a minimum, participate in the

Page 12 of 78

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38-01797-23 20231424__

349 statewide assessment program created under s. 1008.22.

350 5. In secondary charter schools, a method for determining
351 that a student has satisfied the requirements for graduation in
352 s. 1002.3105(5), s. 1003.4281, or s. 1003.4282.

353 6. A method for resolving conflicts between the governing
354 board of the charter school and the sponsor.

355 7. The admissions procedures and dismissal procedures,
356 including the school's code of student conduct. Admission or
357 dismissal must not be based on a student's academic performance.

358 8. The ways by which the school will achieve a
359 racial/ethnic balance reflective of the community it serves or
360 within the racial/ethnic range of other nearby public schools or
361 school districts.

362 9. The financial and administrative management of the
363 school, including a reasonable demonstration of the professional
364 experience or competence of those individuals or organizations
365 applying to operate the charter school or those hired or
366 retained to perform such professional services and the
367 description of clearly delineated responsibilities and the
368 policies and practices needed to effectively manage the charter
369 school. A description of internal audit procedures and
370 establishment of controls to ensure that financial resources are
371 properly managed must be included. Both public sector and
372 private sector professional experience shall be equally valid in
373 such a consideration.

374 10. The asset and liability projections required in the
375 application which are incorporated into the charter and shall be
376 compared with information provided in the annual report of the
377 charter school.

38-01797-23 20231424__

378 11. A description of procedures that identify various risks
379 and provide for a comprehensive approach to reduce the impact of
380 losses; plans to ensure the safety and security of students and
381 staff; plans to identify, minimize, and protect others from
382 violent or disruptive student behavior; and the manner in which
383 the school will be insured, including whether or not the school
384 will be required to have liability insurance, and, if so, the
385 terms and conditions thereof and the amounts of coverage.

386 12. The term of the charter which shall provide for
387 cancellation of the charter if insufficient progress has been
388 made in attaining the student achievement objectives of the
389 charter and if it is not likely that such objectives can be
390 achieved before expiration of the charter. The initial term of a
391 charter shall be for 5 years, excluding 2 planning years. In
392 order to facilitate access to long-term financial resources for
393 charter school construction, charter schools that are operated
394 by a municipality or other public entity as provided by law are
395 eligible for up to a 15-year charter, subject to approval by the
396 sponsor. A charter lab school is eligible for a charter for a
397 term of up to 15 years. In addition, to facilitate access to
398 long-term financial resources for charter school construction,
399 charter schools that are operated by a private, not-for-profit,
400 s. 501(c)(3) status corporation are eligible for up to a 15-year
401 charter, subject to approval by the sponsor. Such long-term
402 charters remain subject to annual review and may be terminated
403 during the term of the charter, but only according to the
404 provisions set forth in subsection (8).

405 13. The facilities to be used and their location. The
406 sponsor may not require a charter school to have a certificate

38-01797-23 20231424__

407 of occupancy or a temporary certificate of occupancy for such a
408 facility earlier than 15 calendar days before the first day of
409 school.

410 14. The qualifications to be required of the teachers and
411 the potential strategies used to recruit, hire, train, and
412 retain qualified staff to achieve best value.

413 15. The governance structure of the school, including the
414 status of the charter school as a public or private employer as
415 required in paragraph (12) (i).

416 16. A timetable for implementing the charter which
417 addresses the implementation of each element thereof and the
418 date by which the charter shall be awarded in order to meet this
419 timetable.

420 17. In the case of an existing public school that is being
421 converted to charter status, alternative arrangements for
422 current students who choose not to attend the charter school and
423 for current teachers who choose not to teach in the charter
424 school after conversion in accordance with the existing
425 collective bargaining agreement or district school board rule in
426 the absence of a collective bargaining agreement. However,
427 alternative arrangements shall not be required for current
428 teachers who choose not to teach in a charter lab school, except
429 as authorized by the employment policies of the state university
430 which grants the charter to the lab school.

431 18. Full disclosure of the identity of all relatives
432 employed by the charter school who are related to the charter
433 school owner, president, chairperson of the governing board of
434 directors, superintendent, governing board member, principal,
435 assistant principal, or any other person employed by the charter

38-01797-23 20231424__

436 school who has equivalent decisionmaking authority. For the
437 purpose of this subparagraph, the term "relative" means father,
438 mother, son, daughter, brother, sister, uncle, aunt, first
439 cousin, nephew, niece, husband, wife, father-in-law, mother-in-
440 law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,
441 stepfather, stepmother, stepson, stepdaughter, stepbrother,
442 stepsister, half brother, or half sister.

443 19. Implementation of the activities authorized under s.
444 1002.331 by the charter school when it satisfies the eligibility
445 requirements for a high-performing charter school. A high-
446 performing charter school shall notify its sponsor in writing by
447 March 1 if it intends to increase enrollment or expand grade
448 levels the following school year. The written notice shall
449 specify the amount of the enrollment increase and the grade
450 levels that will be added, as applicable.

451 Section 4. Subsection (1) of section 1002.59, Florida
452 Statutes, is amended to read:

453 1002.59 Emergent literacy and performance standards
454 training courses.-

455 (1) The department, in collaboration with the Just Read,
456 Florida! Office, shall adopt minimum standards for courses in
457 emergent literacy for prekindergarten instructors. Each course
458 must consist of ~~comprise~~ 5 clock hours and provide instruction
459 in strategies and techniques to address the age-appropriate
460 progress of prekindergarten students in developing emergent
461 literacy skills, including oral communication, knowledge of
462 print and letters, phonological and phonemic awareness, ~~and~~
463 vocabulary and comprehension development, and foundational
464 background knowledge designed to correlate with the content that

38-01797-23

20231424__

465 students will encounter in grades K-12, consistent with the
 466 evidence-based content and strategies grounded in the science of
 467 reading identified pursuant to s. 1001.215(8). The course
 468 standards must be reviewed as part of any review of subject
 469 coverage or endorsement requirements in the elementary, reading,
 470 and exceptional student educational areas conducted pursuant to
 471 s. 1012.586. Each course must also provide resources containing
 472 strategies that allow students with disabilities and other
 473 special needs to derive maximum benefit from the Voluntary
 474 Prekindergarten Education Program. Successful completion of an
 475 emergent literacy training course approved under this section
 476 satisfies requirements for approved training in early literacy
 477 and language development under ss. 402.305(2)(e)5., 402.313(6),
 478 and 402.3131(5).

479 Section 5. Paragraph (a) of subsection (1) and paragraph
 480 (b) of subsection (2) of section 1002.67, Florida Statutes, are
 481 amended to read:

482 1002.67 Performance standards and curricula.—

483 (1)(a) The department shall develop and adopt performance
 484 standards for students in the Voluntary Prekindergarten
 485 Education Program. The performance standards must address the
 486 age-appropriate progress of students in the development of:

487 1. The capabilities, capacities, and skills required under
 488 s. 1(b), Art. IX of the State Constitution;

489 2. Emergent literacy skills grounded in the science of
 490 reading, including oral communication, knowledge of print and
 491 letters, phonemic and phonological awareness, and vocabulary and
 492 comprehension development, and foundational background knowledge
 493 designed to correlate with the content that students will

38-01797-23

20231424__

494 encounter in grades K-12; and

495 3. Mathematical thinking and early math skills.

496 (2)

497 (b) Each private prekindergarten provider's and public
 498 school's curriculum must be developmentally appropriate and
 499 must:

500 1. Be designed to prepare a student for early literacy and
 501 provide for instruction in early math skills;

502 2. Develop student's background knowledge through a
 503 content-rich and sequential knowledge-building early literacy
 504 curriculum;

505 3. Enhance the age-appropriate progress of students in
 506 attaining the performance standards adopted by the department
 507 under subsection (1); and

508 ~~4.3.~~ Support student learning gains through differentiated
 509 instruction that shall be measured by the coordinated screening
 510 and progress monitoring program under s. 1008.25(9) ~~or~~
 511 ~~1008.25(8)~~.

512 Section 6. Present paragraphs (g) through (l) of subsection
 513 (4) of section 1003.485, Florida Statutes, are redesignated as
 514 paragraphs (h) through (m), respectively, a new paragraph (g) is
 515 added to that subsection, and paragraph (g) of subsection (1)
 516 and present paragraph (g) of subsection (4) of that section are
 517 amended, to read:

518 1003.485 The New Worlds Reading Initiative.—

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

520 (g) "Micro-credential" means evidence-based professional
 521 development activities grounded in the science of reading that
 522 are competency-based, personalized, and on-demand. Educators

38-01797-23 20231424__

523 must demonstrate their competence via evidence submitted and
524 reviewed by trained evaluators.

525 (4) ADMINISTRATOR RESPONSIBILITIES.—The administrator
526 shall:

527 (g) Develop, in consultation with the Just Read, Florida!
528 Office under s. 1001.215, an online repository of digital
529 science of reading materials and science of reading
530 instructional resources that is accessible to public school
531 teachers, school leaders, parents, and educator preparation
532 programs and associated faculty.

533 ~~(h)~~ (g) Develop a micro-credential that requires teachers to
534 demonstrate competency to:

535 1. Diagnose literacy difficulties and determine the
536 appropriate range of literacy interventions based upon the age
537 and literacy deficiency of the student;

538 2. Use evidence-based instructional and intervention
539 practices grounded in the science of reading, including
540 strategies identified by the Just Read, Florida! Office pursuant
541 to s. 1001.215(8); and

542 3. Effectively use progress monitoring and intervention
543 materials.

544 Section 7. Paragraph (b) of subsection (2) of section
545 1004.04, Florida Statutes, is amended to read:

546 1004.04 Public accountability and state approval for
547 teacher preparation programs.—

548 (2) UNIFORM CORE CURRICULA AND CANDIDATE ASSESSMENT.—

549 (b) The rules to establish uniform core curricula for each
550 state-approved teacher preparation program must include, but are
551 not limited to, the following:

38-01797-23 20231424__

552 1. Candidate instruction and assessment in the Florida
553 Educator Accomplished Practices across content areas.

554 2. The use of state-adopted content standards to guide
555 curricula and instruction.

556 3. Scientifically researched and evidence-based reading
557 instructional strategies grounded in the science of reading that
558 improve reading performance for all students, including
559 explicit, systematic, and sequential approaches to teaching
560 phonemic awareness, phonics, vocabulary, fluency, and text
561 comprehension and multisensory intervention strategies. The
562 primary instructional strategy for teaching word reading is
563 phonics instruction for decoding and encoding. Instructional
564 strategies for foundational skills may not include those that
565 employ the three-cueing system model of reading or visual memory
566 as a basis for teaching word reading. Programs may include
567 visual information and strategies which improve background and
568 experiential knowledge, add context, and increase oral language
569 and vocabulary to support comprehension, but should not be used
570 to teach word reading.

571 4. Content literacy and mathematics practices.

572 5. Strategies appropriate for the instruction of English
573 language learners.

574 6. Strategies appropriate for the instruction of students
575 with disabilities.

576 7. Strategies to differentiate instruction based on student
577 needs.

578 8. Strategies and practices to support evidence-based
579 content aligned to state standards and grading practices.

580 9. Strategies appropriate for the early identification of a

38-01797-23

20231424__

581 student in crisis or experiencing a mental health challenge and
 582 the referral of such student to a mental health professional for
 583 support.

584 10. Strategies to support the use of technology in
 585 education and distance learning.

586 Section 8. Paragraph (a) of subsection (3) of section
 587 1004.85, Florida Statutes, is amended to read:

588 1004.85 Postsecondary educator preparation institutes.—

589 (3) Educator preparation institutes approved pursuant to
 590 this section may offer competency-based certification programs
 591 specifically designed for noneducation major baccalaureate
 592 degree holders to enable program participants to meet the
 593 educator certification requirements of s. 1012.56. An educator
 594 preparation institute choosing to offer a competency-based
 595 certification program pursuant to the provisions of this section
 596 must implement a program previously approved by the Department
 597 of Education for this purpose or a program developed by the
 598 institute and approved by the department for this purpose.
 599 Approved programs shall be available for use by other approved
 600 educator preparation institutes.

601 (a) Within 90 days after receipt of a request for approval,
 602 the Department of Education shall approve a preparation program
 603 pursuant to the requirements of this subsection or issue a
 604 statement of the deficiencies in the request for approval. The
 605 department shall approve a certification program if the
 606 institute provides evidence of the institute's capacity to
 607 implement a competency-based program that includes each of the
 608 following:

609 1.a. Participant instruction and assessment in the Florida

38-01797-23

20231424__

610 Educator Accomplished Practices across content areas.

611 b. The use of state-adopted student content standards to
 612 guide curriculum and instruction.

613 c. Scientifically researched and evidence-based reading
 614 instructional strategies grounded in the science of reading that
 615 improve reading performance for all students, including
 616 explicit, systematic, and sequential approaches to teaching
 617 phonemic awareness, phonics, vocabulary, fluency, and text
 618 comprehension and multisensory intervention strategies. The
 619 primary instructional strategy for teaching word reading is
 620 phonics instruction for decoding and encoding. Instructional
 621 strategies for foundational skills may not include those that
 622 employ the three-cueing system model of reading or visual memory
 623 as a basis for teaching word reading. Programs may include
 624 visual information and strategies which improve background and
 625 experiential knowledge, add context, and increase oral language
 626 and vocabulary to support comprehension, but should not be used
 627 to teach word reading.

628 d. Content literacy and mathematical practices.

629 e. Strategies appropriate for instruction of English
 630 language learners.

631 f. Strategies appropriate for instruction of students with
 632 disabilities.

633 g. Strategies to differentiate instruction based on student
 634 needs.

635 h. Strategies and practices to support evidence-based
 636 content aligned to state standards and grading practices.

637 i. Strategies appropriate for the early identification of a
 638 student in crisis or experiencing a mental health challenge and

38-01797-23 20231424__

639 the referral of such student to a mental health professional for
640 support.

641 j. Strategies to support the use of technology in education
642 and distance learning.

643 2. An educational plan for each participant to meet
644 certification requirements and demonstrate his or her ability to
645 teach the subject area for which the participant is seeking
646 certification, which is based on an assessment of his or her
647 competency in the areas listed in subparagraph 1.

648 3. Field experiences appropriate to the certification
649 subject area specified in the educational plan with a diverse
650 population of students in a variety of challenging environments,
651 including, but not limited to, high-poverty schools, urban
652 schools, and rural schools, under the supervision of qualified
653 educators. The state board shall determine in rule the amount of
654 field experience necessary to serve as the teacher of record,
655 beginning with candidates entering a program in the 2023-2024
656 school year.

657 4. A certification ombudsman to facilitate the process and
658 procedures required for participants who complete the program to
659 meet any requirements related to the background screening
660 pursuant to s. 1012.32 and educator professional or temporary
661 certification pursuant to s. 1012.56.

662 Section 9. Subsection (4) of section 1006.283, Florida
663 Statutes, is amended to read:

664 1006.283 District school board instructional materials
665 review process.—

666 (4) Instructional materials that have been reviewed by the
667 district instructional materials reviewers and approved must

38-01797-23 20231424__

668 have been determined to align with all applicable state
669 standards pursuant to s. 1003.41, ~~and~~ the requirements in s.
670 1006.31, and instructional materials for foundational reading
671 skills shall be based on the science of reading and include
672 phonics instruction for decoding and encoding as the primary
673 instructional strategy for word reading. Instructional
674 strategies may not include those that employ the three-cueing
675 system model of reading or visual memory as a basis for teaching
676 word reading. Programs may include visual information and
677 strategies which improve background and experiential knowledge,
678 add context, and increase oral language and vocabulary to
679 support comprehension, but should not be used to teach word
680 reading. The district school superintendent shall annually
681 certify to the department that all instructional materials for
682 core courses used by the district are aligned with all
683 applicable state standards and have been reviewed, selected, and
684 adopted by the district school board in accordance with the
685 school board hearing and public meeting requirements of this
686 section.

687 Section 10. Subsection (2) of section 1006.31, Florida
688 Statutes, is amended to read:

689 1006.31 Duties of the Department of Education and school
690 district instructional materials reviewer.—The duties of the
691 instructional materials reviewer are:

692 (2) EVALUATION OF INSTRUCTIONAL MATERIALS.—To use the
693 selection criteria listed in s. 1006.34(2)(b) and recommend for
694 adoption only those instructional materials aligned with the
695 Next Generation Sunshine State Standards provided for in s.
696 1003.41. Instructional materials for foundational reading skills

38-01797-23

20231424__

697 shall be based on the science of reading and include phonics
 698 instruction for decoding and encoding as the primary
 699 instructional strategy for word reading. Instructional
 700 strategies may not include those that employ the three-cueing
 701 system model of reading or visual memory as a basis for teaching
 702 word reading. Programs may include visual information and
 703 strategies which improve background and experiential knowledge,
 704 add context, and increase oral language and vocabulary to
 705 support comprehension, but should not be used to teach word
 706 reading. Instructional materials recommended by each reviewer
 707 shall be, to the satisfaction of each reviewer, accurate,
 708 objective, balanced, noninflammatory, current, free of
 709 pornography and material prohibited under s. 847.012, and suited
 710 to student needs and their ability to comprehend the material
 711 presented. Reviewers shall consider for recommendation materials
 712 developed for academically talented students, such as students
 713 enrolled in advanced placement courses. When recommending
 714 instructional materials, each reviewer shall:

715 (a) Include only instructional materials that accurately
 716 portray the ethnic, socioeconomic, cultural, religious,
 717 physical, and racial diversity of our society, including men and
 718 women in professional, career, and executive roles, and the role
 719 and contributions of the entrepreneur and labor in the total
 720 development of this state and the United States.

721 (b) Include only materials that accurately portray,
 722 whenever appropriate, humankind's place in ecological systems,
 723 including the necessity for the protection of our environment
 724 and conservation of our natural resources and the effects on the
 725 human system of the use of tobacco, alcohol, controlled

Page 25 of 78

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38-01797-23

20231424__

726 substances, and other dangerous substances.

727 (c) Include materials that encourage thrift, fire
 728 prevention, and humane treatment of people and animals.

729 (d) Require, when appropriate to the comprehension of
 730 students, that materials for social science, history, or civics
 731 classes contain the Declaration of Independence and the
 732 Constitution of the United States. A reviewer may not recommend
 733 any instructional materials that contain any matter reflecting
 734 unfairly upon persons because of their race, color, creed,
 735 national origin, ancestry, gender, religion, disability,
 736 socioeconomic status, or occupation or otherwise contradict the
 737 principles enumerated under s. 1003.42(3).

738 Section 11. Present subsections (6) through (10) of section
 739 1008.25, Florida Statutes, are redesignated as subsections (7)
 740 through (11), respectively, a new subsection (6) is added to
 741 that section, and subsections (4) and (5), present subsection
 742 (7), paragraphs (a) and (d) of present subsection (8), and
 743 present subsection (9) of that section, are amended, to read:

744 1008.25 Public school student progression; student support;
 745 coordinated screening and progress monitoring; reporting
 746 requirements.—

747 (4) ASSESSMENT AND SUPPORT.—

748 (a) Each student must participate in the statewide,
 749 standardized assessment program required under s. 1008.22 and
 750 the coordinated screening and progress monitoring system
 751 required under subsection (9) ~~(8)~~. Each student who does not
 752 achieve a Level 3 or above on the statewide, standardized
 753 English Language Arts assessment; the statewide, standardized
 754 Mathematics assessment; or the Algebra I EOC assessment must be

Page 26 of 78

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38-01797-23

20231424__

755 evaluated to determine the nature of the student's difficulty,
756 the areas of academic need, and strategies for providing
757 academic supports to improve the student's performance.

758 (b) A student who is not meeting the school district or
759 state requirements for satisfactory performance in English
760 Language Arts and mathematics must be covered by one of the
761 following plans:

762 1. A federally required student plan such as an individual
763 education plan;

764 2. A schoolwide system of progress monitoring for all
765 students, except a student who scores Level 4 or above on the
766 English Language Arts and Mathematics assessments may be
767 exempted from participation by the principal; or

768 3. An individualized progress monitoring plan.

769 (c) A student who has a substantial reading deficiency as
770 determined in paragraph (5) (a) or a substantial mathematics
771 deficiency as determined in paragraph (6) (a) must be covered by
772 a federally required student plan, such as an individual
773 education plan or an individualized progress monitoring plan, or
774 both, as necessary. The individualized progress monitoring plan
775 shall include, at a minimum:

776 1. The student's specific, diagnosed reading or mathematics
777 skill deficiencies.

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

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

783 4. For a substantial reading deficiency, the specific

38-01797-23

20231424__

784 evidence-based literacy instruction grounded in the science of
785 reading which the student will receive.

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

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

792 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

793 (a) Any student in kindergarten through grade 3 who
794 exhibits a substantial deficiency in reading or the
795 characteristics of dyslexia based upon screening, diagnostic,
796 progress monitoring, or assessment data; statewide assessments;
797 or teacher observations must be provided intensive, explicit,
798 systematic, and multisensory reading interventions immediately
799 following the identification of the reading deficiency to
800 address his or her specific deficiencies.

801 1. The department shall provide a list of state vetted and
802 approved comprehensive reading and intervention programs. The
803 intervention programs shall be provided in addition to the
804 comprehensive core reading instruction that is provided to all
805 students in the general education classroom. Dyslexia-specific
806 intervention, as defined by rule of the State Board of
807 Education, shall be provided to students who have the
808 characteristics of dyslexia and all struggling readers. The
809 reading intervention program must do all of the following:

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

38-01797-23 20231424__

813 applicable.

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

818 c. Be implemented during regular school hours.

819 2. A school may not wait for a student to receive a failing
 820 grade at the end of a grading period to identify the student as
 821 having a substantial reading deficiency and initiate intensive
 822 reading interventions. In addition, a school may not wait until
 823 an evaluation conducted pursuant to s. 1003.57 is completed to
 824 provide appropriate, evidence-based interventions for a student
 825 whose parent submits documentation from a professional licensed
 826 under chapter 490 which demonstrates that the student has been
 827 diagnosed with dyslexia. Such interventions must be initiated
 828 upon receipt of the documentation and based on the student's
 829 specific areas of difficulty as identified by the licensed
 830 professional.

831 3. A student's reading proficiency must be monitored and
 832 the intensive interventions must continue until the student
 833 demonstrates grade level proficiency in a manner determined by
 834 the district, which may include achieving a Level 3 on the
 835 statewide, standardized English Language Arts assessment. The
 836 State Board of Education shall identify by rule guidelines for
 837 determining whether a student in kindergarten through grade 3
 838 has a substantial deficiency in reading.

839 (b) A Voluntary Prekindergarten Education Program student
 840 who exhibits a substantial deficiency in early literacy skills
 841 in accordance with the standards under s. 1002.67(1)(a) and

38-01797-23 20231424__

842 based upon the results of the administration of the final
 843 coordinated screening and progress monitoring under subsection
 844 (9) ~~(8)~~ shall be referred to the local school district and may
 845 be eligible to receive intensive reading interventions before
 846 participating in kindergarten. Such intensive reading
 847 interventions shall be paid for using funds from the district's
 848 evidence-based reading instruction allocation in accordance with
 849 s. 1011.62(8).

850 (c) To be promoted to grade 4, a student must score a Level
 851 2 or higher on the statewide, standardized English Language Arts
 852 assessment required under s. 1008.22 for grade 3. If a student's
 853 reading deficiency is not remedied by the end of grade 3, as
 854 demonstrated by scoring Level 2 or higher on the statewide,
 855 standardized assessment required under s. 1008.22 for grade 3,
 856 the student must be retained.

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

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

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

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

870 4. That if the child's reading deficiency is not remediated

38-01797-23

20231424__

871 by the end of grade 3, the child must be retained unless he or
872 she is exempt from mandatory retention for good cause.

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

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

884 7. The district's specific criteria and policies for a
885 portfolio as provided in subparagraph (7) (b) (4) ~~(6) (b)~~ 4. and the
886 evidence required for a student to demonstrate mastery of
887 Florida's academic standards for English Language Arts. A school
888 must immediately begin collecting evidence for a portfolio when
889 a student in grade 3 is identified as being at risk of retention
890 or upon the request of the parent, whichever occurs first.

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

895 9. Information about the student's eligibility for the New
896 Worlds Reading Initiative under s. 1003.485 and information on
897 parent training modules and other reading engagement resources
898 available through the initiative.
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38-01797-23

20231424__

900 After initial notification, the school shall apprise the parent
901 at least monthly of the student's progress in response to the
902 intensive interventions and supports. Such communications must
903 be in writing and must explain any additional interventions or
904 supports that will be implemented to accelerate the student's
905 progress if the interventions and supports already being
906 implemented have not resulted in improvement.

907 (e) A school district must evaluate a student, at a
908 minimum, at the end of every grading period to determine if the
909 student exhibits a reading deficiency. A school must provide
910 additional reading support to a student with a reading
911 deficiency, and may not wait to provide support until a student
912 is identified with a substantial reading deficiency as
913 determined in paragraph (5) (a).

914 (f) The Department of Education shall compile resources
915 that each school district must incorporate into a read-at-home
916 plan provided to the parent of a student who is identified as
917 having a substantial reading deficiency pursuant to paragraph
918 (d). The resources must be made available in an electronic
919 format that is accessible online and must include the following:

920 1. Developmentally appropriate, evidence-based strategies
921 and programming, including links to video training modules and
922 opportunities to sign up for at-home reading tips delivered
923 periodically via text and e-mail, which a parent can use to help
924 improve his or her child's literacy skills.

925 2. An overview of the types of assessments used to identify
926 reading deficiencies and what those assessments measure or do
927 not measure, the frequency with which the assessments are
928 administered, and the requirements for interventions and

38-01797-23

20231424__

929 supports that districts must provide to students who do not make
930 adequate academic progress.

931 3. An overview of the process for initiating and conducting
932 evaluations for exceptional education eligibility. The overview
933 must include an explanation that a diagnosis of a medical
934 condition alone is not sufficient to establish exceptional
935 education eligibility but may be used to document how that
936 condition relates to the student's eligibility determination and
937 may be disclosed in an eligible student's individual education
938 plan when necessary to inform school personnel responsible for
939 implementing the plan.

940 4. Characteristics of conditions associated with learning
941 disorders, including dyslexia, dysgraphia, dyscalculia, and
942 developmental aphasia.

943 5. A list of resources that support informed parent
944 involvement in decisionmaking processes for students who have
945 difficulty in learning.

946
947 Upon the request of a parent, resources meeting the requirements
948 of this paragraph must be provided to the parent in a hardcopy
949 format.

950 (6) MATHEMATICS DEFICIENCY AND PARENTAL NOTIFICATION.—

951 (a) Any student in kindergarten through grade 4 who
952 exhibits a substantial deficiency in mathematics or the
953 characteristics of dyscalculia based upon screening, diagnostic,
954 progress monitoring, or assessment data; statewide assessments;
955 or teacher observations must:

956 1. Immediately, following the identification of the
957 mathematics deficiency, be provided systematic and explicit

38-01797-23

20231424__

958 mathematics instruction to address his or her specific
959 deficiencies through either:

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

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

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

968 3. The department shall provide a list of state vetted and
969 approved mathematics intervention programs, curricula, and high-
970 quality supplemental materials which may be used to improve a
971 student's mathematics deficiencies. In addition, the department
972 shall work, at a minimum, with the Florida Center for
973 Mathematics and Science Education Research established in s.
974 1004.86 to disseminate information to school districts and
975 teachers on effective evidence-based explicit mathematics
976 instructional practices, strategies, and interventions.

977 4. A school may not wait for a student to receive a failing
978 grade at the end of a grading period to identify the student as
979 having a substantial mathematics deficiency and initiate
980 intensive mathematics interventions. In addition, a school may
981 not wait until an evaluation conducted pursuant to s. 1003.57 is
982 completed to provide appropriate, evidence-based interventions
983 for a student whose parent submits documentation from a
984 professional licensed under chapter 490 which demonstrates that
985 the student has been diagnosed with dyscalculia. Such
986 interventions must be initiated upon receipt of the

38-01797-23 20231424__

987 documentation and based on the student's specific areas of
 988 difficulty as identified by the licensed professional.
 989 5. A student's mathematics proficiency must be monitored
 990 and the intensive interventions must continue until the student
 991 demonstrates grade level proficiency in a manner determined by
 992 the district, which may include achieving a Level 3 on the
 993 statewide, standardized Mathematics assessment. The State Board
 994 of Education shall identify by rule guidelines for determining
 995 whether a student in kindergarten through grade 4 has a
 996 substantial deficiency in mathematics.
 997 (b) A Voluntary Prekindergarten Education Program student
 998 who exhibits a substantial deficiency in early mathematics
 999 skills in accordance with the standards under s. 1002.67(1)(a)
 1000 and based upon the results of the administration of the final
 1001 coordinated screening and progress monitoring under subsection
 1002 (8) shall be referred to the local school district and may be
 1003 eligible to receive intensive mathematics interventions before
 1004 participating in kindergarten.
 1005 (c) The parent of any student who exhibits a substantial
 1006 deficiency in mathematics, as described in paragraph (a), must
 1007 be notified in writing of the following:
 1008 1. That his or her child has been identified as having a
 1009 substantial deficiency in mathematics, including a description
 1010 and explanation, in terms understandable to the parent, of the
 1011 exact nature of the student's difficulty in learning and lack of
 1012 achievement in mathematics.
 1013 2. A description of the current services that are provided
 1014 to the child.
 1015 3. A description of the proposed intensive interventions

Page 35 of 78

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38-01797-23 20231424__

1016 and supports that will be provided to the child which are
 1017 designed to remediate the identified area of mathematics
 1018 deficiency.
 1019 4. Strategies, including multisensory strategies and
 1020 programming, through a home-based plan the parent can use in
 1021 helping his or her child succeed in mathematics. The home-based
 1022 plan must provide access to the resources identified in
 1023 paragraph (e).
 1024 After initial notification, the school shall apprise the parent
 1025 at least monthly of the student's progress in response to the
 1026 intensive interventions and supports. Such communications must
 1027 be in writing and must explain any additional interventions or
 1028 supports that will be implemented to accelerate the student's
 1029 progress if the interventions and supports already being
 1030 implemented have not resulted in improvement.
 1031 (d) A school district must evaluate a student, at a
 1032 minimum, at the end of every grading period to determine if the
 1033 student exhibits a mathematics deficiency. A school must provide
 1034 additional mathematics support to a student with a mathematics
 1035 deficiency, and may not wait to provide support until a student
 1036 is identified with a substantial mathematics deficiency as
 1037 determined in paragraph (a).
 1038 (e) The Department of Education, in collaboration with the
 1039 Florida Center for Mathematics and Science Education Research
 1040 established in s. 1004.86, shall compile resources that each
 1041 school district must incorporate into a home-based plan provided
 1042 to the parent of a student who is identified as having a
 1043 substantial mathematics deficiency pursuant to paragraph (c).
 1044

Page 36 of 78

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38-01797-23 20231424__

1045 The resources must be made available in an electronic format
 1046 that is accessible online and must include the following:

1047 1. Developmentally appropriate, evidence-based strategies
 1048 and programming, including links to video training modules and
 1049 opportunities to sign up for family-guided home mathematics
 1050 activities delivered periodically via text and e-mail, which a
 1051 parent can use to help improve his or her child's mathematics
 1052 skills.

1053 2. An overview of the types of assessments used to identify
 1054 mathematics deficiencies and what those assessments measure or
 1055 do not measure, the frequency with which the assessments are
 1056 administered, and the requirements for interventions and
 1057 supports that districts must provide to students who do not make
 1058 adequate academic progress.

1059 3. An overview of the process for initiating and conducting
 1060 evaluations for exceptional education eligibility. The overview
 1061 must include an explanation that a diagnosis of a medical
 1062 condition alone is not sufficient to establish exceptional
 1063 education eligibility but may be used to document how that
 1064 condition relates to the student's eligibility determination and
 1065 may be disclosed in an eligible student's individual education
 1066 plan when necessary to inform school personnel responsible for
 1067 implementing the plan.

1068 4. Characteristics of conditions associated with learning
 1069 disorders, including dyslexia, dysgraphia, dyscalculia, and
 1070 developmental aphasia.

1071 5. A list of resources that support informed parent
 1072 involvement in decisionmaking processes for students who have
 1073 difficulty in learning.

Page 37 of 78

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38-01797-23 20231424__

1074
 1075 Upon the request of a parent, resources meeting the requirements
 1076 of this paragraph must be provided to the parent in a hardcopy
 1077 format.

1078 ~~(8)(7)~~ SUCCESSFUL PROGRESSION FOR RETAINED THIRD GRADE
 1079 STUDENTS.-

1080 (a) Students retained under paragraph (5)(c) must be
 1081 provided intensive interventions in reading to ameliorate the
 1082 student's specific reading deficiency and prepare the student
 1083 for promotion to the next grade. These interventions must
 1084 include:

1085 1. Evidence-based, explicit, systematic, and multisensory
 1086 reading instruction grounded in the science of reading, in
 1087 phonemic awareness, phonics, fluency, vocabulary, and
 1088 comprehension and other strategies prescribed by the school
 1089 district.

1090 2. Participation in the school district's summer reading
 1091 camp, which must incorporate the instructional and intervention
 1092 strategies under subparagraph 1. which place rigor and grade-
 1093 level learning at the forefront.

1094 3. A minimum of 90 minutes of daily, uninterrupted reading
 1095 instruction incorporating the instructional and intervention
 1096 strategies under subparagraph 1. This instruction may include:

1097 a. Coordinated integration of content-rich texts in science
 1098 and civic literacy within the 90-minute block.

1099 b. Targeted small group instruction.

1100 c. Explicit and systematic instruction with more detailed
 1101 explanations, more extensive opportunities for guided practice,
 1102 and more opportunities for error correction and feedback.

Page 38 of 78

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38-01797-23

20231424__

1103 d. Reduced teacher-student ratios.

1104 ~~e.d.~~ More frequent progress monitoring.

1105 ~~f.e.~~ Tutoring or mentoring.

1106 ~~g.f.~~ Transition classes containing 3rd and 4th grade

1107 students.

1108 ~~h.g.~~ Extended school day, week, or year.

1109 i. Before school or after school, or both, supplemental

1110 evidence-based reading interventions grounded in the science of

1111 reading, delivered by a teacher who is certified or endorsed in

1112 reading and is rated highly effective as determined by the

1113 teacher's performance evaluation under s. 1012.34.

1114

1115 The primary instructional strategy for teaching word reading is

1116 phonics instruction for decoding and encoding. Instructional

1117 strategies may not include those that employ the three-cueing

1118 system model of reading or visual memory as a basis for teaching

1119 word reading. Programs may include visual information and

1120 strategies which improve background and experiential knowledge,

1121 add context, and increase oral language and vocabulary to

1122 support comprehension, but should not be used to teach word

1123 reading.

1124 (b) Each school district shall:

1125 1. Provide written notification to the parent of a student

1126 who is retained under paragraph (5) (c) that his or her child has

1127 not met the achievement level required for promotion and the

1128 reasons the child is not eligible for a good cause exemption as

1129 provided in paragraph (7) (b) ~~(6) (b)~~. The notification must

1130 comply with paragraph (5) (d) and must include a description of

1131 proposed interventions and supports that will be provided to the

Page 39 of 78

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38-01797-23

20231424__

1132 child to remediate the identified areas of reading deficiency.

1133 2. Implement a policy for the midyear promotion of a

1134 student retained under paragraph (5) (c) who can demonstrate that

1135 he or she is a successful and independent reader and performing

1136 at or above grade level in reading or, upon implementation of

1137 English Language Arts assessments, performing at or above grade

1138 level in English Language Arts. Tools that school districts may

1139 use in reevaluating a student retained may include subsequent

1140 assessments, alternative assessments, and portfolio reviews, in

1141 accordance with rules of the State Board of Education. Students

1142 promoted during the school year after November 1 must

1143 demonstrate achievement levels in reading equivalent to the

1144 level necessary for the beginning of grade 4. The rules adopted

1145 by the State Board of Education must include standards that

1146 provide a reasonable expectation that the student's progress is

1147 sufficient to master appropriate grade 4 level reading skills.

1148 3. Provide students who are retained under paragraph

1149 (5) (c), including students participating in the school

1150 district's summer reading camp under subparagraph (a)2., with a

1151 teacher who is certified or endorsed in reading and is rated

1152 highly effective as determined by the teacher's performance

1153 evaluation under s. 1012.34.

1154 4. Establish at each school, when applicable, an intensive

1155 reading acceleration course for any student retained in grade 3

1156 who was previously retained in kindergarten, grade 1, or grade

1157 2. The intensive reading acceleration course must provide the

1158 following:

1159 a. Uninterrupted reading instruction grounded in the

1160 science of reading for the majority of student contact time each

Page 40 of 78

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38-01797-23 20231424__

1161 day and opportunities to master the grade 4 state academic
 1162 standards in other core subject areas through content-rich
 1163 texts.

1164 b. Explicit and systematic instruction with more detailed
 1165 explanations, more extensive opportunities for guided practice,
 1166 and more opportunities for error correction and feedback.

1167 c. Targeted small group instruction.

1168 ~~d.e-~~ Reduced teacher-student ratios.

1169 ~~e.d-~~ The use of explicit, systematic, and multisensory
 1170 reading interventions grounded in the science of reading,
 1171 including intensive language, phonics, and vocabulary
 1172 instruction, and use of a speech-language therapist if
 1173 necessary, that have proven results in accelerating student
 1174 reading achievement within the same school year.

1175 ~~f.e-~~ A read-at-home plan.

1176 ~~(9)(8)~~ COORDINATED SCREENING AND PROGRESS MONITORING
 1177 SYSTEM.—

1178 (a) The Department of Education, in collaboration with the
 1179 Office of Early Learning, shall procure and require the use of a
 1180 statewide, standardized coordinated screening and progress
 1181 monitoring system for the Voluntary Prekindergarten Education
 1182 Program and public schools. The system must:

1183 1. Measure student progress in meeting the appropriate
 1184 expectations in early literacy and mathematics skills and in
 1185 English Language Arts and mathematics standards as required by
 1186 ss. 1002.67(1)(a) and 1003.41 and identify the educational
 1187 strengths and needs of students.

1188 2. For students in the Voluntary Prekindergarten Education
 1189 Program through grade 3, measure student performance in oral

Page 41 of 78

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38-01797-23 20231424__

1190 language development, phonological and phonemic awareness,
 1191 knowledge of print and letters, decoding, fluency, vocabulary,
 1192 and comprehension, as applicable by grade level, and, at a
 1193 minimum, provide interval level and norm-referenced data that
 1194 measures equivalent levels of growth.

1195 3. Be a valid, reliable, and developmentally appropriate
 1196 computer-based direct instrument that provides screening and
 1197 diagnostic capabilities for monitoring student progress;
 1198 identifies students who have a substantial deficiency in reading
 1199 and mathematics, including identifying students with
 1200 characteristics of dyslexia, dyscalculia, and other learning
 1201 disorders; and informs instruction. Any student identified by
 1202 the system as having characteristics of dyslexia or dyscalculia
 1203 shall undergo further screening. Beginning with the 2023-2024
 1204 school year, the coordinated screening and progress monitoring
 1205 system must be computer-adaptive.

1206 4. Provide data for Voluntary Prekindergarten Education
 1207 Program accountability as required under s. 1002.68.

1208 5. Provide Voluntary Prekindergarten Education Program
 1209 providers, school districts, schools, teachers, and parents with
 1210 data and resources that enhance differentiated instruction and
 1211 parent communication.

1212 6. Provide baseline data to the department of each
 1213 student's readiness for kindergarten. The determination of
 1214 kindergarten readiness must be based on the results of each
 1215 student's initial progress monitoring assessment in
 1216 kindergarten. The methodology for determining a student's
 1217 readiness for kindergarten must be developed by the department
 1218 and aligned to the methodology adopted pursuant to s.

Page 42 of 78

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38-01797-23 20231424__

1219 1002.68(4).

1220 7. Assess how well educational goals and curricular
1221 standards are met at the provider, school, district, and state
1222 levels and provide information to the department to aid in the
1223 development of educational programs, policies, and supports for
1224 providers, districts, and schools.

1225 (d) Screening and progress monitoring system results,
1226 including the number of students who demonstrate characteristics
1227 of dyslexia and dyscalculia, shall be reported to the department
1228 pursuant to state board rule and maintained in the department's
1229 Education Data Warehouse. Results must be provided to a
1230 student's teacher and parent in a timely manner as required in
1231 s. 1008.22(7)(g).

1232 (10)~~(9)~~ ANNUAL REPORT.—

1233 (a) In addition to the requirements in paragraph (5)(c),
1234 each district school board must annually report to the parent of
1235 each student the progress of the student toward achieving state
1236 and district expectations for proficiency in English Language
1237 Arts, science, social studies, and mathematics. The district
1238 school board must report to the parent the student's results on
1239 each statewide, standardized assessment and the coordinated
1240 screening and progress monitoring system under subsection (9)
1241 ~~(8)~~. The evaluation of each student's progress must be based
1242 upon the student's classroom work, observations, tests, district
1243 and state assessments, response to intensive interventions
1244 provided under paragraph (5)(a), and other relevant information.
1245 Progress reporting must be provided to the parent in writing in
1246 a format adopted by the district school board and must be
1247 accessible through secure, web-based options.

38-01797-23 20231424__

1248 (b) Each district school board must annually publish on the
1249 district website the following information on the prior school
1250 year:

1251 1. The provisions of this section relating to public school
1252 student progression and the district school board's policies and
1253 procedures on student retention and promotion.

1254 2. By grade, the number and percentage of all students in
1255 grades 3 through 10 performing at Levels 1 and 2 on the
1256 statewide, standardized English Language Arts assessment.

1257 3. By grade, the number and percentage of all students
1258 retained in kindergarten through grade 10.

1259 4. Information on the total number of students who were
1260 promoted for good cause, by each category of good cause as
1261 specified in paragraph (7)(b) ~~(6)(b)~~.

1262 5. Any revisions to the district school board's policies
1263 and procedures on student retention and promotion from the prior
1264 year.

1265 Section 12. Subsections (3), (4), and (8) of section
1266 1008.365, Florida Statutes, are amended to read:

1267 1008.365 Reading Achievement Initiative for Scholastic
1268 Excellence Act.—

1269 (3) The department shall establish at least 20 literacy
1270 support regions and regional support teams, at the direction of
1271 a regional literacy support director appointed by the
1272 Commissioner of Education, to assist schools with improving low
1273 reading scores as provided in this section.

1274 (a) A regional literacy support director must successfully
1275 demonstrate competence on the evidence-based strategies
1276 identified pursuant to s. 1001.215(8) and have the experience

38-01797-23 20231424__

1277 and credentials necessary, as determined by the department, to:

1278 1. Effectively monitor student reading growth and

1279 achievement data;

1280 2. Oversee districtwide and schoolwide professional

1281 development and planning to establish evidence-based practices

1282 grounded in the science of reading among school administrators

1283 and instructional personnel;

1284 3. Evaluate implementation of evidence-based practices

1285 grounded in the science of reading; and

1286 4. Manage a regional support team.

1287 (b) A regional support team shall report to its regional

1288 literacy support director and must consist of individuals who:

1289 1. Successfully demonstrate competence on the evidence-

1290 based strategies identified pursuant to s. 1001.215(8);

1291 2. Have substantial experience in literacy coaching and

1292 monitoring student progress data in reading; and

1293 3. Have received training necessary to assist with the

1294 delivery of professional development and site-based supports,

1295 including modeling evidence-based practices grounded in the

1296 science of reading and providing feedback to instructional

1297 personnel.

1298 (4) The department may establish criteria to identify

1299 schools that must receive supports from a regional support team.

1300 However, regardless of its school grade designated pursuant to

1301 s. 1008.34, a school serving students in kindergarten through

1302 grade 5 must be identified for supports if 50 percent of its

1303 students who take the statewide, standardized English Language

1304 Arts assessment score below a Level 3 for any grade level, or,

1305 for students in kindergarten through grade 3, progress

38-01797-23 20231424__

1306 monitoring data collected pursuant to s. 1008.25(9) ~~or~~

1307 ~~1008.25(9)~~ shows that 50 percent or more of the students are not

1308 on track to pass the statewide, standardized grade 3 English

1309 Language Arts assessment. A school identified for supports under

1310 this section must implement a school improvement plan pursuant

1311 to s. 1001.42(18), or, if the school is already implementing a

1312 school improvement plan, the plan must be amended to explicitly

1313 address strategies for improving reading performance consistent

1314 with this section.

1315 (8) As part of the RAISE Program, the department shall

1316 establish a tutoring program and develop training in effective

1317 reading tutoring practices and content, based on evidence-based

1318 practices grounded in the science of reading and aligned to the

1319 English Language Arts standards under s. 1003.41, which prepares

1320 eligible high school students to tutor students in kindergarten

1321 through grade 3 in schools identified under this section,

1322 instilling in those students a love of reading and improving

1323 their literacy skills.

1324 (a) To be eligible to participate in the tutoring program,

1325 a high school student must be a rising junior or senior who has

1326 a cumulative grade point average of 3.0 or higher, has no

1327 history of out-of-school suspensions or expulsions, is on track

1328 to complete all core course requirements to graduate, and has

1329 written recommendations from at least two of his or her present

1330 or former high school teachers of record or extracurricular

1331 activity sponsors.

1332 (b) School districts that wish to participate in the

1333 tutoring program must recruit, train, and deploy eligible high

1334 school students using the materials developed under this

38-01797-23 20231424__

1335 section. Tutoring must occur during the school day on school
 1336 district property in the presence and under the supervision of
 1337 instructional personnel who are school district employees. A
 1338 parent must give written permission for his or her child to
 1339 receive tutoring through the program.

1340 (c) Tutoring may be part of a service-learning course
 1341 adopted pursuant to s. 1003.497. Students may earn up to three
 1342 elective credits for high school graduation based on the
 1343 verified number of hours the student spends tutoring under the
 1344 program. The hours of volunteer service must be documented in
 1345 writing, and the document must be signed by the student, the
 1346 student's parent or guardian, and an administrator or designee
 1347 of the school in which the tutoring occurred. The hours that a
 1348 high school student devotes to tutoring may be counted toward
 1349 meeting community service requirements for high school
 1350 graduation and community service requirements for participation
 1351 in the Florida Bright Futures Scholarship Program as provided in
 1352 s. 1003.497(3)(b). The department shall designate a high school
 1353 student who provides at least 75 verified hours of tutoring
 1354 under the program as a New Worlds Scholar and award the student
 1355 with a pin indicating such designation.

1356 Section 13. Paragraph (f) of subsection (1) and paragraphs
 1357 (d) and (e) of subsection (8) of section 1011.62, Florida
 1358 Statutes, are amended to read:

1359 1011.62 Funds for operation of schools.—If the annual
 1360 allocation from the Florida Education Finance Program to each
 1361 district for operation of schools is not determined in the
 1362 annual appropriations act or the substantive bill implementing
 1363 the annual appropriations act, it shall be determined as

38-01797-23 20231424__

1364 follows:

1365 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 1366 OPERATION.—The following procedure shall be followed in
 1367 determining the annual allocation to each district for
 1368 operation:

1369 (f) *Supplemental academic instruction allocation.*—

1370 1. There is created the supplemental academic instruction
 1371 allocation to provide supplemental academic instruction to
 1372 students in kindergarten through grade 12.

1373 2. The supplemental academic instruction allocation shall
 1374 be provided annually in the Florida Education Finance Program as
 1375 specified in the General Appropriations Act. These funds are in
 1376 addition to the funds appropriated on the basis of FTE student
 1377 membership in the Florida Education Finance Program and shall be
 1378 included in the total potential funds of each district.
 1379 Beginning with the 2018-2019 fiscal year, each school district
 1380 that has a school earning a grade of "D" or "F" pursuant to s.
 1381 1008.34 must use that school's portion of the supplemental
 1382 academic instruction allocation to implement intervention and
 1383 support strategies for school improvement pursuant to s. 1008.33
 1384 and for salary incentives pursuant to s. 1012.2315(3) or salary
 1385 supplements pursuant to s. 1012.22(1)(c)5.c. that are provided
 1386 through a memorandum of understanding between the collective
 1387 bargaining agent and the school board that addresses the
 1388 selection, placement, and expectations of instructional
 1389 personnel and school administrators. For all other schools, the
 1390 school district's use of the supplemental academic instruction
 1391 allocation may include, but is not limited to, the use of a
 1392 modified curriculum; reading instruction; after-school

38-01797-23

20231424__

1393 instruction; tutoring; mentoring; evidence-based mathematics
 1394 interventions extending beyond the school day; a reduction in
 1395 class size; extended school year; intensive skills development
 1396 in summer school which places rigor and grade-level learning at
 1397 the forefront; dropout prevention programs as defined in ss.
 1398 1003.52 and 1003.53(1)(a), (b), and (c); and other methods of
 1399 improving student achievement. Supplemental academic instruction
 1400 may be provided to a student in any manner and at any time
 1401 during or beyond the regular 180-day term identified by the
 1402 school as being the most effective and efficient way to best
 1403 help that student progress from grade to grade and to graduate.

1404 3. The supplemental academic instruction allocation shall
 1405 consist of a base amount that has a workload adjustment based on
 1406 changes in unweighted FTE. The supplemental academic instruction
 1407 allocation shall be recalculated during the fiscal year. Upon
 1408 recalculation of funding for the supplemental academic
 1409 instruction allocation, if the total allocation is greater than
 1410 the amount provided in the General Appropriations Act, the
 1411 allocation shall be prorated to the level provided to support
 1412 the appropriation, based on each district's share of the total.

1413 4. Funding on the basis of FTE membership beyond the 180-
 1414 day regular term shall be provided in the FEFP only for students
 1415 enrolled in juvenile justice education programs or in education
 1416 programs for juveniles placed in secure facilities or programs
 1417 under s. 985.19. Funding for instruction beyond the regular 180-
 1418 day school year for all other K-12 students shall be provided
 1419 through the supplemental academic instruction allocation and
 1420 other state, federal, and local fund sources with ample
 1421 flexibility for schools to provide supplemental instruction to

Page 49 of 78

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38-01797-23

20231424__

1422 assist students in progressing from grade to grade and
 1423 graduating.

1424 (8) EVIDENCE-BASED READING INSTRUCTION ALLOCATION.—
 1425 (d) Funds allocated under this subsection must be used to
 1426 provide a system of comprehensive reading instruction to
 1427 students enrolled in the prekindergarten-12 programs and certain
 1428 students who exhibit a substantial deficiency in early literacy,
 1429 which may include the following:

1430 1. Additional time per day of evidence-based intensive
 1431 reading instruction to students, which may be delivered during
 1432 or outside of the regular school day.

1433 2. Kindergarten through grade 12 evidence-based intensive
 1434 reading interventions.

1435 3. Highly qualified reading coaches, who must be endorsed
 1436 in reading, to specifically support teachers in making
 1437 instructional decisions based on student data, and improve
 1438 teacher delivery of effective reading instruction, intervention,
 1439 and reading in the content areas based on student need.

1440 4. Professional development to help instructional personnel
 1441 and certified prekindergarten teachers funded in the Florida
 1442 Education Finance Program earn a certification, a credential, an
 1443 endorsement, or an advanced degree in scientifically researched
 1444 and evidence-based reading instruction.

1445 5. Summer reading camps, using only teachers or other
 1446 district personnel who possess a micro-credential as specified
 1447 in s. 1003.485 or are certified or endorsed in reading
 1448 consistent with s. 1008.25(8)(b)3. ~~s. 1008.25(7)(b)3.~~, for all
 1449 students in kindergarten through grade 5 who demonstrate a
 1450 reading deficiency as determined by district and state

Page 50 of 78

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

38-01797-23 20231424__

1451 assessments.

1452 6. Scientifically researched and evidence-based
 1453 supplemental instructional materials as identified by the Just
 1454 Read, Florida! Office pursuant to s. 1001.215(8). Such
 1455 instructional materials for foundational reading skills shall be
 1456 based on the science of reading and include phonics instruction
 1457 for decoding and encoding as the primary instructional strategy
 1458 for word reading. Instructional strategies may not include those
 1459 that employ the three-cueing system model of reading or visual
 1460 memory as a basis for teaching word reading. Programs may
 1461 include visual information and strategies which improve
 1462 background and experiential knowledge, add context, and increase
 1463 oral language and vocabulary to support comprehension, but
 1464 should not be used to teach word reading.

1465 7. Incentives for instructional personnel and certified
 1466 prekindergarten teachers funded in the Florida Education Finance
 1467 Program who possess a reading certification or endorsement or
 1468 micro-credential as specified in s. 1003.485 and provide
 1469 educational support to improve student literacy.

1470 8. Tutoring in reading.

1471 (e)1. Annually, by a date determined by the Department of
 1472 Education, each school district shall submit a comprehensive
 1473 reading plan approved by the applicable district school board,
 1474 charter school governing board, or lab school board of trustees,
 1475 for the specific use of the evidence-based reading instruction
 1476 allocation, based upon a root-cause analysis. The plan shall
 1477 also describe how the district prioritizes the assignment of
 1478 highly effective teachers, as defined in s. 1012.34(2)(e), to
 1479 kindergarten through grade 2 and how reading coaches are

38-01797-23 20231424__

1480 assigned to individual schools. These two provisions shall be
 1481 approved by the Just Read, Florida! Office. The State Regional
 1482 Literacy Director may assist in the development of the plan. The
 1483 department shall provide a plan format. A district school board
 1484 may use the format developed by the department or a format
 1485 developed by the district school board.

1486 2. Intensive reading interventions must be delivered by
 1487 instructional personnel who possess the micro-credential as
 1488 provided in s. 1003.485 or are certified or endorsed in reading
 1489 and must incorporate evidence-based strategies identified by the
 1490 Just Read, Florida! Office pursuant to s. 1001.215(8).
 1491 Instructional personnel who possess a micro-credential as
 1492 specified in s. 1003.485 and are delivering intensive reading
 1493 interventions must be supervised by an individual certified or
 1494 endorsed in reading. For the purposes of this subsection, the
 1495 term "supervision" means the ability to communicate by way of
 1496 telecommunication with or physical presence of the certified or
 1497 endorsed personnel for consultation and direction of the actions
 1498 of the personnel with the micro-credential.

1499 3. By July 1 of each year, the department shall release to
 1500 each school district its allocation of appropriated funds. The
 1501 department shall evaluate the implementation of each district
 1502 plan, including conducting site visits and collecting specific
 1503 data on expenditures and reading improvement results. By
 1504 February 1 of each year, the department shall report its
 1505 findings to the Legislature and the State Board of Education,
 1506 including any recommendations for improving implementation of
 1507 evidence-based reading and intervention strategies in
 1508 classrooms.

38-01797-23

20231424__

1509
 1510 For purposes of this subsection, the term "evidence-based" means
 1511 demonstrating a statistically significant effect on improving
 1512 student outcomes or other relevant outcomes as provided in 20
 1513 U.S.C. s. 8101(21)(A)(i).

1514 Section 14. Paragraphs (a) and (b) of subsection (8) of
 1515 section 1012.56, Florida Statutes, are amended to read:

1516 1012.56 Educator certification requirements.—

1517 (8) PROFESSIONAL DEVELOPMENT CERTIFICATION AND EDUCATION
 1518 COMPETENCY PROGRAM.—

1519 (a) The Department of Education shall develop and each
 1520 school district, charter school, and charter management
 1521 organization may provide a cohesive competency-based
 1522 professional development certification and education competency
 1523 program by which instructional staff may satisfy the mastery of
 1524 professional preparation and education competence requirements
 1525 specified in subsection (6) and rules of the State Board of
 1526 Education. Participants must hold a state-issued temporary
 1527 certificate. A school district, charter school, or charter
 1528 management organization that implements the program shall
 1529 provide a competency-based certification program developed by
 1530 the Department of Education or developed by the district,
 1531 charter school, or charter management organization and approved
 1532 by the Department of Education. The program shall include the
 1533 following:

1534 1. A minimum period of initial preparation before assuming
 1535 duties as the teacher of record.

1536 2. An option for collaboration with other supporting
 1537 agencies or educational entities for implementation.

38-01797-23

20231424__

1538 3. A teacher mentorship and induction component.

1539 a. Each individual selected by the district as a mentor:

1540 (I) Must hold a valid professional certificate issued
 1541 pursuant to this section;

1542 (II) Must have earned at least 3 years of teaching
 1543 experience in prekindergarten through grade 12;

1544 (III) Must have completed specialized training in clinical
 1545 supervision and participate in ongoing mentor training provided
 1546 through the coordinated system of professional development under
 1547 s. 1012.98(3)(e);

1548 (IV) Must have earned an effective or highly effective
 1549 rating on the prior year's performance evaluation under s.
 1550 1012.34; and

1551 (V) May be a peer evaluator under the district's evaluation
 1552 system approved under s. 1012.34.

1553 b. The teacher mentorship and induction component must, at
 1554 a minimum, provide weekly opportunities for mentoring and
 1555 induction activities, including common planning time, ongoing
 1556 professional development targeted to a teacher's needs,
 1557 opportunities for a teacher to observe other teachers, co-
 1558 teaching experiences, and reflection and follow-up ~~followup~~
 1559 discussions. Mentorship and induction activities must be
 1560 provided for an applicant's first year in the program and may be
 1561 provided until the applicant attains his or her professional
 1562 certificate in accordance with this section. A principal who is
 1563 rated highly effective as determined by his or her performance
 1564 evaluation under s. 1012.34 must be provided flexibility in
 1565 selecting professional development activities under this
 1566 paragraph; however, the activities must be approved by the

38-01797-23 20231424__

1567 department as part of the district's, charter school's, or
 1568 charter management organization's program.

1569 4. An assessment of teaching performance aligned to the
 1570 district's system for personnel evaluation under s. 1012.34
 1571 which provides for:

1572 a. An initial evaluation of each educator's competencies to
 1573 determine an appropriate individualized professional development
 1574 plan.

1575 b. A summative evaluation to assure successful completion
 1576 of the program.

1577 5. Professional education preparation content knowledge,
 1578 which must be included in the mentoring and induction activities
 1579 under subparagraph 3., that includes, but is not limited to, the
 1580 following:

1581 a. The state standards provided under s. 1003.41, including
 1582 scientifically researched and evidence-based ~~based~~ reading
 1583 ~~instruction~~ instructional strategies grounded in the science of
 1584 reading, content literacy, and mathematical practices, for each
 1585 subject identified on the temporary certificate. Reading
 1586 instructional strategies for foundational skills shall include
 1587 phonics instruction for decoding and encoding as the primary
 1588 instructional strategy for word reading. Instructional
 1589 strategies may not include those that employ the three-cueing
 1590 system model of reading or visual memory as a basis for teaching
 1591 word reading. Programs may include visual information and
 1592 strategies which improve background and experiential knowledge,
 1593 add context, and increase oral language and vocabulary to
 1594 support comprehension, but should not be used to teach word
 1595 reading.

38-01797-23 20231424__

1596 b. The educator-accomplished practices approved by the
 1597 state board.

1598 c. A variety of data indicators for monitoring student
 1599 progress.

1600 d. Methodologies for teaching students with disabilities.

1601 e. Methodologies for teaching students of limited English
 1602 proficiency appropriate for each subject area identified on the
 1603 temporary certificate.

1604 f. Techniques and strategies for operationalizing the role
 1605 of the teacher in assuring a safe learning environment for
 1606 students.

1607 6. Required achievement of passing scores on the subject
 1608 area and professional education competency examination required
 1609 by State Board of Education rule. Mastery of general knowledge
 1610 must be demonstrated as described in subsection (3).

1611 7. Beginning with candidates entering a program in the
 1612 2022-2023 school year, a candidate for certification in a
 1613 coverage area identified pursuant to s. 1012.585(3)(f) must
 1614 successfully complete all competencies for a reading
 1615 endorsement, including completion of the endorsement practicum
 1616 through the candidate's demonstration of mastery of professional
 1617 preparation and education competence under paragraph (b).

1618 (b)1. Each school district must and a private school or
 1619 state-supported public school, including a charter school, may
 1620 develop and maintain a system by which members of the
 1621 instructional staff may demonstrate mastery of professional
 1622 preparation and education competence as required by law. Each
 1623 program must be based on classroom application of the Florida
 1624 Educator Accomplished Practices and instructional performance

38-01797-23 20231424__

1625 and, for public schools, must be aligned with the district's or
 1626 state-supported public school's evaluation system established
 1627 under s. 1012.34, as applicable. The program shall include
 1628 scientifically researched and evidence-based reading
 1629 instructional strategies grounded in the science of reading
 1630 which improve reading performance for all students, including
 1631 explicit, systematic, and sequential approaches to teaching
 1632 phonemic awareness, phonics, vocabulary, fluency, text
 1633 comprehension, and multisensory intervention strategies.

1634 2. The Commissioner of Education shall determine the
 1635 continued approval of programs implemented under this paragraph,
 1636 based upon the department's review of performance data. The
 1637 department shall review the performance data as a part of the
 1638 periodic review of each school district's professional
 1639 development system required under s. 1012.98.

1640 Section 15. Paragraphs (a) and (f) of subsection (3) of
 1641 section 1012.585, Florida Statutes, are amended to read:

1642 1012.585 Process for renewal of professional certificates.-

1643 (3) For the renewal of a professional certificate, the
 1644 following requirements must be met:

1645 (a) The applicant must earn a minimum of 6 college credits
 1646 or 120 inservice points or a combination thereof. For each area
 1647 of specialization to be retained on a certificate, the applicant
 1648 must earn at least 3 of the required credit hours or equivalent
 1649 inservice points in the specialization area. Education in
 1650 "clinical educator" training pursuant to s. 1004.04(5)(b);
 1651 participation in mentorship and induction activities, including
 1652 as a mentor, pursuant to s. 1012.56(8)(a); and credits or points
 1653 that provide training in the area of scientifically researched,

38-01797-23 20231424__

1654 knowledge-based reading literacy grounded in the science of
 1655 reading, including explicit, systematic, and sequential
 1656 approaches to reading instruction, developing phonemic
 1657 awareness, and implementing multisensory intervention
 1658 strategies, and computational skills acquisition, exceptional
 1659 student education, normal child development, and the disorders
 1660 of development may be applied toward any specialization area.
 1661 Credits or points that provide training in the areas of drug
 1662 abuse, child abuse and neglect, strategies in teaching students
 1663 having limited proficiency in English, or dropout prevention, or
 1664 training in areas identified in the educational goals and
 1665 performance standards adopted pursuant to ss. 1000.03(5) and
 1666 1008.345 may be applied toward any specialization area, except
 1667 specialization areas identified by State Board of Education rule
 1668 that include reading instruction or intervention for any
 1669 students in kindergarten through grade 6. Credits or points
 1670 earned through approved summer institutes may be applied toward
 1671 the fulfillment of these requirements. Inservice points may also
 1672 be earned by participation in professional growth components
 1673 approved by the State Board of Education and specified pursuant
 1674 to s. 1012.98 in the district's approved master plan for
 1675 inservice educational training; however, such points may not be
 1676 used to satisfy the specialization requirements of this
 1677 paragraph.

1678 (f) An applicant for renewal of a professional certificate
 1679 in any area of certification identified by State Board of
 1680 Education rule that includes reading instruction or intervention
 1681 for any students in kindergarten through grade 6, with a
 1682 beginning validity date of July 1, 2020, or thereafter, must

38-01797-23 20231424__

1683 earn a minimum of 2 college credits or the equivalent inservice
 1684 points in evidence-based instruction and interventions grounded
 1685 in the science of reading specifically designed for students
 1686 with characteristics of dyslexia, including the use of explicit,
 1687 systematic, and sequential approaches to reading instruction,
 1688 developing phonological and phonemic awareness, decoding, and
 1689 implementing multisensory intervention strategies. Such training
 1690 must be provided by teacher preparation programs under s.
 1691 1004.04 or s. 1004.85 or approved school district professional
 1692 development systems under s. 1012.98. The requirements in this
 1693 paragraph may not add to the total hours required by the
 1694 department for continuing education or inservice training.

1695 Section 16. Paragraph (b) of subsection (4) and subsection
 1696 (9) of section 1012.98, Florida Statutes, are amended to read:

1697 1012.98 School Community Professional Development Act.—

1698 (4) The Department of Education, school districts, schools,
 1699 Florida College System institutions, and state universities
 1700 share the responsibilities described in this section. These
 1701 responsibilities include the following:

1702 (b) Each school district shall develop a professional
 1703 development system as specified in subsection (3). The system
 1704 shall be developed in consultation with teachers, teacher-
 1705 educators of Florida College System institutions and state
 1706 universities, business and community representatives, and local
 1707 education foundations, consortia, and professional
 1708 organizations. The professional development system must:

1709 1. Be reviewed and approved by the department for
 1710 compliance with s. 1003.42(3) and this section. All substantial
 1711 revisions to the system shall be submitted to the department for

38-01797-23 20231424__

1712 review for continued approval.

1713 2. Be based on analyses of student achievement data and
 1714 instructional strategies and methods that support rigorous,
 1715 relevant, and challenging curricula for all students. Schools
 1716 and districts, in developing and refining the professional
 1717 development system, shall also review and monitor school
 1718 discipline data; school environment surveys; assessments of
 1719 parental satisfaction; performance appraisal data of teachers,
 1720 managers, and administrative personnel; and other performance
 1721 indicators to identify school and student needs that can be met
 1722 by improved professional performance.

1723 3. Provide inservice activities coupled with follow-up
 1724 ~~followup~~ support appropriate to accomplish district-level and
 1725 school-level improvement goals and standards. The inservice
 1726 activities for instructional personnel shall focus on analysis
 1727 of student achievement data, ongoing formal and informal
 1728 assessments of student achievement, identification and use of
 1729 enhanced and differentiated instructional strategies that
 1730 emphasize rigor, relevance, and reading in the content areas,
 1731 enhancement of subject content expertise, integrated use of
 1732 classroom technology that enhances teaching and learning,
 1733 classroom management, parent involvement, and school safety.

1734 4. Provide inservice activities and support targeted to the
 1735 individual needs of new teachers participating in the
 1736 professional development certification and education competency
 1737 program under s. 1012.56(8)(a).

1738 5. Include a master plan for inservice activities, pursuant
 1739 to rules of the State Board of Education, for all district
 1740 employees from all fund sources. The master plan shall be

38-01797-23

20231424__

1741 updated annually by September 1, must be based on input from
 1742 teachers and district and school instructional leaders, and must
 1743 use the latest available student achievement data and research
 1744 to enhance rigor and relevance in the classroom. Each district
 1745 inservice plan must be aligned to and support the school-based
 1746 inservice plans and school improvement plans pursuant to s.
 1747 1001.42(18). Each district inservice plan must provide a
 1748 description of the training that middle grades instructional
 1749 personnel and school administrators receive on the district's
 1750 code of student conduct adopted pursuant to s. 1006.07;
 1751 integrated digital instruction and competency-based instruction
 1752 and CAPE Digital Tool certificates and CAPE industry
 1753 certifications; classroom management; student behavior and
 1754 interaction; extended learning opportunities for students; and
 1755 instructional leadership. District plans must be approved by the
 1756 district school board annually in order to ensure compliance
 1757 with subsection (1) and to allow for dissemination of research-
 1758 based best practices to other districts. District school boards
 1759 must submit verification of their approval to the Commissioner
 1760 of Education no later than October 1, annually. Each school
 1761 principal may establish and maintain an individual professional
 1762 development plan for each instructional employee assigned to the
 1763 school as a seamless component to the school improvement plans
 1764 developed pursuant to s. 1001.42(18). An individual professional
 1765 development plan must be related to specific performance data
 1766 for the students to whom the teacher is assigned, define the
 1767 inservice objectives and specific measurable improvements
 1768 expected in student performance as a result of the inservice
 1769 activity, and include an evaluation component that determines

Page 61 of 78

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38-01797-23

20231424__

1770 the effectiveness of the professional development plan.
 1771 6. Include inservice activities for school administrative
 1772 personnel that address updated skills necessary for
 1773 instructional leadership and effective school management
 1774 pursuant to s. 1012.986.
 1775 7. Provide for systematic consultation with regional and
 1776 state personnel designated to provide technical assistance and
 1777 evaluation of local professional development programs.
 1778 8. Provide for delivery of professional development by
 1779 distance learning and other technology-based delivery systems to
 1780 reach more educators at lower costs.
 1781 9. Provide for the continuous evaluation of the quality and
 1782 effectiveness of professional development programs in order to
 1783 eliminate ineffective programs and strategies and to expand
 1784 effective ones. Evaluations must consider the impact of such
 1785 activities on the performance of participating educators and
 1786 their students' achievement and behavior.
 1787 10. For middle grades, emphasize:
 1788 a. Interdisciplinary planning, collaboration, and
 1789 instruction.
 1790 b. Alignment of curriculum and instructional materials to
 1791 the state academic standards adopted pursuant to s. 1003.41.
 1792 c. Use of small learning communities; problem-solving,
 1793 inquiry-driven research and analytical approaches for students;
 1794 strategies and tools based on student needs; competency-based
 1795 instruction; integrated digital instruction; and project-based
 1796 instruction.
 1797
 1798 Each school that includes any of grades 6, 7, or 8 must include

Page 62 of 78

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38-01797-23 20231424__

1799 in its school improvement plan, required under s. 1001.42(18), a
 1800 description of the specific strategies used by the school to
 1801 implement each item listed in this subparagraph.
 1802 11. Provide training to reading coaches, classroom
 1803 teachers, and school administrators in effective methods of
 1804 identifying characteristics of conditions such as dyslexia and
 1805 other causes of diminished phonological processing skills;
 1806 incorporating instructional techniques into the general
 1807 education setting which are proven to improve reading
 1808 performance for all students; and using predictive and other
 1809 data to make instructional decisions based on individual student
 1810 needs. The training must help teachers integrate phonemic
 1811 awareness; phonics, word study, and spelling; reading fluency;
 1812 vocabulary, including academic vocabulary; and text
 1813 comprehension strategies into an explicit, systematic, and
 1814 sequential approach to reading instruction, including
 1815 multisensory intervention strategies. Such training for teaching
 1816 foundational skills shall be based on the science of reading and
 1817 include phonics instruction for decoding and encoding as the
 1818 primary instructional strategy for word reading. Instructional
 1819 strategies may not include those that employ the three-cueing
 1820 system model of reading or visual memory as a basis for teaching
 1821 word reading. Programs may include visual information and
 1822 strategies which improve background and experiential knowledge,
 1823 add context, and increase oral language and vocabulary to
 1824 support comprehension, but should not be used to teach word
 1825 reading. Each district must provide all elementary grades
 1826 instructional personnel access to training sufficient to meet
 1827 the requirements of s. 1012.585(3)(f).

38-01797-23 20231424__

1828 (9) This section does not limit or discourage a district
 1829 school board from contracting with independent entities for
 1830 professional development services and inservice education if the
 1831 district school board can demonstrate to the Commissioner of
 1832 Education that, through such a contract, a better product can be
 1833 acquired or its goals for education improvement can be better
 1834 met. Contracted training for teaching foundational skills shall
 1835 be based on the science of reading and include phonics
 1836 instruction for decoding and encoding as the primary
 1837 instructional strategy for word reading. Instructional
 1838 strategies may not include those that employ the three-cueing
 1839 system model of reading or visual memory as a basis for teaching
 1840 word reading. Programs may include visual information and
 1841 strategies which improve background and experiential knowledge,
 1842 add context, and increase oral language and vocabulary to
 1843 support comprehension, but should not be used to teach word
 1844 reading.
 1845 Section 17. Paragraphs (a) and (d) of subsection (10) of
 1846 section 1002.37, Florida Statutes, are amended to read:
 1847 1002.37 The Florida Virtual School.-
 1848 (10) (a) Public school students receiving full-time
 1849 instruction in kindergarten through grade 12 by the Florida
 1850 Virtual School must take all statewide assessments required
 1851 pursuant to s. 1008.22 and participate in the coordinated
 1852 screening and progress monitoring system under s. 1008.25(9) ~~or~~
 1853 ~~1008.25(8)~~.
 1854 (d) Unless an alternative testing site is mutually agreed
 1855 to by the Florida Virtual School and the school district or as
 1856 contracted under s. 1008.24, all industry certification

38-01797-23 20231424__

1857 examinations, national assessments, progress monitoring under s.
 1858 1008.25(9) ~~s. 1008.25(8)~~, and statewide assessments must be
 1859 taken at the school to which the student would be assigned
 1860 according to district school board attendance areas. A school
 1861 district must provide the student with access to the school's
 1862 testing facilities and the date and time of the administration
 1863 of progress monitoring and each examination or assessment.
 1864 Section 18. Paragraph (b) of subsection (5) of section
 1865 1002.45, Florida Statutes, is amended to read:
 1866 1002.45 Virtual instruction programs.—
 1867 (5) STUDENT PARTICIPATION REQUIREMENTS.—Each student
 1868 enrolled in the school district's virtual instruction program
 1869 authorized pursuant to paragraph (1)(c) must:
 1870 (b) Take statewide assessments pursuant to s. 1008.22 and
 1871 participate in the coordinated screening and progress monitoring
 1872 system under s. 1008.25(9) ~~s. 1008.25(8)~~. Statewide assessments
 1873 and progress monitoring may be administered within the school
 1874 district in which such student resides, or as specified in the
 1875 contract in accordance with s. 1008.24(3). If requested by the
 1876 approved virtual instruction program provider or virtual charter
 1877 school, the district of residence must provide the student with
 1878 access to the district's testing facilities.
 1879 Section 19. Paragraph (d) of subsection (6) of section
 1880 1002.53, Florida Statutes, is amended to read:
 1881 1002.53 Voluntary Prekindergarten Education Program;
 1882 eligibility and enrollment.—
 1883 (6)
 1884 (d) Each parent who enrolls his or her child in the
 1885 Voluntary Prekindergarten Education Program must allow his or

38-01797-23 20231424__

1886 her child to participate in the coordinated screening and
 1887 progress monitoring program under s. 1008.25(9) ~~s. 1008.25(8)~~.
 1888 Section 20. Paragraphs (a) and (b) of subsection (1),
 1889 paragraph (b) of subsection (4), and paragraph (c) of subsection
 1890 (6) of section 1002.68, Florida Statutes, are amended to read:
 1891 1002.68 Voluntary Prekindergarten Education Program
 1892 accountability.—
 1893 (1)(a) Beginning with the 2022-2023 program year, each
 1894 private prekindergarten provider and public school participating
 1895 in the Voluntary Prekindergarten Education Program must
 1896 participate in the coordinated screening and progress monitoring
 1897 program in accordance with s. 1008.25(9) ~~s. 1008.25(8)~~. The
 1898 coordinated screening and progress monitoring program results
 1899 shall be used by the department to identify student learning
 1900 gains, index development learning outcomes upon program
 1901 completion relative to the performance standards established
 1902 under s. 1002.67 and representative norms, and inform a private
 1903 prekindergarten provider's and public school's performance
 1904 metric.
 1905 (b) At a minimum, the initial and final progress monitoring
 1906 or screening must be administered by individuals meeting
 1907 requirements adopted by the department under s. 1008.25(9) ~~s.~~
 1908 ~~1008.25(8)~~.
 1909 (4)
 1910 (b) The methodology for calculating a provider's
 1911 performance metric may not include students who are not
 1912 administered the coordinated screening and progress monitoring
 1913 program under s. 1008.25(9) ~~s. 1008.25(8)~~.
 1914 (6)

38-01797-23 20231424__

1915 (c) The department shall adopt criteria for granting good
 1916 cause exemptions. Such criteria must include, but are not
 1917 limited to, all of the following:

1918 1. Child demographic data that evidences a private
 1919 prekindergarten provider or public school serves a statistically
 1920 significant population of children with special needs who have
 1921 individual education plans and can demonstrate progress toward
 1922 meeting the goals outlined in the students' individual education
 1923 plans.

1924 2. Learning gains of children served in the Voluntary
 1925 Prekindergarten Education Program by the private prekindergarten
 1926 provider or public school on an alternative measure that has
 1927 comparable validity and reliability of the coordinated screening
 1928 and progress monitoring program in accordance with s. 1008.25(9)
 1929 ~~s. 1008.25(8)~~.

1930 3. Program assessment data under subsection (2) which
 1931 demonstrates effective teaching practices as recognized by the
 1932 tool developer.

1933 4. Verification that local and state health and safety
 1934 requirements are met.

1935 Section 21. Subsection (1) of section 1008.2125, Florida
 1936 Statutes, is amended to read:

1937 1008.2125 The Council for Early Grade Success.—

1938 (1) The Council for Early Grade Success, a council as
 1939 defined in s. 20.03(7), is created within the Department of
 1940 Education to oversee the coordinated screening and progress
 1941 monitoring program under s. 1008.25(9) ~~s. 1008.25(8)~~ for
 1942 students in the Voluntary Prekindergarten Education Program
 1943 through grade 3 and, except as otherwise provided in this

38-01797-23 20231424__

1944 section, shall operate consistent with s. 20.052.

1945 (a) The council shall be responsible for reviewing the
 1946 implementation of, training for, and outcomes from the
 1947 coordinated screening and progress monitoring program to provide
 1948 recommendations to the department that support grade 3 students
 1949 reading at or above grade level. The council, at a minimum,
 1950 shall:

1951 1. Provide recommendations on the implementation of the
 1952 coordinated screening and progress monitoring program, including
 1953 reviewing any procurement solicitation documents and criteria
 1954 before being published.

1955 2. Develop training plans and timelines for such training.

1956 3. Identify appropriate personnel, processes, and
 1957 procedures required for the administration of the coordinated
 1958 screening and progress monitoring program.

1959 4. Provide input on the methodology for calculating a
 1960 provider's or school's performance metric and designations under
 1961 s. 1002.68(4).

1962 5. Work with the department to review the methodology for
 1963 determining a child's kindergarten readiness.

1964 6. Review data on age-appropriate learning gains by grade
 1965 level that a student would need to attain in order to
 1966 demonstrate proficiency in reading by grade 3.

1967 7. Continually review anonymized data from the results of
 1968 the coordinated screening and progress monitoring program for
 1969 students in the Voluntary Prekindergarten Education Program
 1970 through grade 3 to help inform recommendations to the department
 1971 that support practices that will enable grade 3 students to read
 1972 at or above grade level.

38-01797-23 20231424__

1973 (b) The council shall be composed of 17 members who are
 1974 residents of this state and appointed as follows:
 1975 1. Three members appointed by the Governor, as follows:
 1976 a. One representative from the Department of Education.
 1977 b. One parent of a child who is 4 to 9 years of age.
 1978 c. One representative that is an elementary school
 1979 administrator.
 1980 2. Seven members appointed by the President of the Senate,
 1981 as follows:
 1982 a. One senator who serves at the pleasure of the President
 1983 of the Senate.
 1984 b. One representative of an urban school district.
 1985 c. One representative of a rural early learning coalition.
 1986 d. One representative of a faith-based early learning
 1987 provider who offers the Voluntary Prekindergarten Education
 1988 Program.
 1989 e. One representative who is a second grade teacher who has
 1990 at least 5 years of teaching experience.
 1991 f. Two representatives with subject matter expertise in
 1992 early learning, early grade success, or child assessments.
 1993 3. Seven members appointed by the Speaker of the House of
 1994 Representatives, as follows:
 1995 a. One member of the House of Representatives who serves at
 1996 the pleasure of the Speaker of the House.
 1997 b. One representative of a rural school district.
 1998 c. One representative of an urban early learning coalition.
 1999 d. One representative of an early learning provider who
 2000 offers the Voluntary Prekindergarten Education Program.
 2001 e. One member who is a kindergarten teacher who has at

38-01797-23 20231424__

2002 least 5 years of teaching experience.
 2003 f. Two representatives with subject matter expertise in
 2004 early learning, early grade success, or child assessment.
 2005 4. The four representatives with subject matter expertise
 2006 in sub-subparagraphs 2.f. and 3.f. may not be direct
 2007 stakeholders within the early learning or public school systems.
 2008 Section 22. Paragraph (a) of subsection (3), subsections
 2009 (6) and (13), and paragraphs (b), (e), and (h) of subsection (7)
 2010 of section 1008.22, Florida Statutes, are amended to read:
 2011 1008.22 Student assessment program for public schools.—
 2012 (3) STATEWIDE, STANDARDIZED ASSESSMENT PROGRAM.—The
 2013 Commissioner of Education shall design and implement a
 2014 statewide, standardized assessment program aligned to the core
 2015 curricular content established in the state academic standards.
 2016 The commissioner also must develop or select and implement a
 2017 common battery of assessment tools that will be used in all
 2018 juvenile justice education programs in the state. These tools
 2019 must accurately measure the core curricular content established
 2020 in the state academic standards. Participation in the assessment
 2021 program is mandatory for all school districts and all students
 2022 attending public schools, including adult students seeking a
 2023 standard high school diploma under s. 1003.4282 and students in
 2024 Department of Juvenile Justice education programs, except as
 2025 otherwise provided by law. If a student does not participate in
 2026 the assessment program, the school district must notify the
 2027 student's parent and provide the parent with information
 2028 regarding the implications of such nonparticipation. The
 2029 statewide, standardized assessment program shall be designed and
 2030 implemented as follows:

38-01797-23

20231424__

2031 (a) *Statewide, standardized comprehensive assessments.*—
 2032 1. The statewide, standardized English Language Arts (ELA)
 2033 assessments shall be administered to students in grades 3
 2034 through 10. Retake opportunities for the grade 10 ELA assessment
 2035 must be provided. Reading passages and writing prompts for ELA
 2036 assessments shall incorporate grade-level core curricula content
 2037 from social studies. The statewide, standardized Mathematics
 2038 assessments shall be administered annually in grades 3 through
 2039 8. The statewide, standardized Science assessment shall be
 2040 administered annually at least once at the elementary and middle
 2041 grades levels. In order to earn a standard high school diploma,
 2042 a student who has not earned a passing score on the grade 10 ELA
 2043 assessment must earn a passing score on the assessment retake or
 2044 earn a concordant score as authorized under subsection (9).
 2045 2. Beginning with the 2022-2023 school year, the end-of-
 2046 year comprehensive progress monitoring assessment administered
 2047 pursuant to s. 1008.25(9)(b)2. ~~s. 1008.25(8)(b)2.~~ is the
 2048 statewide, standardized ELA assessment for students in grades 3
 2049 through 10 and the statewide, standardized Mathematics
 2050 assessment for students in grades 3 through 8.
 2051 (6) LOCAL ASSESSMENT OF STUDENT PERFORMANCE ON STATE
 2052 STANDARDS.—Measurement of student performance is the
 2053 responsibility of school districts except in those subjects and
 2054 grade levels measured under the statewide, standardized
 2055 assessment program described in this section and the coordinated
 2056 screening and progress monitoring system under s. 1008.25(9) ~~s.~~
 2057 ~~1008.25(8)~~. When available, instructional personnel must be
 2058 provided with information on student achievement of standards
 2059 and benchmarks in order to improve instruction.

Page 71 of 78

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38-01797-23

20231424__

2060 (7) ASSESSMENT SCHEDULES AND REPORTING OF RESULTS.—
 2061 (b) By January of each year, the commissioner shall publish
 2062 on the department's website a uniform calendar that includes the
 2063 assessment and reporting schedules for, at a minimum, the next 2
 2064 school years. The uniform calendar must be provided to school
 2065 districts in an electronic format that allows each school
 2066 district and public school to populate the calendar with, at
 2067 minimum, the following information for reporting the district
 2068 assessment schedules under paragraph (d):
 2069 1. Whether the assessment is a district-required assessment
 2070 or a state-required assessment.
 2071 2. The specific date or dates that each assessment will be
 2072 administered, including administrations of the coordinated
 2073 screening and progress monitoring system under s. 1008.25(9)(b)
 2074 ~~s. 1008.25(8)(b)~~.
 2075 3. The time allotted to administer each assessment.
 2076 4. Whether the assessment is a computer-based assessment or
 2077 a paper-based assessment.
 2078 5. The grade level or subject area associated with the
 2079 assessment.
 2080 6. The date that the assessment results are expected to be
 2081 available to teachers and parents.
 2082 7. The type of assessment, the purpose of the assessment,
 2083 and the use of the assessment results.
 2084 8. A glossary of assessment terminology.
 2085 9. Estimates of average time for administering state-
 2086 required and district-required assessments, by grade level.
 2087 (e) A school district may not schedule more than 5 percent
 2088 of a student's total school hours in a school year to administer

Page 72 of 78

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38-01797-23

20231424__

2089 statewide, standardized assessments; the coordinated screening
 2090 and progress monitoring system under s. 1008.25(9)(b)2. ~~s.~~
 2091 ~~1008.25(8)(b)2.~~; and district-required local assessments. The
 2092 district must secure written consent from a student's parent
 2093 before administering district-required local assessments that,
 2094 after applicable statewide, standardized assessments and
 2095 coordinated screening and progress monitoring are scheduled,
 2096 exceed the 5 percent test administration limit for that student
 2097 under this paragraph. The 5 percent test administration limit
 2098 for a student under this paragraph may be exceeded as needed to
 2099 provide test accommodations that are required by an IEP or are
 2100 appropriate for an English language learner who is currently
 2101 receiving services in a program operated in accordance with an
 2102 approved English language learner district plan pursuant to s.
 2103 1003.56. Notwithstanding this paragraph, a student may choose
 2104 within a school year to take an examination or assessment
 2105 adopted by State Board of Education rule pursuant to this
 2106 section and ss. 1007.27, 1008.30, and 1008.44.

2107 (h) The results of statewide, standardized assessment in
 2108 ELA and mathematics, science, and social studies, including
 2109 assessment retakes, shall be reported in an easy-to-read and
 2110 understandable format and delivered in time to provide useful,
 2111 actionable information to students, parents, and each student's
 2112 current teacher of record and teacher of record for the
 2113 subsequent school year; however, in any case, the district shall
 2114 provide the results pursuant to this paragraph within 1 week
 2115 after receiving the results from the department. A report of
 2116 student assessment results must, at a minimum, contain:

2117 1. A clear explanation of the student's performance on the

Page 73 of 78

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38-01797-23

20231424__

2118 applicable statewide, standardized assessments.

2119 2. Information identifying the student's areas of strength
 2120 and areas in need of improvement.

2121 3. Specific actions that may be taken, and the available
 2122 resources that may be used, by the student's parent to assist
 2123 his or her child based on the student's areas of strength and
 2124 areas in need of improvement.

2125 4. Longitudinal information, if available, on the student's
 2126 progress in each subject area based on previous statewide,
 2127 standardized assessment data.

2128 5. Comparative information showing the student's score
 2129 compared to other students in the school district, in the state,
 2130 or, if available, in other states.

2131 6. Predictive information, if available, showing the
 2132 linkage between the scores attained by the student on the
 2133 statewide, standardized assessments and the scores he or she may
 2134 potentially attain on nationally recognized college entrance
 2135 examinations.

2136
 2137 The information included under this paragraph relating to
 2138 results from the statewide, standardized ELA assessments for
 2139 grades 3 through 10 and Mathematics assessments for grades 3
 2140 through 8 must be included in individual student reports under
 2141 s. 1008.25(9)(c) ~~s. 1008.25(8)(c)~~.

2142 (13) INDEPENDENT REVIEW.—By January 31, 2025, the
 2143 Commissioner of Education shall provide recommendations to the
 2144 Governor, the President of the Senate, and the Speaker of the
 2145 House of Representatives based on an independent review of the
 2146 coordinated screening and progress monitoring system under s.

Page 74 of 78

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38-01797-23 20231424__

2147 1008.25(9) ~~s. 1008.25(8)~~. At a minimum, the review and
 2148 recommendations must address:

2149 (a) The feasibility and validity of using results from
 2150 either the first or second administration of progress
 2151 monitoring, or both, in lieu of using the comprehensive, end-of-
 2152 year progress monitoring assessment for purposes of
 2153 demonstrating a passing score, promotion to grade 4, meeting
 2154 graduation requirements, and calculating school grades in
 2155 accordance with s. 1008.34.

2156 (b) Options for further reducing the statewide,
 2157 standardized assessment footprint while maintaining valid and
 2158 reliable data for purposes of school accountability and
 2159 providing school and student supports, including the use of
 2160 computer-adaptive assessments, consistent with the requirements
 2161 of the federal Elementary and Secondary Education Act, 20 U.S.C.
 2162 ss. 6301 et seq. and its implementing regulations.

2163 (c) The feasibility and validity of remotely administering
 2164 statewide, standardized assessments and the coordinated
 2165 screening and progress monitoring system.

2166 (d) Accelerating student progression based on results from
 2167 the coordinated screening and progress monitoring system, as
 2168 academically and developmentally appropriate.

2169 (e) The incorporation of content from ELA instructional
 2170 materials adopted by the Commissioner of Education pursuant to
 2171 s. 1006.34 in test items within the coordinated screening and
 2172 progress monitoring system under s. 1008.25(9) ~~s. 1008.25(8)~~.

2173 (f) The impact of the coordinated screening and progress
 2174 monitoring system on student learning growth data as measured by
 2175 the formula approved under s. 1012.34(7).

38-01797-23 20231424__

2176

2177 This subsection is repealed July 1, 2025.

2178 Section 23. Subsection (7) of section 1008.34, Florida
 2179 Statutes, is amended to read:

2180 1008.34 School grading system; school report cards;
 2181 district grade.—

2182 (7) TRANSITION.—To assist in the transition to 2022-2023
 2183 school grades and district grades calculated based on the
 2184 comprehensive, end-of-year progress monitoring assessment under
 2185 s. 1008.25(9) ~~s. 1008.25(8)~~, the 2022-2023 school grades and
 2186 district grades shall serve as an informational baseline for
 2187 schools and districts to work toward improved performance in
 2188 future years. Accordingly, notwithstanding any other provision
 2189 of law:

2190 (a) Due to the absence of learning gains data in the 2022-
 2191 2023 school year, the initial school grading scale for the 2022-
 2192 2023 informational baseline grades shall be set so that the
 2193 percentage of schools that earn an "A," "B," "C," "D," and "F"
 2194 is statistically equivalent to the 2021-2022 school grades
 2195 results. When learning gains data becomes available in the 2023-
 2196 2024 school year, the State Board of Education shall review the
 2197 school grading scale and determine if the scale should be
 2198 adjusted.

2199 (b) A school may not be required to select and implement a
 2200 turnaround option pursuant to s. 1008.33 in the 2023-2024 school
 2201 year based on the school's 2022-2023 grade. The benefits of s.
 2202 1008.33(4)(c), relating to a school being released from
 2203 implementation of the turnaround option, and s. 1008.33(4)(d),
 2204 relating to a school implementing strategies identified in its

38-01797-23 20231424__

2205 school improvement plan, apply to a school using turnaround
2206 options pursuant to s. 1008.33 which improves to a grade of "C"
2207 or higher during the 2022-2023 school year.

2208 (c) A school or approved provider under s. 1002.45 which
2209 receives the same or lower school grade for the 2022-2023 school
2210 year compared to the 2021-2022 school year is not subject to
2211 sanctions or penalties that would otherwise occur as a result of
2212 the 2022-2023 school grade or rating. A charter school system or
2213 school district designated as high performing may not lose the
2214 designation based on the 2022-2023 school grades of any of the
2215 schools within the charter school system or school district or
2216 based on the 2022-2023 district grade, as applicable.

2217 (d) For purposes of determining grade 3 retention pursuant
2218 to s. 1008.25(5) and high school graduation pursuant to s.
2219 1003.4282, student performance on the 2022-2023 comprehensive,
2220 end-of-year progress monitoring assessment under s. 1008.25(9)
2221 ~~s. 1008.25(8)~~ shall be linked to 2021-2022 student performance
2222 expectations. In addition to the good cause exemptions under s.
2223 1008.25(7) ~~s. 1008.25(6)~~, a student may be promoted to grade 4
2224 for the 2023-2024 school year if the student demonstrates an
2225 acceptable level of performance through means reasonably
2226 calculated by the school district to provide reliable evidence
2227 of the student's performance.

2228
2229 This subsection is repealed July 1, 2025.

2230 Section 24. Paragraph (a) of subsection (5) of section
2231 1008.345, Florida Statutes, is amended to read:

2232 1008.345 Implementation of state system of school
2233 improvement and education accountability.-

38-01797-23 20231424__

2234 (5) The commissioner shall annually report to the State
2235 Board of Education and the Legislature and recommend changes in
2236 state policy necessary to foster school improvement and
2237 education accountability. The report shall include:

2238 (a) For each school district:

2239 1. The percentage of students, by school and grade level,
2240 demonstrating learning growth in English Language Arts and
2241 mathematics.

2242 2. The percentage of students, by school and grade level,
2243 in both the highest and lowest quartiles demonstrating learning
2244 growth in English Language Arts and mathematics.

2245 3. The information contained in the school district's
2246 annual report required pursuant to s. 1008.25(10) ~~s. 1008.25(9)~~.

2247
2248 School reports shall be distributed pursuant to this subsection
2249 and s. 1001.42(18)(c) and according to rules adopted by the
2250 State Board of Education.

2251 Section 25. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

1424

Bill Number or Topic

Fiscal

Committee

Amendment Barcode (if applicable)

Name Alice Kerce (Key-r-s)

Phone

Address 215 S Monroe St Suite 710

Email alice@floridapromise.org

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Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

The Foundation for Florida's Future

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1424

Bill Number or Topic

4/20/23

Meeting Date

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Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D. (Florida PTA) Phone 407 855-7604

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Street

Orlando FL 32809

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4.20.23

Meeting Date

1424

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Sarah Katherine Massey

Phone 850 645 0543

Address 136 S. Bronough St.

Street

Email smassey@fchamber.com

Com

Tallahassee

City

FL

State

32301

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Chamber of Commerce

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1532

INTRODUCER: Transportation Committee and Senator Burgess and others

SUBJECT: Regional Transportation Planning

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Fav/CS
2.	Nortelus	Jerrett	ATD	Favorable
3.	Price	Yeatman	FP	Favorable

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1532 provides legislative findings and intent to explore the dissolution or transfer of the governance, staff, operations, funding, and facilities of the Hillsborough Area Regional Transit Authority with the goal of enhancing regional transit service and connectivity in the Tampa Bay Area.

The bill directs the Florida Department of Transportation (FDOT), or its consultant, to conduct a study of the potential dissolution of the Hillsborough Area Regional Transit Authority. The study must address all aspects of the winding down of the affairs of the Hillsborough Area Regional Transit Authority, including the following:

- The dissolution of the governance structure, including governing board membership, powers, and responsibilities.
- The drawdown or transfer of staff.
- The transfer of financial assets and obligations, as well as the transfer of responsibilities and administered programs and of facilities and operations.
- Impacts to federal or state grants or funds.
- Any legal or financial impediments to or limitations on such dissolution.
- The advantages and disadvantages of dissolution or transfer.
- Any other matters deemed necessary or appropriate by the Florida Department of Transportation.

The bill requires the FDOT to submit a report by January 1, 2024, detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The FDOT is expected to incur unknown costs associated with the study, which costs are expected to be absorbed within existing resources.

The bill takes effect July 1, 2023.

II. Present Situation:

Hillsborough Area Regional Transit Authority

The Hillsborough Transit Authority, operating and also known as HART, was created as a body politic and corporate under Chapter 163, Part V, ss. 163.567, et. seq, F.S., in October of 1979.¹ HART was chartered for the purpose of providing mass transit service to its two original charter members, the City of Tampa and Hillsborough County. Thereafter, the HART could admit to membership any county or municipality contiguous to one of its members upon application and after approval by a majority vote of the Board of Directors. The City of Temple Terrace was subsequently added to HART's membership.

Currently, HART is governed by a 14-member Board of Directors, as follows:²

- Seven Hillsborough County Commissioners;
- Four City of Tampa members, including either the mayor or a city council member;
- One City of Temple Terrace member, either the mayor or a city council member; and the
- Two members appointed by the Governor.³

The HART's current service area covers approximately 1,000 square miles with a fleet of almost 200 buses,⁴ and also provides other services, such as HARTFLEX, which provides paratransit service;⁵ the free-fare TECO Line Streetcar System,⁶ and other alternative transportation

¹ Sections 163.565-163.572, F.S., the Regional Transportation Authority Law, authorize the creation of regional transportation authorities by any two or more contiguous counties, cities, or other political subdivisions, who are authorized to convene a charter committee for the purpose of developing a charter under which a regional transportation authority may be constituted, composed, and operated. However, no county, municipality, or other political subdivision may be a member of more than one regional transportation authority. The law provides for a charter committee to be formed consisting of representatives of the affected local governments (by population formula) to develop a charter defining the powers and duties of the transportation authority and submit the charter to the Department of State. Once the charter is filed, the Governor must appoint two members to the board of directors of the transportation authority. The remaining membership of the board consists of representatives of the local governments. A transportation authority is authorized to incur debt, to levy ad valorem taxes (up to 3 mills, with county commission approval and by a majority of voters in the affected area), and has limited eminent domain powers.

² HART is an independent special district.

³ See hillsboroughcounty.org, [Hillsborough County - HART](#) (last visited March 15, 2023). The members serve three-year terms.

⁴ See gohart.org, [Bus Services | HART \(gohart.org\)](#) (last visited March 15, 2023).

⁵ See gohart.org, [Van Service | HART \(gohart.org\)](#) (last visited March 15, 2023).

⁶ See gohart.org, [TECO Line Streetcar System | HART \(gohart.org\)](#) (last visited March 15, 2023).

services.⁷ Concerns surrounding the HART's leadership and staffing have recently been reported.⁸

Prior Study on Potential Merger

In 2012, the Legislature passed HB 599 requiring the Pinellas Suncoast Transit Authority and HART to conduct a study regarding increasing efficiencies through a possible merger. The initial study conducted in 2012 found that merging the two agencies could save an estimated \$2.4 million. A more detailed study conducted by KPMG, an accounting firm, in 2014 decreased that number to \$339,000 due to costs associated with severance pay for the laid-off workers and increased pay for the remaining employees. The study also noted that cutting positions could lead to service reductions and the end of on-going projects across the service areas.⁹

III. Effect of Proposed Changes:

The bill creates an undesignated section of Florida law providing legislative findings and intent to explore the dissolution or transfer of the governance, staff, operations, funding, and facilities of HART with the goal of enhancing regional transit service and connectivity in the Tampa Bay Area.

The bill directs the Florida Department of Transportation (FDOT), or its consultant, to conduct a study of the potential dissolution of the HART. The study must address all aspects of the winding down of the affairs of the HART, including the following:

- The dissolution of the governance structure, including governing board membership, powers, and responsibilities;
- The dissolution of the governance structure, including governing board membership, powers, and responsibilities;
- The drawdown or transfer of staff;
- The transfer of financial assets and obligations, as well as the transfer of responsibilities and administered programs and of facilities and operations;
- Impacts to federal or state grants or funds;
- Any legal or financial impediments to or limitations on such dissolution;
- The advantages and disadvantages of dissolution or transfer; and
- Any other matters deemed necessary or appropriate by the FDOT.

The bill requires the FDOT to submit a report by January 1, 2024, detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

The bill takes effect July 1, 2023.

⁷ See gohart.org, [Alternative Transportation | HART \(gohart.org\)](https://gohart.org) (last visited March 15, 2023).

⁸ See, e.g., cltamps.com, ['Staff feels demoralized': HART board members never saw a year-old peer review raising concerns over management | Tampa Bay News | Tampa | Creative Loafing Tampa Bay \(cltampa.com\)](https://cltamps.com); transittalent.com, [Pledging truth and transparency, staff say HART CEO fostered fear and secrecy \(transittalent.com\)](https://transittalent.com); and tampabay.com, [Investigation into HART CEO to continue, results to be public \(tampabay.com\)](https://tampabay.com) (last visited March 15, 2023).

⁹ See tampabay.com, [REPORT FINDS FEW SAVINGS IN MERGER OF HART, PSTA \(tampabay.com\)](https://tampabay.com) (last visited March 15, 2023).

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The FDOT is expected to incur unknown costs associated with the study, which costs are expected to be absorbed within existing resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of Florida law.

IX. Additional Information:

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

CS by Transportation on March 20, 2023:

The committee substitute removes the Pinellas Suncoast Transit Authority (PSTA) from the underlying bill, leaving only HART subject to the bill’s provisions, and revises the list of items to be addressed by the FDOT’s study.

- B. **Amendments:**

None.

By the Committee on Transportation; and Senators Burgess and Collins

596-02747-23

20231532c1

A bill to be entitled

An act relating to regional transportation planning; providing legislative findings and intent; requiring the Department of Transportation, or its consultant, to conduct a study regarding the potential dissolution or transfer of the governance, staff, operations, funding, and facilities of the Hillsborough Area Regional Transit Authority; specifying requirements of the study; requiring the department to submit a report to the Governor and Legislature by a specified date; providing an effective date.

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

Section 1. (1) The Legislature finds that, given this state's rapid population growth, coordination of transportation planning, particularly regional transportation planning, is critical to the safe and efficient management, operation, and development of public transit systems. The Legislature questions whether the dissolution of the Hillsborough Area Regional Transit Authority (HART) would result in operational efficiencies and reduced administrative costs and further a regional approach to transit. It is the intent of the Legislature to explore the dissolution or transfer of the governance, staff, operations, funding, and facilities of HART with the goal of enhancing regional transit service and connectivity in the Tampa Bay area.

(2) The Department of Transportation, or its consultant, shall conduct a study of the potential dissolution of HART. The

Page 1 of 2

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596-02747-23

20231532c1

study must address all aspects of the winding down of the affairs of HART, including the following:

- (a) The dissolution of the governance structure, including governing board membership, powers, and responsibilities.
 - (b) The drawdown or transfer of staff.
 - (c) The transfer of financial assets and obligations.
 - (d) The transfer of responsibilities and administered programs.
 - (e) The transfer of facilities and operations.
 - (f) Impacts to federal or state grants or funds.
 - (g) Any legal or financial impediments to or limitations on such dissolution.
 - (h) The advantages and disadvantages of dissolution or transfer.
 - (i) Any other matters deemed necessary or appropriate by the department.
- (3) By January 1, 2024, the department shall submit a report detailing the results of the study to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

Section 2. This act shall take effect July 1, 2023.

Page 2 of 2

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The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 1606

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Powell

SUBJECT: Florida Museum of Black History

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Limones-Borja</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2.	<u>Limones-Borja</u>	<u>Yeatman</u>	<u>FP</u>	<u>Favorable</u>
3.	_____	_____	_____	_____

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 1606 creates a Florida Museum of Black History Task Force within the Division of Historical Resources (Division). The purpose of the task force is to provide recommendations for the planning, construction, operation, and administration of a Florida Museum of Black History. The task force members shall be appointed by the Governor, President of the Senate, and the Speaker of the House of Representatives, and serve without compensation.

The bill requires the task force to submit a report detailing its plans and recommendations to the Governor, President of the Senate, Speaker of the House, the Senate Minority Leader, and the House Minority Leader by July 1, 2024, at which point the task force will expire.

The bill takes effect July 1, 2023.

II. Present Situation:

Task Force Requirements

Florida law defines “task force” to mean an advisory body created without specific statutory enactment for a time not to exceed 1 year or created by specific statutory enactment for a time not to exceed 3 years and appointed to study a specific problem and recommend a solution or policy alternative related to that problem. Its existence terminates upon the completion of its

assignment.¹ Members of a task force, unless expressly provided otherwise by specific statutory enactment, serve without additional compensation and are authorized to receive only per diem and reimbursement for travel expenses.²

Department of State

The Department of State (DOS), created in s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Cultural Affairs and Administration. The head of the DOS is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor, and is confirmed by the Senate. The Secretary performs functions conferred by the State Constitution upon the custodian of state records.³ The Secretary also serves as the state protocol officer and, in consultation with the Governor and other governmental officials, develops, maintains, publishes, and distributes the state protocol manual.⁴

Division of Historical Resources

The DOS's Division of Historical Resources (Division) is responsible for preserving and promoting Florida's historical, archaeological, and folk culture resources. The Division Director's Office oversees a Historic Preservation Grants program to help preserve and maintain Florida's historic buildings and archaeological sites and coordinates outreach programs. The Division Director also serves as the State Historic Preservation Officer, acting as the liaison with the national historic preservation program conducted by the National Park Service.

The Division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.⁵

The division is also responsible for encouraging, promoting, maintaining, and operating Florida history museums.⁶ The division provides support to museums and works to promote the use of resources for educational and cultural purposes. The division directly oversees the following museums:

- Museum of Florida History, which is the state's official history museum and showcases Florida's diverse history from prehistoric times to the present day;⁷
- Mission San Luis, a living history museum that showcases the life of the Apalachee Indians and Spanish settlers, and also hosts workshops such as pottery and blacksmithing;⁸

¹ Section 20.03(8), F.S.

² S. 20.052(3)(d), F.S.

³ Section 20.10(1), F.S.

⁴ Section 15.01(1), F.S.

⁵ Florida Department of State, Florida Division of Historical Resources, *About*, available at <https://dos.myflorida.com/historical/about/> (Last visited Mar. 31, 2023).

⁶ S. 267.071(2), F.S.

⁷ See Florida Department of State, *Museum of Florida History*, <https://museumoffloridahistory.com/explore/exhibits/> (last visited Mar. 31, 2023).

⁸ See Florida Department of State, *Mission San Luis*, <https://missionsanluis.org/learn/> (last visited Mar. 31, 2023).

- Knott House Museum, which showcases the history of Tallahassee and its role in the civil war including the Emancipation Proclamation being read on the steps of the house in 1865;⁹ and
- The Grove Museum, which showcases the life of the Call and Collins families, who owned the property and played a significant role in Florida's history including contributions in agriculture, civil rights, and politics.¹⁰

Other museums recognized by the state include:

- Certain state railroad museums;¹¹
- The Florida Museum of Transportation and History;¹²
- The John and Mable Ringling Museum of Art;¹³
- The Ringling Museum of the Circus;¹⁴
- The Florida Historic Capitol Museum;¹⁵
- The Florida Agricultural Museum; and¹⁶
- The Florida Museum of Natural History.¹⁷

African American History

Florida has an extensive history of African American culture and contributions to the state and the nation. African Americans have played a significant role in shaping Florida's history, culture, and society.

Fort Mose

The first legally sanctioned, free African American settlement in the nation was Fort Mose, a community of free African Americans established in St. Augustine in 1738. Many of the residents of Fort Mose were former slaves who had escaped from the British colonies to Florida, which was then under Spanish control. The residents of Fort Mose helped defend the Spanish colony of Florida against British attacks and played an important role in shaping Florida's early history.¹⁸

⁹ See Florida Department of State, *About the Knott House*, <https://museumoffloridahistory.com/visit/knott-house-museum/about-the-knott-house/> (last visited March 31, 2023).

¹⁰ See Florida Department of State, *The Grove Museum*, <https://thegrovemuseum.com/> (last visited March 22, 2023). The Grove Advisory Council advises the division on the operation, maintenance, and preservation of the museum. S. 267.075, F.S.

¹¹ See s. 15.045, F.S.

¹² S. 15.046, F.S.

¹³ See ss. 265.27, F.S., and 1004.45, F.S.

¹⁴ Section 1004.45, F.S.

¹⁵ Section 272.129, F.S. The Florida Historic Capitol Museum Council provides guidance and support to the museum director and support staff. S. 272.131, F.S.

¹⁶ See s. 570.69, F.S.

¹⁷ Section 1004.56, F.S.

¹⁸ Fort Mose Historical Society, *Community of Freedom*, available at <https://fortmose.org/about-fort-mose/> (last visited Mar. 31, 2023).

Tuskegee Airmen

The Tuskegee Airmen were a group of African American pilots and support personnel who served in the U.S. Army Air Force during World War II. They were named after the Tuskegee Army Airfield in Alabama, where they trained. The Tuskegee Airmen were significant because they were the first African American military aviators in the U.S. armed forces. They flew more than 15,000 combat missions and their success helped break down racial barriers in the military.¹⁹

Slavery

Slavery was a significant part of Florida's history, as the state was a major center for the transatlantic slave trade. The Spanish and British both brought slaves to Florida, and after the U.S. acquired the territory in 1821, slavery continued to be legal until the end of the Civil War. Many African Americans were forced to work on plantations in Florida, and conditions were often brutal.²⁰

Segregation

Segregation was also a major part of Florida's history, as it was in many other parts of the nation. African Americans were subjected to discriminatory laws and practices, including those known as Jim Crow laws,²¹ which enforced racial segregation and denied African Americans basic civil rights. As the Twentieth Century progressed, African Americans in Florida were involved in protests and sit-ins to challenge segregation, and the state was a significant site for the Civil Rights Movement, which ultimately dismantled many of these laws and practices.²²

The Groveland Four

The Groveland Four were the four young black men accused of raping a 17-year-old in Lake County, Florida. The four men were Ernest Thomas, Charles Greenlee, Walter Irvin, and Samuel Shephard. Ernest Thomas never made it to court because he was shot 100 times after being followed by a group of individuals into the woods. Charles Greenlee confessed to participating in the rape after being beaten by deputies, and was later sentenced to life in prison. Walter Irvin was sentenced to death two separate times, but eventually a judge granted a stay of his execution. Samuel Sheppard was also beat in jail, and following that confessed to partaking in the rape. His first verdict was overturned, although on the way to his new trial he was shot and killed by Sheriff McCall.²³

¹⁹ Public Broadcasting Service, *Who Are the Tuskegee Airmen?*, available at <https://www.pbs.org/articles/who-are-the-tuskegee-airmen/> (last visited Mar. 31, 2023). See also *332d Fighter Group*, available at https://www.armyaircorpsmuseum.org/332d_Fighter_Group.cfm (last visited Mar. 31, 2023).

²⁰ See Florida Humanities, *Florida's Culture of Slavery*, available at <https://floridahumanities.org/floridas-culture-of-slavery/> (last visited Mar. 31, 2023).

²¹ See Americans All, *Jim Crow Laws: Florida and Georgia*, available at <https://americansall.org/legacy-story-group/jim-crow-laws-florida-and-georgia> (last visited Mar. 31, 2023).

²² See Florida Memory, *The Civil Rights Movement in Florida*, available at <https://www.floridamemory.com/learn/classroom/learning-units/civil-rights/> (last visited Mar. 31, 2023).

²³ Stephan Hudak, *Groveland Four: Who were they?*, Orlando Sentinel (Jan 11, 2019), available at <https://www.orlandosentinel.com/news/os-ne-groveland-four-capsules-20190109-story.html> (last visited Mar. 31, 2023).

Ax Handle Saturday

On August 27, 1960, over 200 white rioters armed with baseball bats and ax handles chased, beat, and threatened Black residents in Jacksonville, Florida. This day became known as the Ax Handle Saturday. The attack was in response to peaceful lunch counter demonstrations organized by the Jacksonville Youth Council of the National Association for the Advancement of Colored People.²⁴

The Tallahassee Bus Boycott

On May 27, 1956, Wilhelmina Jakes and Carrie Patterson, two African-American students from Florida Agricultural and Mechanical University boarded a local city bus. The two women took the only two vacant seats, which were in the whites-only section. Upon being told that they needed to move to the back to stand or leave without getting their fare returned, the two women refused. Since they refused to leave their seats, the police were called by the bus driver. Once three police cars had arrived, Jakes and Patterson were arrested on the charge of inciting a riot and were released on bond later that same day. The Boycott began on May 28 and lasted until December 22, when the U.S. Supreme Court ruled that segregation on city buses was unconstitutional.²⁵

Notable African Americans in this State

Many notable African Americans are from Florida, including Zora Neale Hurston, a writer and anthropologist,²⁶ Ray Charles, one of the greatest American musical artists,²⁷ and Harry T. Moore and his wife, Harriette Moore, prominent civil rights leaders who were killed in a bombing by the Ku Klux Klan in their home in 1951.²⁸

Dr. Mary McLeod Bethune

Dr. Mary McLeod Bethune was a prominent African American educator and civil rights leader who founded Daytona Literary and Industrial Training Institute for Negro Girls in 1904, which grew and eventually merged with Cookman Institute of Jacksonville to become Bethune-Cookman College, later Bethune-Cookman University, in Daytona Beach, Florida. She also founded the Mary McLeod Hospital and Training School for Nurses. A strong advocate for education, Dr. Bethune worked to promote racial equality throughout her life. Appointed by President Roosevelt to the National Youth Administration, she became one of his influential

²⁴ Zinn Education Project, Aug. 27, 1960: Ax Handle Saturday, available at <https://www.zinnedproject.org/news/tdih/ax-handle-saturday-jacksonville/> (last visited Mar. 31, 2023).

²⁵ Florida State University, Department of History, Black History Month: The Story of the Tallahassee Bus Boycott, available at <https://history.fsu.edu/article/black-history-month-story-tallahassee-bus-boycott> (last visited Mar. 31, 2023).

²⁶ The Official Website of Zora Neale Hurston, *About Zora Neale Hurston*, available at <https://www.zoranealehurston.com/about/> (last visited Mar. 31, 2023). Among her notable works are *Their Eyes Were Watching God* (1937) and *Moses, Man of the Mountain* (1939).

²⁷ Florida Department of State, *Ray Charles*, available at <https://dos.myflorida.com/cultural/programs/florida-artists-hall-of-fame/ray-charles/#:~:text=In%201948%2C%20Charles%20left%20Florida,pursue%20better%20opportunities%20in%20music>. (last visited Mar. 31, 2023). Notable recordings include “What I’d Say,” “Hit the Road Jack,” and “Georgia On My Mind.”

²⁸ National Association for the Advancement of Colored People, *Harry T. and Harriette Moore*, available at <https://naacp.org/find-resources/history-explained/civil-rights-leaders/harry-t-and-harriette-moore> (last visited Mar. 31, 2023).

advisors. Dr. Bethune is the first African American chosen to represent a state with a statue in Statuary Hall in the United States Capitol.²⁹

Historically Black Colleges and Universities

Florida has several historically black colleges and universities, including Bethune-Cookman University, Florida A&M University, and Edward Waters College. These institutions were established to provide educational opportunities for African Americans who were excluded from other universities due to segregation.

Inherent Worth and Dignity of Human Life

The struggle for civil rights in Florida and throughout the country has been rooted in the belief that all people are inherently equal, valuable, and deserving of respect and dignity. The Florida Constitution restates and reaffirms these principles from the Declaration of Independence:

All natural persons, female and male alike, are equal before the law and have inalienable rights, among which are the right to enjoy and defend life and liberty, to pursue happiness, to be rewarded for industry, and to acquire, possess and protect property. No person shall be deprived of any right because of race, religion, national origin, or physical disability.

This belief is at the heart of efforts to prevent genocide and other forms of mass violence, which can occur when one group of people is seen as fundamentally inferior or expendable.

Public School Instruction on African American History

Florida K-12 public schools are required to teach about African American history.³⁰ The instruction must include the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the contributions of African Americans to American society. Students should develop an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine what it means to be a responsible and respectful person. Instructional materials must include the vital contributions of African Americans to build and strengthen American society and celebrate the inspirational stories of African Americans who prospered, even in the most difficult circumstances. Classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the principles of equality or the state academic standards. In establishing the curriculum, the Department of Education may seek input from the Commissioner's African American History Task Force, a task force created to support the instruction on African American history in Florida.³¹

²⁹ See Bethune-Cookman University, *Dr. Mary McLeod Bethune*, <https://www.cookman.edu/history/our-founder.html> (last visited Mar. 31, 2023); see also Architect of the Capitol, *Dr. Mary McLeod Bethune*, <https://www.aoc.gov/explore-capitol-campus/art/mary-mcleod-bethune-statue> (last visited Mar. 31, 2023).

³⁰ Section 1003.42(2)(h), F.S.

³¹ See Commissioner of Education's African American History Task Force, *History*, <https://afroamfl.org/history/> (last visited March 31, 2023).

III. Effect of Proposed Changes:

Section 1 creates the Black History Task Force within the Division of Historical Resources (Division) for the purpose of providing recommendations to the division for the planning, construction, operation, and administration of a Florida Museum of Black History (museum). The bill requires the museum to be a multipurpose facility that is capable of generating self-sustaining revenues. The museum must also have archival research and storage facilities, meeting rooms, full service banquet facilities, a kitchen capable of serving at least 250 people at a single event, and a performing arts theater that will be available for private events.

The bill provides that the task force be comprised of 9 members who shall serve without compensation. The Governor, President of the Senate, and Speaker of the House will all appoint three members. At least three of the members must have five or more years of experience in one of the following areas:

- Tenured faculty in history at a Florida public or private university;
- Historical research and publication;
- Archival design or preservation;
- Multipurpose public building design or construction;
- The hospitality and service industry;
- Business;
- Finance;
- Marketing;
- Law; or
- Education.

The bill requires that all members be appointed by July 31, 2023.

The bill requires the division to provide the task force with staff and funds to assist the task force in the performance of its duties. The task force is charged with developing the following:

- Plans for the location, design, and construction of the museum and all necessary facilities;
- Recommendations for the operation and administration of the museum upon completion of construction;
- A marketing plan that may be executed by the Florida Tourism Industry Marketing Corporation to promote the museum;
- A transition plan under which the museum will become financially self-sufficient; and
- Recommendations for archival and artifact acquisition, preservation, and research, exhibits, installations, and educational materials that complement and support required African American instruction provided in public schools. The recommendations must include materials relating to:
 - The role of African American participation in defending and preserving Florida and the nation, including, by way of example and without limitation, the contributions of the residents of Fort Mose, the Tuskegee Airmen, and all African American veterans;
 - The history of slavery in the state;
 - The history segregation in the state;
 - Notable African Americans in the state;
 - Dr. Mary McLeod Bethune, including the founding of Bethune Cookman University;
 - The history of historically black colleges and universities in this state; and

- The inherent worth and dignity of human life, with a focus on the prevention of genocide.

The bill requires the task force to submit a report detailing its plans and recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, and the Minority Leader of the House of Representatives by July 1, 2024. The task force will expire upon submission of its report.

The bill provides that after receiving the report of the task force, the Legislature may consider legislation pertaining to the commissioning, construction, operation, and administration of the museum.

Section 2 provides the bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties or municipalities to take an action requiring the expenditure of funds, reduce the authority that counties or municipalities have to raise revenue in the aggregate, nor reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. **Government Sector Impact:**

Lines 54-56 require the division to provide the task force with staff and funds as necessary to assist the task force in the performance of its duties. The dollar amount of expenditures required by the bill is indeterminate at this time.

VI. **Technical Deficiencies:**

None.

VII. **Related Issues:**

None.

VIII. **Statutes Affected:**

This bill creates section 267.0722 of the Florida Statutes.

IX. **Additional Information:**

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

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

CS by Governmental Oversight and Accountability on April 5, 2023:

The committee substitute does the following:

- Clarifies that the task force shall be composed of nine members;
- Specifies requirements for at least three members;
- Provides that the Governor, President of the Senate, and Speaker of the House all appoint three members; and
- Removes the requirement that the legislature appropriate \$500,000 for the initial planning, construction, operation, and administration of the museum, and provide \$1,000,000 annually thereafter.

B. **Amendments:**

None.

By the Committee on Governmental Oversight and Accountability;
and Senator Powell

585-03546-23

20231606c1

A bill to be entitled

An act relating to the Florida Museum of Black History; creating s. 267.0722, F.S.; creating the Florida Museum of Black History Task Force within the Division of Historical Resources of the Department of State; providing for the appointment of task force members by the Governor and the Legislature; providing requirements for members of the task force; prohibiting compensation for members of the task force; providing that task force members are entitled to receive reimbursement for per diem and travel expenses; requiring the division to provide staff and expend funds as necessary to assist the task force; requiring the task force to develop certain plans and recommendations; requiring the task force to submit a report to the Governor and the Legislature before a certain date; providing for the expiration of the task force; authorizing the Legislature to consider the commissioning, construction, operation, and administration of a Florida Museum of Black History; providing an effective date.

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

Section 1. Section 267.0722, Florida Statutes, is created to read:

267.0722 Florida Museum of Black History.-

(1) There is created within the division the Florida Museum of Black History Task Force for the purpose of providing

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-03546-23

20231606c1

recommendations to the division for the planning, construction, operation, and administration of a Florida Museum of Black History. The museum shall be a multipurpose facility capable of generating self-sustaining revenues, with archival research and storage facilities, meeting rooms, full-service banquet facilities that include a kitchen capable of serving at least 250 people at a single event, and a performing arts theater that shall be made available for private events.

(2) The task force shall be composed of nine members. Three members shall be appointed by the Governor, three members shall be appointed by the President of the Senate, and three members shall be appointed by the Speaker of the House of Representatives. At least three of the appointed members must have 5 or more years of experience in one of the following areas: history, as tenured faculty at a Florida public or private university; historical research and publication; archival design or preservation; multipurpose public building design or construction; the hospitality and service industry; business; finance; marketing; law; or education. All appointments shall be made no later than July 31, 2023.

(3) Members of the task force shall serve without compensation or honorarium but shall be entitled to receive reimbursement for per diem and travel expenses as provided in s. 112.061.

(4) The division shall provide the task force with staff and expend funds as necessary to assist the task force in the performance of its duties.

(5) The task force shall develop the following:

(a) Plans for the location, design, and construction of the

Page 2 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

585-03546-23

20231606c1

59 museum and all necessary facilities.

60 (b) Recommendations for the operation and administration of
61 the museum upon completion of construction.

62 (c) A marketing plan that may be executed by the Florida
63 Tourism Industry Marketing Corporation to promote the museum.

64 (d) A transition plan under which the museum will become
65 financially self-sufficient.

66 (e) Recommendations for archival and artifact acquisition,
67 preservation, and research; exhibits; installations; and
68 educational materials that complement and support required
69 instruction provided in public schools in accordance with s.
70 1003.42(2)(h). The recommendations must include materials
71 relating to:

72 1. The role of African-American participation in defending
73 and preserving Florida and the United States, including, by way
74 of example and without limitation, the contributions of the
75 residents of Fort Mose, the Tuskegee Airmen, and all African-
76 American veterans.

77 2. The history of slavery in this state.

78 3. The history of segregation in this state.

79 4. Notable African Americans in this state.

80 5. Dr. Mary McLeod Bethune, including the founding of
81 Bethune Cookman University.

82 6. The history of historically black colleges and
83 universities in this state.

84 7. The inherent worth and dignity of human life, with a
85 focus on the prevention of genocide.

86 (6) Before July 1, 2024, the task force shall submit a
87 report detailing its plans and recommendations to the Governor,

585-03546-23

20231606c1

88 the President of the Senate, the Speaker of the House of
89 Representatives, the Minority Leader of the Senate, and the
90 Minority Leader of the House of Representatives. Upon submission
91 of the report, the task force shall expire.

92 (7) After receiving the report of the task force, the
93 Legislature may consider legislation pertaining to the
94 commissioning, construction, operation, and administration of
95 the museum.

96 Section 2. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4-20

Meeting Date

SB 1604

Bill Number or Topic

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Pastor Marcus McCoy Jr.

Phone (381) 547-1379

Address 596 W. Church St
Street

Email marcusj@equal-ground.com

Orlando
City

FL
State

32117
Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

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something of value for my appearance
(travel, meals, lodging, etc.),
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While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1672

INTRODUCER: Fiscal Policy Committee; Transportation Committee; and Senators DiCeglie and Perry

SUBJECT: Temporary Airports

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Price	Vickers	TR	Fav/CS
2.	Price	Yeatman	FP	Fav/CS
3.				

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1672 addresses temporary airport site approval by the Florida Department of Transportation (FDOT). The bill re-defines the term “temporary airport,” specifying that such an airport is one at which flight operations are conducted under visual flight rules and which is used for less than 30 consecutive days with no more than 10 operations per day. The bill requires that site approval be granted for a public or private temporary airport only after receipt of documentation in a form and manner the FDOT deems necessary to satisfy specified conditions. The bill requires a public temporary airport license or a private temporary airport registration before the operation of aircraft to or from the airport.

Upon receipt of a completed application for a public or private temporary airport site approval order, the bill requires the FDOT to publish notice of intent to approve or deny the application, as specified, sets out procedures and timelines for persons whose substantial interests may be affected by a pending order to request a hearing. The bill prohibits the FDOT from approving or denying an application less than 14 days after the date of publication of the notice and requires the FDOT to approve or deny an application no later than 30 days after the date of publication, except as provided. If site approval is granted, licensure of the public temporary airport or registration of the private temporary airport is deemed complete, and the FDOT must issue the license or registration concurrent with the site approval.

The FDOT is prohibited from approving a subsequent application for a public or private temporary airport site approval order for the same general location if the purpose or effect is to evade otherwise applicable airport permitting, licensure, or registration requirements.

Finally, the bill revises an existing exemption from the provisions of Chapter 330, F.S. (relating to regulation of aircraft, pilots, and airports) for temporary airports used exclusively for aerial application or spraying of crops on a seasonal basis by expressly restricting such temporary airports to no more than ten operations per day.

The fiscal impact of the bill is indeterminate. See the “Fiscal Impact” heading below.

The bill takes effect July 1, 2023.

II. Present Situation:

Airport Site Approval

Among other aviation-related responsibilities, the FDOT is currently charged with establishing requirements for airport¹ site approval, licensure, and registration.² The owner or lessee of any proposed airport site is required, prior to site acquisition, construction, or establishment of the proposed airport, to obtain approval of the airport site from the FDOT,³ in the absence of any applicable exemption.⁴ For example, site approval is not required for a temporary airport, used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year.⁵

Application for site approval must be made in a form and manner prescribed by the FDOT,⁶ and the FDOT must grant the site approval if it is satisfied that:

- The site has adequate area allocated for the airport as proposed;
- The proposed airport will conform to licensing or registration requirements and will comply with the applicable local government land development regulations or zoning requirements;
- All affected airports, local governments, and property owners have been notified and any comments submitted by them have been given adequate consideration; and
- Safe air-traffic patterns can be established for the proposed airport with all existing airports and approved airport sites in its vicinity.⁷

The FDOT may grant a site approval for a public airport only after a favorable FDOT inspection of the proposed site and, for a private airport, only after receipt of documentation in a form and manner the FDOT deems necessary to satisfy the above conditions.⁸ Site approval for both

¹ “Airport” means an area of land or water used for, or intended to be used for, landing and takeoff of aircraft, including appurtenant areas, buildings, facilities, or rights-of-way necessary to facilitate such use or intended use. Section 330.27(2), F.S.

² Section 330.29(2), F.S.

³ Section 330.30(1)(a), F.S.

⁴ See s. 330.30(3), F.S.

⁵ Section 330.30(3)(e), F.S.

⁶ *Supra* note 3.

⁷ *Id.*

⁸ Section 330.30(1)(b)-(d), F.S. The FDOT’s rule requires public airport site approval applicants to submit a Public Airport Site Approval Application on a form incorporated by reference, along with all required supporting documentation, to the State Aviation Manager in the FDOT’s Central Office in Tallahassee. Private airport site approval applicants are required to

public and private airports may be granted subject to any reasonable conditions the FDOT deems necessary to protect the public health, safety, or welfare.⁹ Approval of a public or private airport site remains valid for two years after the date of issue, unless revoked by the FDOT¹⁰ or unless a public airport license or private airport registration is completed before the expiration date of the existing license or registration.¹¹ However, the FDOT may extend a site approval for subsequent periods of two years per extension for good cause.¹²

Airport Licensing and Registration

To be distinguished from site approval, before the *operation of aircraft* to or from a facility, the owner or lessee of any airport in this state must have either a public airport license or private airport registration.¹³ Upon granting site approval:

- For a public airport, the FDOT must issue a license after a final airport inspection finds the facility to be in compliance with all requirements for the license, which may be subject to any reasonable conditions the FDOT deems necessary to protect the public health, safety and welfare.¹⁴
- For a private airport, the FDOT must provide controlled electronic access to the state aviation facility data system to permit the applicant to complete the registration process. Private airport registration must be completed upon self-certification by the registrant of operational and configuration data deemed necessary by the FDOT.¹⁵

Each public airport license expires no later than one year after the effective date of the existing license, except that the expiration date may be adjusted to a maximum of 18 months to facilitate airport inspections, recognize seasonal airport operations, or improve administrative efficiency.¹⁶

Private airport registration remains valid so long as specific elements of airport data, established by the FDOT, are periodically recertified by the airport registrant by electronic submittal. A private airport registration not recertified in the 24-month period following the last certification expires, unless the registration period has been adjusted by the FDOT for purposes of informing private airport owners of their registration responsibilities or promoting administrative efficiency.¹⁷

The FDOT may require a new site approval for any airport if the license or registration has expired.¹⁸ If a renewal application for a public airport license has not been received by the FDOT

complete an interactive internet-based registration application and certify that the information contained therein is true and correct to the best of their knowledge, using the FDOT's electronic aviation facility data system. Rule 14-60.005(3)(a) and (b), F.A.C. *See also* Rule 14-60.005(6), F.A.C., for additional information regarding use of the private airport registration and site approval website, documentation, and records retention relating to private airport site approval applicants.

⁹ Section 330.30(1)(d), F.S.

¹⁰ *See s.* 330.30(1)(g), F.S.

¹¹ Section 330.30(1)(e), F.S.

¹² Section 330.30(1)(f), F.S.

¹³ Section 330.30(2)(a), F.S.

¹⁴ Section 330.30(2)(a)1., F.S.

¹⁵ Section 330.30(2)(a)2., F.S.

¹⁶ Section 330.30(2)(d)1., F.S.

¹⁷ Section 330.30(2)(d)2., F.S.

¹⁸ Section 330.30(2)(d)4., F.S.

or no private airport registration recertification has been accomplished within 15 days after the date of expiration, the FDOT may revoke the airport license or registration.¹⁹ Additionally, the FDOT may revoke, or refuse to allow or issue, any airport registration or certification upon specified determinations, including, but not limited to, that the airport does not comply with the conditions of the license, license renewal, or site approval.²⁰

Temporary Airports

The FDOT may license a public airport, or a private airport may register, as a *temporary* airport,²¹ provided that the airport will not endanger the public health, safety, or welfare and the airport meets the temporary airport requirements established by the FDOT.²² Such conditions include:

- Operations limited to VFR²³ flight conditions,
- Restricted approach or takeoff direction from only one end of a runway,
- Specified air-traffic pattern layouts to help prevent mid-air collision conflict with aircraft flying at another nearby airport,
- Airport noise abatement procedures to satisfy community standards, or
- Other environmental compatibility measures.²⁴

A temporary airport license or registration is valid for less than 30 days and is not renewable.²⁵

According to the FDOT's rule, due to the limitations placed on their use for a period of less than 30 days and the restriction to no more than ten operations per day, and due to a normal short lead-time prior to the necessity for activating flight operations, applicants for temporary, public or private airport sit approval "shall have a site approval process with each proposal evaluated by the FDOT based on the application. Applicants for a temporary, public or private airport site approval should contact the Department at the earliest opportunity to present their requirements and request a site proposal review and Department approval or disapproval."²⁶

¹⁹ Section 330.30(2)(d)5., F.S.

²⁰ Section 330.30(2)(e), F.S.

²¹ "Temporary airport" means any airport that will be used for a period of less than 30 days with no more than 10 operations per day. Section 330.27(7), F.S.

²² Section 330.30(2)(c), F.S.

²³ The term "VFR" (visual flight rules) is defined in federal regulation as rules that govern the procedures for conducting flight under visual conditions. The term "VFR" is also used in the United States to indicate weather conditions that are equal to or greater than minimum VFR requirements. In addition, "VFR" is used by pilots and controllers to indicate the type of flight plan. 14 C.F.R. § 170.3. Generally, persons proposing to construct, alter, activate, or deactivate a civil or joint-use airport, or to alter the status or use of such airport, are required to notify the Federal Aviation Administration. *See* 14 C.F.R. § 157.1. Although federal law does not define temporary airports, federal law contains certain exclusions from federal airport regulations, such as an airport at which flight operations will be conducted under visual flight rules and which is used or intended to be used for a period of less than 30 consecutive days with no more than 10 operations per day. 14 C.F.R. § 157.1(b).

²⁴ Rule 14-60.005(4), F.A.C.

²⁵ Section 330.30(2)(c), F.S. The FDOT's rule provides that a temporary, public or private airport license or registration is valid only for less than 30 consecutive calendar days and is not renewable for any consecutive period of activation. Further, recurring requirements for such license or registration at the same general location will be considered on a case-by-case basis. Rule 14-60.006(5), F.A.C.

²⁶ Rule 14-60.005(3)(c), F.A.C.

The FDOT must conduct a review and detailed audit, as necessary, of the information submitted by temporary, public or private airport applicants and allow site approval for temporary airports only after the conditions described above are met. Physical inspection of the site is not required.²⁷ However, “due to the short lead time and duration, as well as urgent requirements often related to a temporary airport, the Department will not publish announcement for public review and comment regarding its *issuance of a temporary airport site approval order*. Temporary airport site approval orders shall take effect concurrent with the date of issuance.”²⁸

Florida’s Administrative Procedure Act

The Administrative Procedure Act (the APA) has been described by the Joint Administrative Procedures Committee as follows:

In Chapter 120, Florida Statutes, the Administrative Procedure Act outlines a comprehensive administrative process by which agencies exercise the authority granted by the Legislature while offering opportunities for citizen involvement. This process subjects state agencies to a uniform procedure in enacting rules *and issuing orders and allows citizens to challenge an agency’s decision*. The Administrative Procedure Act serves to protect the citizens of Florida from thousands of unauthorized rules that would otherwise be in effect.²⁹

“Agency” is defined in current law³⁰ and includes the FDOT. “Agency action” means the whole or part of a rule or order, or the equivalent, or the denial of a petition to adopt a rule or issue an order, or to initiate rulemaking.³¹

Florida law is well settled that “an agency must grant affected parties a clear point of entry,³² within a specified time after some recognizable event in investigatory or other free-form proceedings, to formal or informal proceedings.” An agency must afford the persons or entities an opportunity to question, challenge, or contest the agency action that they believe affects them.³³

Parties³⁴ shall be notified of any order and, unless waived by the parties, a copy of the order must be delivered or mailed to each party or the party’s attorney of record at the

²⁷ Rule 14-60.007(c), F.A.C.

²⁸ *Id.* Emphasis added.

²⁹ See [PocketGuideFloridaAPA.pdf \(state.fl.us\)](#) (last visited March 29, 2023). Emphasis added.

³⁰ Section 120.52(1), F.S.

³¹ Section 120.52(2), F.S.

³² See also Rule 28-106.111, F.A.C.

³³ *Capeletti Brothers, Inc. vs. State Dept. of Trans.*, 362 So.2d 346, 348 (Fla. 1st DCA 1978). Generally, formal proceedings (or hearings) are those that involve disputed issues of material fact and are conducted by the Division of Administrative Hearings, while informal proceedings are those that do not involve disputed issues of material fact and are conducted by the agency. Section 120.57(1) and (2), F.S. See s. 120.569(1), F.S., for additional information on the applicability of formal vs. informal proceedings.

³⁴ The definition of “party” under the APA, among others, means specifically named persons whose substantial interests are being determined in the proceeding and, most relevant to the bill, any other person who, as a matter of constitutional right, provision of statute, or provision of agency regulation, is entitled to participate in whole or in part in the proceeding, or whose substantial interest will be affected by proposed agency action, and who makes an appearance as a party. Section 120.52(3)(a) and (b), F.S.

address of record. Section 120.569, F.S., requires that each notice inform the recipient of any administrative hearing or judicial review that is available under that section,³⁵ s. 120.57, F.S.,³⁶ or s. 120.68, F.S.,³⁷ and indicate the procedure that must be followed to obtain the hearing or judicial review, stating the time limits that apply.

FDOT Rule Revision Activity and Current Practice

The provision in the FDOT's rule discussed above, stating that the FDOT will not publish announcement for public review and comment regarding its issuance of a temporary airport site approval order, does not comply with the requirements of the APA, as it provides no clear point of entry to afford persons or entities an opportunity to question, challenge, or contest the agency action believed to affect them; that is, no notice of issuance of an order approving or denying an application for a site approval, including informing the recipient of any administrative hearing that is available and stating applicable time limits.

In recognition of this noncompliance, the FDOT advises that it is currently in the process of holding informal stakeholder meetings for proposed revisions to Rule Chapter 14-60, relating to airport licensing, registration, and airspace protection, as part of updates needed since the last revisions occurred in 2004. The FDOT is still gathering comments from interested stakeholders³⁸ and anticipates starting the rulemaking process to revise and update that rule chapter after the 2023 Legislative Session. The FDOT further advises that it does publish a notice of pending airport site approval in the Florida Administrative Register (FAR)³⁹ and waits 14 days after publication of the notice before issuing any airport site approval order.⁴⁰

III. Effect of Proposed Changes:

Definition

The bill amends s. 330.27(7), F.S., revising the definition of "temporary airport" to align it more closely with federal law containing certain exclusions from federal airport regulations.⁴¹ The bill re-defines the term "temporary airport" to mean an airport at which flight operations are conducted under visual flight rules established by the Federal Aviation Administration and which is used for less than 30 consecutive days with no more than 10 operations per day.

Site Approvals, Requirements, Effective Period, Revocation

The bill amends s. 330.30, F.S., in various locations to further clarify the distinction between public and private airports and the applicability of the provisions of that section to those airports.

The bill adds paragraph (d) to s. 330.30(1), F.S., providing that site approval must be granted for a public or private temporary airport after receipt of documentation in a form and manner the

³⁵ Decisions which affect substantial interests.

³⁶ Additional procedures applicable to hearings involving disputed issues of material fact, formal and informal proceedings.

³⁷ Judicial review. Section 120.569(1), F.S.

³⁸ Telephone conversation with FDOT staff, March 28, 2023.

³⁹ See the FDOT email to committee staff, March 27, 2023 (on file in the Senate Transportation Committee).

⁴⁰ *Supra* note 38.

⁴¹ *Supra* note 23.

FDOT deems necessary to satisfy the conditions for granting such an approval.⁴² The bill requires such documentation to be included with the application for a public or private temporary airport site approval order.⁴³

The bill amends s. 330.30(2), F.S., requiring the owner or lessee of any airport to have a public airport license, a private airport registration, a public temporary airport license, or a private temporary airport registration before the operation of aircraft to or from the airport.

For an application for a public or private temporary airport site approval order, the bill requires the FDOT, upon receipt of a completed application, to publish in the next available publication of the FAR notice of intent to approve or deny the application. The notice must inform the recipient of any administrative hearing that is available, indicate the procedure that must be followed to obtain the hearing, and state that a request for hearing must be submitted no later than 14 days after the date of publication. The bill prohibits the FDOT from approving or denying an application less than 14 days after the date of publication. The FDOT must approve or deny an application no later than 30 days after the date of the publication, unless a hearing is requested. If site approval is granted, licensure of the public temporary airport or registration of the private temporary airport is deemed complete, and the FDOT must issue the license or registration concurrent with the approval.

The bill removes current law providing that the FDOT may license a public airport or a private airport may register as a temporary airport provided that the airport will not endanger the public health, safety, or welfare and the airport meets the temporary airport requirements established by the FDOT. The FDOT is prohibited from approving a subsequent application for a public or private temporary airport site approval order for the same general location if the purpose or effect is to evade otherwise applicable airport permitting, licensure, or registration requirements.

Lastly, the bill revises the exemption providing that site approval is not required for a temporary airport⁴⁴ used exclusively for aerial application or spraying of crops on a seasonal basis, not to include any licensed airport where permanent crop aerial application or spraying facilities are installed, if the period of operation does not exceed 30 days per calendar year. Rather than rely on a cross-reference to the definition of “temporary airport,” which includes restricting temporary airports to no more than 10 operations per day, the bill strikes the cross-reference and inserts the restriction expressly.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

⁴² Listed at the top of p. 2.

⁴³ The FDOT advises, however, that most of the delay associated with site approval applications results from the fact that the information provided is incomplete; therefore, the application is incomplete. *Supra* note 38.

⁴⁴ Defined in s. 330.27(7), F.S., as any airport that will be used for a period of less than 30 days with no more than 10 operations per day.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

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

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

Indeterminate but likely insignificant.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 330.27 and 330.30.

IX. Additional Information:

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

CS by Fiscal Policy on April 20, 2023:

The committee substitute:

- Further distinguishes between public and private temporary airports to improve clarity.
- Provides additional detail for purposes of compliance with the Administrative Procedures Act.
- Requires the FDOT to issue a temporary public airport license or a private temporary airport registration concurrent with airport site approval.

CS by Transportation on April 4, 2023:

The committee substitute:

- Revises the content of the FDOT notice to be published in the Florida Administrative Register to ensure compliance with Florida's Administration Procedure Act.
- Prohibits the FDOT from approving or denying a completed temporary site approval and registration application sooner than 14 days after the date of publication and requires the FDOT to approve or deny an application no later than 30 days after the date of publication.
- Deems registration complete if temporary site approval is granted.

B. Amendments:

None.



204976

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (DiCeglie) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (7) of section 330.27, Florida
Statutes, is amended to read:

330.27 Definitions, when used in ss. 330.29-330.39.—

(7) "Temporary airport" means an any airport at which
flight operations are conducted under visual flight rules
established by the Federal Aviation Administration and which is



204976

11 ~~that will be~~ used for a ~~period of~~ less than 30 consecutive days
12 with no more than 10 operations per day.

13 Section 2. Subsection (1), paragraphs (a) and (c) of
14 subsection (2), and paragraph (e) of subsection (3) of section
15 330.30, Florida Statutes, are amended to read:

16 330.30 Approval of airport sites; registration and
17 licensure of airports.—

18 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,
19 REVOCATION.—

20 (a) Except as provided in subsection (3), the owner or
21 lessee of a any proposed airport shall, before ~~prior to~~ site
22 acquisition or construction or establishment of the proposed
23 airport, obtain approval of the airport site from the
24 department. Applications for approval of a site shall be made in
25 a form and manner prescribed by the department. The department
26 shall grant the site approval if it is satisfied:

27 1. That the site has adequate area allocated for the
28 airport as proposed.

29 2. That the proposed airport will conform to licensing or
30 registration requirements and will comply with the applicable
31 local government land development regulations or zoning
32 requirements.

33 3. That all affected airports, local governments, and
34 property owners have been notified and any comments submitted by
35 them have been given adequate consideration.

36 4. That safe air-traffic patterns can be established for
37 the proposed airport with all existing airports and approved
38 airport sites in its vicinity.

39 (b) Site approval shall be granted for a public airport



204976

40 ~~airports~~ only after a favorable department inspection of the
41 proposed site.

42 (c) Site approval shall be granted for a private airport
43 ~~airports~~ only after receipt of documentation in a form and
44 manner the department deems necessary to satisfy the conditions
45 in paragraph (a).

46 (d) Site approval shall be granted for a public temporary
47 airport or private temporary airport only after receipt of
48 documentation in a form and manner the department deems
49 necessary to satisfy the conditions in paragraph (a). Such
50 documentation must be included with the application for a public
51 temporary airport or private temporary airport site approval
52 order.

53 (e)~~(d)~~ Site approval may be granted subject to any
54 reasonable conditions the department deems necessary to protect
55 the public health, safety, or welfare.

56 (f)~~(e)~~ Approval as a public airport or a private airport
57 shall remain valid for 2 years after the date of issue, unless
58 revoked by the department or unless a public airport license is
59 issued or a private airport registration is completed pursuant
60 to subsection (2) before ~~prior to~~ the expiration date.

61 (g)~~(f)~~ The department may extend a public airport or
62 private airport site approval for subsequent periods of 2 years
63 per extension for good cause.

64 (h)~~(g)~~ The department may revoke an airport ~~a~~ site approval
65 if it determines:

- 66 1. That the site has been abandoned as an airport site;
67 2. That the site has not been developed as an airport
68 within a reasonable time period or development does not comply



204976

69 with the conditions of the site approval;

70 3. That, except as required for in-flight emergencies,
71 aircraft have operated on the site; or

72 4. That the site is no longer usable for aviation purposes
73 due to physical or legal changes in conditions that were the
74 subject of the approval granted.

75 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, RENEWAL,
76 REVOCATION.—

77 (a) Except as provided in subsection (3), the owner or
78 lessee of an any airport in this state shall have ~~either~~ a
79 public airport license, a ~~or~~ private airport registration, a
80 public temporary airport license, or a private temporary airport
81 registration before ~~prior to~~ the operation of aircraft to or
82 from the airport facility. Application for a license or
83 registration shall be made in a form and manner prescribed by
84 the department. ~~Upon granting site approval:~~

85 1. For a public airport, upon granting site approval, the
86 department shall issue a license after a final airport
87 inspection finds the airport facility to be in compliance with
88 all requirements for the license. The license may be subject to
89 any reasonable conditions ~~that~~ the department deems ~~may deem~~
90 necessary to protect the public health, safety, or welfare.

91 2. For a private airport, upon granting site approval, the
92 department shall provide controlled electronic access to the
93 state aviation facility data system to permit the applicant to
94 complete the registration process. Registration shall be
95 completed upon self-certification by the registrant of
96 operational and configuration data deemed necessary by the
97 department.



204976

98 3. For an application for a public temporary airport or
99 private temporary airport site approval order, upon receipt of a
100 completed application, the department must publish a notice of
101 intent to approve or deny the application in the next available
102 publication of the Florida Administrative Register. The notice
103 must inform the recipient of any administrative hearing that is
104 available, indicate the procedure that must be followed to
105 obtain the hearing, and state that a request for hearing must be
106 submitted no later than 14 days after the date of publication.
107 The department may not approve or deny an application sooner
108 than 14 days after the date of publication. The department must
109 approve or deny an application no later than 30 days after the
110 date of publication, unless a hearing is requested by a person
111 whose substantial interests will be determined or affected by
112 the pending public temporary airport or private temporary
113 airport site approval order. If site approval is granted,
114 licensure of the public temporary airport or registration of the
115 private temporary airport is deemed complete, and the department
116 must issue the private temporary airport license or private
117 temporary airport registration concurrent with the airport site
118 approval.

119 ~~(c) The department may license a public airport or a~~
120 ~~private airport may register as a temporary airport provided~~
121 ~~that the airport will not endanger the public health, safety, or~~
122 ~~welfare and the airport meets the temporary airport requirements~~
123 ~~established by the department. A temporary airport license or~~
124 ~~registration shall be valid for less than 30 days and is not~~
125 ~~renewable. The department may not approve a subsequent~~
126 ~~application for a public temporary airport or private temporary~~



204976

127 airport site approval order for the same general location if the
128 purpose or effect of such order is to evade otherwise applicable
129 airport permitting, licensure, or registration requirements.

130 (3) EXEMPTIONS.—The provisions of this section do not apply
131 to:

132 (e) An airport ~~which meets the criteria of s. 330.27(7)~~
133 used exclusively for aerial application or spraying of crops on
134 a seasonal basis, not to include any licensed airport where
135 permanent crop aerial application or spraying facilities are
136 installed, if the period of operation does not exceed 30 days
137 per calendar year and the frequency of operations does not
138 exceed 10 operations per day. Such proposed airports, which will
139 be located within 3 miles of existing airports or approved
140 airport sites, shall establish safe air-traffic patterns with
141 such existing airports or approved airport sites, by memorandums
142 of understanding, or by letters of agreement between the parties
143 representing the airports or sites.

144 Section 3. This act shall take effect July 1, 2023.

145
146 ===== T I T L E A M E N D M E N T =====

147 And the title is amended as follows:

148 Delete everything before the enacting clause
149 and insert:

150 A bill to be entitled
151 An act relating to temporary airports; amending s.
152 330.27, F.S.; revising the definition of the term
153 "temporary airport"; amending s. 330.30, F.S.;
154 requiring that certain documentation be submitted to
155 the Department of Transportation for a public



204976

156 temporary airport or private temporary airport site
157 approval order; requiring a public temporary airport
158 to obtain a license and a private temporary airport to
159 obtain registration before operation of aircraft to or
160 from the airport; requiring the department to publish
161 certain notice of intent to approve or deny an
162 application for a public temporary airport or private
163 temporary airport site approval order; specifying the
164 period during which such application may be approved
165 or denied; deeming public temporary airport licensure
166 or private temporary airport registration complete if
167 the department grants site approval; requiring the
168 department to issue a public temporary airport license
169 or private temporary airport registration concurrent
170 with airport site approval; removing a condition for
171 licensure or registration as a temporary airport;
172 prohibiting the department from approving subsequent
173 applications for a public temporary airport or private
174 temporary airport site approval order under certain
175 circumstances; revising an exemption from certain
176 provisions for an airport used for aerial application
177 or spraying of crops; providing an effective date.

By the Committee on Transportation; and Senators DiCeglie and Perry

596-03508-23

20231672c1

1 A bill to be entitled
 2 An act relating to temporary airports; amending s.
 3 330.27, F.S.; revising the definition of the term
 4 "temporary airport"; amending s. 330.30, F.S.;
 5 requiring certain documentation to be submitted to the
 6 Department of Transportation for temporary airport
 7 site approval and temporary airport registration;
 8 requiring a temporary airport to obtain registration
 9 before operation of aircraft to or from the airport;
 10 requiring the department to publish certain notice of
 11 intent to approve or deny an application for temporary
 12 site approval and registration; specifying the period
 13 during which such application may be approved or
 14 denied; deeming temporary airport registration
 15 complete if the department grants site approval;
 16 removing a condition for licensure or registration as
 17 a temporary airport; prohibiting approval of
 18 subsequent temporary airport registration applications
 19 under certain circumstances; revising an exemption
 20 from certain provisions for an airport used for aerial
 21 application or spraying of crops; providing an
 22 effective date.

23
 24 Be It Enacted by the Legislature of the State of Florida:

25
 26 Section 1. Subsection (7) of section 330.27, Florida
 27 Statutes, is amended to read:

28 330.27 Definitions, when used in ss. 330.29-330.39.-

29 (7) "Temporary airport" means an any airport at which

Page 1 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-03508-23

20231672c1

30 flight operations are conducted under visual flight rules
 31 established by the Federal Aviation Administration and which is
 32 ~~that will be used for a period of~~ less than 30 consecutive days
 33 with no more than 10 operations per day.
 34 Section 2. Subsection (1), paragraphs (a) and (c) of
 35 subsection (2), and paragraph (e) of subsection (3) of section
 36 330.30, Florida Statutes, are amended to read:
 37 330.30 Approval of airport sites; registration and
 38 licensure of airports.-
 39 (1) SITE APPROVALS; REQUIREMENTS, EFFECTIVE PERIOD,
 40 REVOCATION.-
 41 (a) Except as provided in subsection (3), the owner or
 42 lessee of a ~~any~~ proposed airport shall, before ~~prior to~~ site
 43 acquisition or construction or establishment of the proposed
 44 airport, obtain approval of the airport site from the
 45 department. Applications for approval of a site shall be made in
 46 a form and manner prescribed by the department. The department
 47 shall grant the site approval if it is satisfied:
 48 1. That the site has adequate area allocated for the
 49 airport as proposed.
 50 2. That the proposed airport will conform to licensing or
 51 registration requirements and will comply with the applicable
 52 local government land development regulations or zoning
 53 requirements.
 54 3. That all affected airports, local governments, and
 55 property owners have been notified and any comments submitted by
 56 them have been given adequate consideration.
 57 4. That safe air-traffic patterns can be established for
 58 the proposed airport with all existing airports and approved

Page 2 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

596-03508-23

20231672c1

59 airport sites in its vicinity.

60 (b) Site approval shall be granted for a public airport
61 ~~airports~~ only after a favorable department inspection of the
62 proposed site.

63 (c) Site approval shall be granted for a private airport
64 ~~airports~~ only after receipt of documentation in a form and
65 manner the department deems necessary to satisfy the conditions
66 in paragraph (a).

67 (d) Site approval shall be granted for a temporary airport
68 only after receipt of documentation in a form and manner the
69 department deems necessary to satisfy the conditions in
70 paragraph (a). Such documentation must be included with the
71 application for a temporary airport registration.

72 (e)(d) Site approval may be granted subject to any
73 reasonable conditions the department deems necessary to protect
74 the public health, safety, or welfare.

75 (f)(e) Approval as a public airport or a private airport
76 shall remain valid for 2 years after the date of issue, unless
77 revoked by the department or unless a public airport license is
78 issued or a private airport registration is completed pursuant
79 to subsection (2) before ~~prior to~~ the expiration date.

80 (g)(f) The department may extend a public airport or
81 private airport site approval for subsequent periods of 2 years
82 per extension for good cause.

83 (h)(g) The department may revoke an airport ~~a~~ site approval
84 if it determines:

- 85 1. That the site has been abandoned as an airport site;
- 86 2. That the site has not been developed as an airport
87 within a reasonable time period or development does not comply

596-03508-23

20231672c1

88 with the conditions of the site approval;

89 3. That, except as required for in-flight emergencies,
90 aircraft have operated on the site; or

91 4. That the site is no longer usable for aviation purposes
92 due to physical or legal changes in conditions that were the
93 subject of the approval granted.

94 (2) LICENSES AND REGISTRATIONS; REQUIREMENTS, RENEWAL,
95 REVOCATION.—

96 (a) Except as provided in subsection (3), the owner or
97 lessee of an any airport in this state shall have ~~either~~ a
98 public airport license, ~~or~~ private airport registration, or
99 temporary airport registration before ~~prior to~~ the operation of
100 aircraft to or from the airport facility. Application for a
101 license or registration shall be made in a form and manner
102 prescribed by the department. ~~Upon granting site approval,~~

103 1. For a public airport, upon granting site approval, the
104 department shall issue a license after a final airport
105 inspection finds the airport facility to be in compliance with
106 all requirements for the license. The license may be subject to
107 any reasonable conditions ~~that~~ the department deems ~~may deem~~
108 necessary to protect the public health, safety, or welfare.

109 2. For a private airport, upon granting site approval, the
110 department shall provide controlled electronic access to the
111 state aviation facility data system to permit the applicant to
112 complete the registration process. Registration shall be
113 completed upon self-certification by the registrant of
114 operational and configuration data deemed necessary by the
115 department.

116 3. For a temporary airport, upon receipt of a completed

596-03508-23

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117 application for site approval and registration, the department
 118 must publish a notice of intent to approve or deny the
 119 application in the next available publication of the Florida
 120 Administrative Register. The notice must inform the recipient of
 121 any administrative hearing that is available, indicate the
 122 procedure that must be followed to obtain the hearing, and state
 123 that a request for hearing must be submitted no later than 14
 124 days after the date of publication. The department may not
 125 approve or deny an application sooner than 14 days after the
 126 date of publication. The department must approve or deny an
 127 application no later than 30 days after the date of publication.
 128 If site approval is granted, registration of the temporary
 129 airport is deemed complete.

130 (c) The department may license a public airport or a
 131 private airport may register as a temporary airport provided
 132 that the airport will not endanger the public health, safety, or
 133 welfare and the airport meets the temporary airport requirements
 134 established by the department. A temporary airport license or
 135 registration shall be valid for less than 30 days and is not
 136 renewable. The department may not approve a subsequent temporary
 137 airport registration application for the same general location
 138 if the purpose or effect is to evade otherwise applicable
 139 airport permitting or licensure requirements.

140 (3) EXEMPTIONS.—The provisions of this section do not apply
 141 to:

142 (e) ~~An airport which meets the criteria of s. 330.27(7)~~
 143 used exclusively for aerial application or spraying of crops on
 144 a seasonal basis, not to include any licensed airport where
 145 permanent crop aerial application or spraying facilities are

596-03508-23

20231672c1

146 installed, if the period of operation does not exceed 30 days
 147 per calendar year and the frequency of operations does not
 148 exceed 10 operations per day. Such proposed airports, which will
 149 be located within 3 miles of existing airports or approved
 150 airport sites, shall establish safe air-traffic patterns with
 151 such existing airports or approved airport sites, by memorandums
 152 of understanding, or by letters of agreement between the parties
 153 representing the airports or sites.

154 Section 3. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4-20-23

Meeting Date

SB 1672

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Edward Briggs

Phone 941-704-2793

Address 113 E College Ave

Email edward@teamrsw.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

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S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/SB 1676

INTRODUCER: Fiscal Policy Committee, Agriculture Committee, Senator Burton, and others

SUBJECT: Hemp

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Becker</u>	<u>Becker</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Becker</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/SB 1676 makes a number of changes to the regulation of hemp in this state. Specifically, the bill:

- Adds hemp extract to the definition of “food.”
- Defines “attractive to children.”
- Revises the definition of “hemp” to exempt hemp extract, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.
- Modifies how hemp extract may be sold in this state, including:
 - Requiring the batch to be processed in a facility that meets certain requirements;
 - Requiring it to be sold in a container that meets certain requirements, one of which is that the container is not attractive to children; and
 - Requiring it to only be sold to businesses that meet certain requirements.
- Prohibits hemp extract products intended for human ingestion, including, but not limited to, snuff, gum, and other smokeless products, from being sold to a person who is under 21 years of age. It provides penalties for a person who violates this prohibition.
- Revises the Department of Agriculture and Consumer Services (department) rulemaking authority to reflect the approval of the state hemp plan and to require the department to adopt rules relating to the packaging, labeling, and advertising of hemp extract products.

The bill shall take effect July 1, 2023.

II. Present Situation:

Industrial Hemp

Industrial hemp is a *Cannabis sativa* plant (cannabis) that has been cultivated for approximately 10,000 years as a fiber and grain crop. It is used for fiber, building materials, forages (animal feed), and pain relief as a topical oil.¹

Cannabis

Cannabis is a Schedule I controlled substance.² It is a felony of the third degree³ to sell, manufacture, deliver, or possess with intent to sell, manufacture, or deliver, cannabis in Florida.⁴

As a controlled substance in chapter 893, F.S., “cannabis” is defined to mean: all parts of any plant of the genus *Cannabis*, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin. The term does not include “marijuana,” as defined in s. 381.986, F.S., if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986, F.S., [the Compassionate Medical Cannabis Act of 2014], hemp as defined in s. 581.217, F.S., [the state hemp program], or industrial hemp as defined in s. 1004.4473, F.S., [industrial hemp pilot projects].⁵

Medical Marijuana

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

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

Subsequently, the Legislature passed SB 8-A in Special Session A of 2017.⁶ The bill revised the Compassionate Medical Cannabis Act of 2014⁷ in s. 381.986, F.S., to implement Article X, section 29 of the Florida Constitution.

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

¹ See University of Florida, *UF/IFAS Industrial Hemp Pilot Project* at: <https://programs.ifas.ufl.edu/hemp/> (last visited March 17, 2023).

² Section 893.03(1)(c)7., F.S.

³ Section 775.082, F.S., provides that a felony of the third degree is punishable by a term of imprisonment not to exceed 5 years. Section 775.083, F.S., provides that a felony of the third degree is punishable by a fine not to exceed \$5,000.

⁴ Section 893.13(1)(a)2., F.S.

⁵ Section 893.02(3), F.S.

⁶ Chapter 2017-232, Laws of Fla.

⁷ Chapter 2014-157, Laws of Fla.

- Marijuana without any limitation or restriction on the percentage of THC;⁸ and
- “Low-THC cannabis” in which the percentage of THC is limited to 0.8 percent or less and has more than 10 percent of cannabidiol⁹ weight for weight.¹⁰

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

A MMTC and a qualified patient or caregiver are specifically exempt from the criminal prohibition against the possession of cannabis.¹²

2014 Federal Farm Bill and State Industrial Hemp Pilot Programs

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

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

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

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

Section 1004.4473, F.S., authorizes the Florida Department of Agriculture and Consumer Services (department) to oversee the development of industrial hemp pilot projects for the Institute of Food and Agricultural Sciences (IFAS) at the University of Florida, Florida Agricultural and Mechanical University, any land grant university in the state that has a college of agriculture, and any Florida College System institution or state university that has an established agriculture, engineering, or

⁸ THC, or tetrahydrocannabinol, is the main active ingredient in cannabis and is responsible for most of the psychological effects of cannabis.

⁹ Cannabidiol (CBD) is a chemical compound, known as a cannabinoid, found in cannabis. CBD does not have the same psychoactivity as THC. See Michael J Breus, *Despite What You May Think... CBD Is Not Weed* (Sept. 20, 2018), Psychology Today, available at: <https://www.psychologytoday.com/us/blog/sleep-newzzz/201809/despite-what-you-may-think-cbd-is-not-weed> (last visited March 16, 2023).

¹⁰ See s. 381.986(1)(e) and (f), F.S.

¹¹ Section 1004.4351, F.S.

¹² See s. 381.986(14), F.S.

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

¹⁴ *Id.*

pharmacy program.¹⁵ The purpose of the pilot projects is to cultivate, process, test, research, create, and market safe and effective commercial applications for industrial hemp in the agricultural sector in this state. The department has adopted a rule addressing safety, compliance, and accountability and other concerns.¹⁶

2018 Federal Farm Bill

In the Agricultural Improvement Act of 2018 (2018 Farm Bill), the U.S. Congress legalized industrial hemp as an agricultural product by removing hemp's classification as a controlled substance.¹⁷ The 2018 Farm Bill defines "hemp" to mean:

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

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

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

State Hemp Program

The state hemp program was created within the department to regulate the cultivation of hemp in Florida.²⁰

Section 581.217(3)(d), F.S., defines the term "hemp" to mean:

...the plant *Cannabis sativa* L. and any part of that plant, including the seeds thereof, and all derivatives, extracts, cannabinoids, isomers, acids, salts, and salts of isomers thereof,

¹⁵ Section 1004.4473(2)(a), F.S.

¹⁶ Fla. Admin. Code R. 5B-57.013 (2018).

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

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

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

²⁰ See s. 581.217, F.S.

whether growing or not, that has a total delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 percent on a dry-weight basis.

Section 581.217(3)(e), F.S., defines the term “hemp extract” to mean “a substance or compound intended for ingestion, containing more than trace amounts of cannabinoid, or for inhalation which is derived from or contains hemp and which does not contain other controlled substances.” The term does not include synthetic CBD or seeds or seed-derived ingredients that are generally recognized as safe by the United States Food and Drug Administration.²¹ Products that are intended for inhalation and contain hemp extract may not be sold in this state to a person who is under 21 years of age.²²

The department was required to seek federal approval of the state plan for the regulation of the cultivation of hemp with the United States Secretary of Agriculture (USDA) in accordance with the 2018 Farm Bill within 30 days of adopting rules.²³ A license is required to cultivate hemp²⁴ and to obtain a license, a person must apply to the department and submit a full set of fingerprints.²⁵ A person seeking to cultivate hemp must provide the department with a legal land description and GPS coordinates of where the hemp will be cultivated.²⁶ The department must deny an application under certain circumstances.²⁷

CDC Health Advisory

In September 2021, the Center for Disease Control (CDC) sent out a Health Alert Network (HAN) Health Advisory alerting public health departments and the public about the increased availability of cannabis products containing delta-8-THC and the potential for adverse events due to insufficient labeling of products containing THC and cannabidiol (CBD).²⁸ The advisory reports that there is an increase in delta-8 THC products appearing in both marijuana and hemp marketplaces and are also available online.²⁹ The advisory suggests that some products containing delta-8 THC are only labeled as containing delta-9 THC, which leads consumers to underestimate the psychoactive potential. Consumers may get confused at businesses that sell delta-8 THC in the same place that sell hemp or CBD, products that are not intoxicating, and may experience unexpected or increased THC intoxication.³⁰

Delta-8 THC-involved adverse events

In 2021, the American Association of Poison Control Centers (AAPCC) introduced a delta-8 THC product code into its National Poison Data System (NPDS), to monitor adverse events. From January 1 to July 31, 2021, 660 delta-8 THC exposures were recorded with the new product code, and one additional case was recoded as a delta-8 THC exposure from October 2020. Eighteen

²¹ Section 581.219(3)(e), F.S.

²² Section 581.217(7)(c), F.S.

²³ Section 581.217(4), F.S.

²⁴ Section 581.217(5)(a), F.S.

²⁵ Section 581.217(5)(b), F.S.

²⁶ Section 581.217(5)(d), F.S.

²⁷ Section 581.217(5)(e), F.S.

²⁸ See https://emergency.cdc.gov/han/2021/pdf/CDC_HAN_451.pdf (last visited March 17, 2023).

²⁹ Id.

³⁰ Id.

percent of exposures (119 of 661 cases) required hospitalization, and 39% (258 of 661 cases) involved pediatric patients less than 18 years of age.³¹

The advisory warned that delta-8 intoxication can cause adverse effects similar to those observed during delta-9 THC intoxication, which may include:

- Lethargy,
- Uncoordinated movements and decreased psychomotor activity,
- Slurred speech,
- Increased heart rate progressing to slowed heart rate,
- Low blood pressure,
- Difficulty breathing,
- Sedation, and
- Coma.³²

CDC Recommendations

The CDC also provided recommendations for consumers, public health departments/poison control centers, retailers and healthcare providers. The recommendations included, but are not limited to:

- Consumers should be aware of possible limitations in the labeling of products containing THC and CBD even from approved marijuana and hemp retailers. Products reporting only delta-9 THC concentration, but not total THC, may underestimate the psychoactive potential for consumers.
- Consumers should be aware that products labeled as hemp or CBD may contain delta-8 THC, and that products containing delta-8 THC can result in psychoactive effects. Delta-8 THC products are currently being sold in many states, territories, and tribal nations where non-medical adult cannabis use is not permitted by law. In addition, retailers may sell products outside of regulated dispensaries in states, territories, and tribal nations where cannabis use is permitted by law. This may provide consumers with a false sense of safety, as delta-8 THC products may be labeled as hemp or CBD, which consumers may not associate with psychoactive ingredients.
- States, territories, and tribal nations that have passed laws allowing non-medical use of adult cannabis or that may allow such use in the future may consider requiring the reporting of total THC content, including ingredients like delta-8 THC and other compounds that may be synthetically produced, on product labeling.
- Retailers selling cannabis products should report total THC content on product labeling, including ingredients like delta-8 THC that may be synthetically produced to create a psychoactive effect.
- Healthcare providers should be vigilant in observing patients presenting with THC-like intoxication symptoms who do not report an exposure to marijuana or history of use. Symptomatic patients should be questioned about their use of CBD or delta-8 THC products.³³

³¹ Id.

³² Id.

³³ Id.

FDA Consumer Update: Delta-8 THC

In 2022, the Food and Drug Administration (FDA) released a consumer report to inform the public about Delta-8 THC.³⁴ The consumer report outlined five points on delta-8 THC:

- Products containing delta-8 THC have not been approved by the FDA and may be marketed as “hemp products,” which consumers associate with being “non-psychoactive.”
- The FDA has received 104 reports of adverse events in patients who consumed delta-8 THC products between December 1, 2020, and February 28, 2022. Additionally, national poison control centers received 2,362 exposure cases of delta-8 THC products between January 2021 and February 2022.
- Delta-8 THC contains psychoactive and intoxicating effects, similar to delta-9 THC (i.e., the component responsible for the “high” people may experience from using cannabis).
- The natural amount of delta-8 THC in hemp is very low, and additional chemicals are needed to convert other cannabinoids in hemp, like CBD, into delta-8 THC (i.e., synthetic conversion). The FDA reports that some manufacturers may use potentially unsafe household chemicals to make delta-8 THC through a chemical synthesis process.
- Some Delta-8 THC marketing may appeal to children and may be purchased online. As such the FDA is recommending keeping delta-8 THC products out of the reach of children and due to pets to decrease the potential occurrence of adverse events.³⁵

III. Effect of Proposed Changes:

CS/CS/SB 1676 makes a number of changes to the regulation of hemp in the state. The bill amends s. 500.03, F.S. which adds hemp extract, as defined in s. 581.217, F.S., to the definition of “food” and specifies that hemp extract is considered a food that requires time and temperature control for safety and integrity of the product.

The bill defines “attractive to children” to mean items manufactured in certain shapes or manufactured to bear any reasonable resemblance to an existing candy. The bill revises the definition of “hemp” to exempt hemp extract, which may not exceed 0.3 percent total delta-9-tetrahydrocannabinol on a wet-weight basis.

Current law provides regulation of how hemp extract may be sold in this state.³⁶ The bill adds a requirement that the batch be processed in a facility that holds a current and valid permit issued by a human health or food safety regulatory entity with authority over the facility, and that facility meets the human health or food sanitization requirements of the regulatory entity. Such compliance must be documented by a report from the regulatory entity confirming that the facility meets such requirements.

The bill adds a requirement that hemp extract be distributed or sold in a container that:

- Is suitable to contain products for human consumption;

³⁴ See <https://www.fda.gov/consumers/consumer-updates/5-things-know-about-delta-8-tetrahydrocannabinol-delta-8-thc> (last visited March 17, 2023).

³⁵ Id.

³⁶ Section 581.217(7), F.S.

- Is composed of materials designed to minimize exposure to light;
- Mitigates exposure to high temperatures;
- Is not attractive to children; and
- Is compliant with the United States Poison Prevention Packaging Act of 1970.

The bill requires that hemp extract only be sold to a business in this state if that business is properly permitted by s. 581.217(7), F.S. It clarifies that hemp extract distributed or sold in this state is subject to the applicable requirements of ch. 500, ch. 502, or ch. 508, removing the specification that a violation of this shall be considered adulterated or misbranded.

Current law provides that hemp extract products that are intended for inhalation may not be sold to a person who is under 21 years of age.³⁷ The bill adds a requirement that such products intended for human ingestion, including, but not limited to, snuff, chewing gum, and other smokeless products, may not be sold to a person who is under 21 years of age. It provides that a person who violates this prohibition is guilty of a second degree misdemeanor and that a person who commits a second or subsequent violation within one year of the initial violation commits a first degree misdemeanor. It provides that hemp extract products found to be mislabeled or attractive to children are subject to an immediate stop-sale order.

The bill revises the department's rulemaking authority, granting it the authority to adopt rules to administer the state hemp program. It also requires the department to adopt rules to provide for packaging and labeling requirements that ensure that hemp extract intended for human ingestion or inhalation is not attractive to children and for advertising regulations that ensure hemp extract intended for human ingestion or inhalation is not marketed or advertised in a manner that specifically targets or is attractive to children.

The bill reenacts s. 893.02(3), F.S., the definition of "cannabis," to reflect changes made by the bill.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

³⁷ Section 581.217(7)(c), F.S.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Businesses may be impacted by the additional regulations, specifically the packaging requirements.

C. Government Sector Impact:

The department will be able to inspect and regulate hemp extract as a food product. It is unclear whether or not this will have a fiscal impact to the department.

VI. Technical Deficiencies:

There are conflicting limits for how many milligrams of total cannabinoids that each container/package may include.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 500.03 and 581.217 of the Florida Statutes.
This bill reenacts section 893.02 of the Florida Statutes.

IX. Additional Information:

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

CS by Fiscal Policy on April 20, 2023:

The CS:

- Defines “attractive to children;”
- Modifies the definitions of “hemp” and “hemp extract;”
- Removes the definitions of “synthetically derived cannabinol” and “total tetrahydrocannabinol;”

- Removes the limits on the amount of THC per serving and per container;
- Outlines penalties for violations of the distribution and retail sale requirements of hemp extract products and provides circumstances for a stop-sale order; and
- Removes the department’s rulemaking authority relating to cannabinoids that were provided for in the bill, maintaining the department’s rulemaking authority regarding packaging, labeling, and advertising.

CS by Agriculture on March 20, 2023:

The CS reverts what the term hemp-derived cannabinoids includes back to current law, revises the definition of “hemp” to add that hemp extract may not exceed 0.5 total cannabinoids per container, revises the definition of “synthetically derived cannabinoid,” revises the definition of “total tetrahydrocannabinol,” requires that hemp extract may only be sold in the state if the batch contains less than 0.5 milligrams total cannabinoids per serving, requires that products that are intended for human consumption or ingestion may not exceed .5 total tetrahydrocannabinol per serving or 2 milligrams total tetrahydrocannabinol per package, and revises the department’s rulemaking authority.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Burton) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (n) of subsection (1) of section
500.03, Florida Statutes, is amended, and subsection (4) is
added to that section, to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(n) "Food" includes:



663902

- 11 1. Articles used for food or drink for human consumption;
12 2. Chewing gum;
13 3. Articles used for components of any such article;
14 4. Articles for which health claims are made, which claims
15 are approved by the Secretary of the United States Department of
16 Health and Human Services and which claims are made in
17 accordance with s. 343(r) of the federal act, and which are not
18 considered drugs solely because their labels or labeling contain
19 health claims; ~~and~~
20 5. Dietary supplements as defined in 21 U.S.C. s.
21 321(ff)(1) and (2); and
22 6. Hemp extract as defined in s. 581.217.

23
24 The term includes any raw, cooked, or processed edible
25 substance; ice; any beverage; or any ingredient used, intended
26 for use, or sold for human consumption.

27 (4) For the purposes of this chapter, hemp extract is
28 considered a food that requires time and temperature control for
29 the safety and integrity of product.

30 Section 2. Paragraph (b) of subsection (2) and subsections
31 (3), (7), and (12) of section 581.217, Florida Statutes, are
32 amended to read:

33 581.217 State hemp program.—

34 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

35 (b) Hemp-derived cannabinoids, including, but not limited
36 to, cannabidiol, are not controlled substances or adulterants if
37 they are in compliance with this section.

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

39 (a) "Attractive to children" means manufactured in the



663902

40 shape of humans, cartoons, or animals; manufactured in a form
41 that bears any reasonable resemblance to an existing candy
42 product that is familiar to the public as a widely distributed,
43 branded food product such that a product could be mistaken for
44 the branded product, especially by children; or containing any
45 color additives.

46 (b)-(a) "Certifying agency" has the same meaning as in s.
47 578.011(8).

48 (c)-(b) "Contaminants unsafe for human consumption"
49 includes, but is not limited to, any microbe, fungus, yeast,
50 mildew, herbicide, pesticide, fungicide, residual solvent,
51 metal, or other contaminant found in any amount that exceeds any
52 of the accepted limitations as determined by rules adopted by
53 the Department of Health in accordance with s. 381.986, or other
54 limitation pursuant to the laws of this state, whichever amount
55 is less.

56 (d)-(e) "Cultivate" means planting, watering, growing, or
57 harvesting hemp.

58 (e)-(d) "Hemp" means the plant *Cannabis sativa* L. and any
59 part of that plant, including the seeds thereof, and all
60 derivatives, extracts, cannabinoids, isomers, acids, salts, and
61 salts of isomers thereof, whether growing or not, that has a
62 total delta-9-tetrahydrocannabinol concentration that does not
63 exceed 0.3 percent on a dry-weight basis, with the exception of
64 hemp extract, which may not exceed 0.3 percent total delta-9-
65 tetrahydrocannabinol on a wet-weight basis.

66 (f)-(e) "Hemp extract" means a substance or compound
67 intended for ingestion, containing more than trace amounts of a
68 cannabinoid, or for inhalation which is derived from or contains



663902

69 hemp and which does not contain ~~other~~ controlled substances. The
70 term does not include synthetic cannabidiol ~~CBD~~ or seeds or
71 seed-derived ingredients that are generally recognized as safe
72 by the United States Food and Drug Administration.

73 (g) ~~(f)~~ "Independent testing laboratory" means a laboratory
74 that:

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

77 2. Does not have a direct or indirect interest in a
78 facility that cultivates, processes, distributes, dispenses, or
79 sells hemp or hemp extract in the state or in another
80 jurisdiction or cultivates, processes, distributes, dispenses,
81 or sells marijuana, as defined in s. 381.986; and

82 3. Is accredited by a third-party accrediting body as a
83 competent testing laboratory pursuant to ISO/IEC 17025 of the
84 International Organization for Standardization.

85 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—

86 (a) Hemp extract may only be distributed and sold in the
87 state if the product:

88 1. Has a certificate of analysis prepared by an independent
89 testing laboratory that states:

90 a. The hemp extract is the product of a batch tested by the
91 independent testing laboratory;

92 b. The batch contained a total delta-9-tetrahydrocannabinol
93 concentration that did not exceed 0.3 percent pursuant to the
94 testing of a random sample of the batch; ~~and~~

95 c. The batch does not contain contaminants unsafe for human
96 consumption; and

97 d. The batch was processed in a facility that holds a



663902

98 current and valid permit issued by a human health or food safety
99 regulatory entity with authority over the facility, and that
100 facility meets the human health or food safety sanitization
101 requirements of the regulatory entity. Such compliance must be
102 documented by a report from the regulatory entity confirming
103 that the facility meets such requirements.

104 2. Is distributed or sold in a container that includes:
105 a. A scannable barcode or quick response code linked to the
106 certificate of analysis of the hemp extract batch by an
107 independent testing laboratory;
108 b. The batch number;
109 c. The Internet address of a website where batch
110 information may be obtained;
111 d. The expiration date; and
112 e. The number of milligrams of each marketed cannabinoid
113 per serving.

114 3. Is distributed or sold in a container that:
115 a. Is suitable to contain products for human consumption;
116 b. Is composed of materials designed to minimize exposure
117 to light;
118 c. Mitigates exposure to high temperatures;
119 d. Is not attractive to children; and
120 e. Is compliant with the United States Poison Prevention
121 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq., without
122 regard to provided exemptions.

123 (b) Hemp extract may only be sold to a business in this
124 state if that business is properly permitted as required by this
125 section.

126 (c) Hemp extract distributed or sold in this state is



663902

127 subject to the applicable requirements of ~~violation of this~~
128 ~~section shall be considered adulterated or misbranded pursuant~~
129 ~~to~~ chapter 500, chapter 502, or chapter 580.

130 (d)(e) Products that are intended for human ingestion or
131 inhalation and that contain hemp extract, including, but not
132 limited to, snuff, chewing gum, and other smokeless products,
133 may not be sold in this state to a person who is under 21 years
134 of age. A person who violates this paragraph commits a
135 misdemeanor of the second degree, punishable as provided in s.
136 775.082 or s. 775.083. A person who commits a second or
137 subsequent violation of this paragraph within 1 year after the
138 initial violation commits a misdemeanor of the first degree,
139 punishable as provided in s. 775.082 or s. 775.083.

140 (e) Hemp extract distributed or sold in violation of this
141 subsection is subject to s. 500.172 and penalties as provided in
142 s. 500.121. Hemp extract products found to be mislabeled or
143 attractive to children are subject to an immediate stop-sale
144 order.

145 (12) RULES. ~~By August 1, 2019,~~ The department shall adopt
146 rules, ~~in consultation with the Department of Health and the~~
147 ~~Department of Business and Professional Regulation, shall~~
148 ~~initiate rulemaking~~ to administer the state hemp program. The
149 rules must provide for:

150 (a) A procedure that uses post-decarboxylation or other
151 similarly reliable methods for testing the delta-9-
152 tetrahydrocannabinol concentration of cultivated hemp.

153 (b) A procedure for the effective disposal of plants,
154 whether growing or not, that are cultivated in violation of this
155 section or department rules, and products derived from those



156 plants.

157 (c) Packaging and labeling requirements that ensure that
158 hemp extract intended for human ingestion or inhalation is not
159 attractive to children.

160 (d) Advertising regulations that ensure that hemp extract
161 intended for human ingestion or inhalation is not marketed or
162 advertised in a manner that specifically targets or is
163 attractive to children.

164 Section 3. For the purpose of incorporating the amendments
165 made by this act to section 581.217, Florida Statutes, in a
166 reference thereto, subsection (3) of section 893.02, Florida
167 Statutes, is reenacted to read:

168 893.02 Definitions.—The following words and phrases as used
169 in this chapter shall have the following meanings, unless the
170 context otherwise requires:

171 (3) "Cannabis" means all parts of any plant of the genus
172 *Cannabis*, whether growing or not; the seeds thereof; the resin
173 extracted from any part of the plant; and every compound,
174 manufacture, salt, derivative, mixture, or preparation of the
175 plant or its seeds or resin. The term does not include
176 "marijuana," as defined in s. 381.986, if manufactured,
177 possessed, sold, purchased, delivered, distributed, or
178 dispensed, in conformance with s. 381.986. The term does not
179 include hemp as defined in s. 581.217 or industrial hemp as
180 defined in s. 1004.4473.

181 Section 4. This act shall take effect July 1, 2023.

182
183 ===== T I T L E A M E N D M E N T =====

184 And the title is amended as follows:



663902

185 Delete everything before the enacting clause
186 and insert:

187 A bill to be entitled
188 An act relating to hemp; amending s. 500.03, F.S.;
189 revising the definition of the term "food"; providing
190 that hemp extract is considered a food subject to
191 certain requirements; amending s. 581.217, F.S.;
192 revising legislative findings regarding the state hemp
193 program; defining the term "attractive to children";
194 revising definitions; revising the requirements that
195 hemp extract must meet before being distributed and
196 sold in this state; providing that hemp extract may
197 only be sold to businesses in this state which meet
198 certain permitting requirements; providing that hemp
199 extract distributed or sold in this state must meet
200 certain requirements; prohibiting products intended
201 for human ingestion which contain hemp extract from
202 being sold to persons under a specified age; providing
203 civil and criminal penalties; providing enhanced
204 criminal penalties for second or subsequent violations
205 within a specified timeframe; providing that certain
206 products are subject to an immediate stop-sale order;
207 requiring the Department of Agriculture and Consumer
208 Services to adopt specified rules; removing obsolete
209 provisions; reenacting s. 893.02(3), F.S., relating to
210 the definition of the term "cannabis," to incorporate
211 the amendments made to s. 581.217, F.S., in a
212 reference thereto; providing an effective date.

By the Committee on Agriculture; and Senators Burton and Rodriguez

575-02800-23

20231676c1

1 A bill to be entitled
 2 An act relating to hemp; amending s. 500.03, F.S.;
 3 revising the definition of the term "food"; providing
 4 that hemp extract is considered a food subject to
 5 certain requirements; amending s. 581.217, F.S.;
 6 revising legislative findings for the state hemp
 7 program; revising and defining terms; revising the
 8 requirements that hemp extract must meet before being
 9 distributed and sold in this state; providing that
 10 hemp extract may only be sold to businesses in this
 11 state which meet certain permitting requirements;
 12 providing that hemp extract distributed or sold in
 13 this state must meet certain requirements; prohibiting
 14 products intended for human ingestion which contain
 15 hemp extract from being sold to persons under a
 16 specified age; providing a requirement for products
 17 intended for human ingestion or inhalation; requiring
 18 the Department of Agriculture and Consumer Services to
 19 adopt rules; removing obsolete provisions; reenacting
 20 s. 893.02(3), F.S., relating to the definition of the
 21 term "cannabis," to incorporate the amendment made to
 22 s. 581.217, F.S., in a reference thereto; providing an
 23 effective date.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Paragraph (n) of subsection (1) of section
 28 500.03, Florida Statutes, is amended, and subsection (4) is
 29 added to that section, to read:

Page 1 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

575-02800-23

20231676c1

30 500.03 Definitions; construction; applicability.—
 31 (1) For the purpose of this chapter, the term:
 32 (n) "Food" includes:
 33 1. Articles used for food or drink for human consumption;
 34 2. Chewing gum;
 35 3. Articles used for components of any such article;
 36 4. Articles for which health claims are made, which claims
 37 are approved by the Secretary of the United States Department of
 38 Health and Human Services and which claims are made in
 39 accordance with s. 343(r) of the federal act, and which are not
 40 considered drugs solely because their labels or labeling contain
 41 health claims; ~~and~~
 42 5. Dietary supplements as defined in 21 U.S.C. s.
 43 321(ff) (1) and (2); and
 44 6. Hemp extract as defined in s. 581.217.
 45
 46 The term includes any raw, cooked, or processed edible
 47 substance; ice; any beverage; or any ingredient used, intended
 48 for use, or sold for human consumption.
 49 (4) For the purposes of this chapter, hemp extract is
 50 considered a food that requires time and temperature control for
 51 safety and integrity of product.
 52 Section 2. Paragraph (b) of subsection (2), paragraphs (d)
 53 and (e) of subsection (3), and subsections (7) and (12) of
 54 section 581.217, Florida Statutes, are amended, and paragraphs
 55 (g) and (h) are added to subsection (3) of that section, to
 56 read:
 57 581.217 State hemp program.—
 58 (2) LEGISLATIVE FINDINGS.—The Legislature finds that:

Page 2 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

575-02800-23

20231676c1

59 (b) Hemp-derived cannabinoids, including, but not limited
60 to, cannabidiol, are not controlled substances or adulterants if
61 they are in compliance with this section.

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

63 (d) “Hemp” means the plant *Cannabis sativa* L. and any part
64 of that plant, including the seeds thereof, and all derivatives,
65 extracts, cannabinoids, isomers, acids, salts, and salts of
66 isomers thereof, whether growing or not, that has a total delta-
67 9-tetrahydrocannabinol concentration that does not exceed 0.3
68 percent on a dry-weight basis, with the exception of hemp
69 extract, which may not exceed 0.5 milligrams total cannabinoids
70 per container, and 0.3 percent total delta-9
71 tetrahydrocannabinol on a wet-weight basis. The term does not
72 include synthetically derived cannabinoids.

73 (e) “Hemp extract” means a substance or compound intended
74 for ingestion, containing more than trace amounts of a
75 cannabinoid, or for inhalation which is derived from or contains
76 hemp and which does not contain ~~other~~ controlled substances. The
77 term includes snuff, chewing gum, and smokeless products derived
78 from or containing hemp, but does not include cannabinoids that
79 are synthetically derived synthetic CBD or seeds or seed-derived
80 ingredients that are generally recognized as safe by the United
81 States Food and Drug Administration.

82 (g) “Synthetically derived cannabinoid” means any
83 cannabinoid created by any process other than direct extraction
84 from hemp and without further reacting with other chemicals to
85 increase the concentration of a present cannabinoid or to create
86 a new or different cannabinoid not originally found in the
87 extract.

Page 3 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

575-02800-23

20231676c1

88 (h) “Total tetrahydrocannabinol” means the sum of all
89 cannabinoids as defined by the department in milligrams.

90 (7) DISTRIBUTION AND RETAIL SALE OF HEMP EXTRACT.—

91 (a) Hemp extract may only be distributed and sold in the
92 state if the product:

93 1. Has a certificate of analysis prepared by an independent
94 testing laboratory that states:

95 a. The hemp extract is the product of a batch tested by the
96 independent testing laboratory;

97 b. The batch contained 0.5 milligrams total cannabinoids
98 per serving a total delta-9-tetrahydrocannabinol concentration
99 that did not exceed 0.3 percent pursuant to the testing of a
100 random sample of the batch; and

101 c. The batch does not contain contaminants unsafe for human
102 consumption; and

103 d. The batch was processed in a facility that holds a
104 current and valid permit issued by a human health or food safety
105 regulatory entity with authority over the facility, and that
106 facility meets the human health or food safety sanitization
107 requirements of the regulatory entity. Such compliance must be
108 documented by a report from the regulatory entity confirming
109 that the facility meets such requirements.

110 2. Is distributed or sold in a container that includes:

111 a. A scannable barcode or quick response code linked to the
112 certificate of analysis of the hemp extract batch by an
113 independent testing laboratory;

114 b. The batch number;

115 c. The Internet address of a website where batch
116 information may be obtained;

Page 4 of 7

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575-02800-23

20231676c1

117 d. The expiration date; and
 118 e. The number of milligrams of each marketed cannabinoid
 119 per serving.
 120 3. Is distributed or sold in a container that:
 121 a. Is suitable to contain products for human consumption;
 122 b. Is composed of materials designed to minimize exposure
 123 to light;
 124 c. Mitigates exposure to high temperatures;
 125 d. Is not attractive to children; and
 126 e. Is compliant with the United States Poison Prevention
 127 Packaging Act of 1970, 15 U.S.C. ss. 1471 et seq, without regard
 128 to provided exemptions.
 129 (b) Hemp extract may only be sold to a business in this
 130 state if that business is properly permitted as required by this
 131 section.
 132 (c) Hemp extract distributed or sold in this state is
 133 subject to the applicable requirements of violation of this
 134 section shall be considered adulterated or misbranded pursuant
 135 to chapter 500, chapter 502, or chapter 580.
 136 (d) ~~(e)~~ Products that are intended for human ingestion or
 137 inhalation and contain hemp extract may not:
 138 1. Be sold in this state to a person who is under 21 years
 139 of age; or-
 140 2. Exceed 0.5 milligrams total tetrahydrocannabinol per
 141 serving or 2 milligrams total tetrahydrocannabinol per package.
 142 (12) RULES.-
 143 (a) ~~By August 1, 2019, The department shall adopt rules, in~~
 144 ~~consultation with the Department of Health and the Department of~~
 145 ~~Business and Professional Regulation, shall initiate rulemaking~~

Page 5 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

575-02800-23

20231676c1

146 to administer the state hemp program. The rules must provide
 147 for:
 148 1. ~~(a)~~ A procedure that uses post-decarboxylation or other
 149 similarly reliable methods for testing the delta-9-
 150 tetrahydrocannabinol concentration of cultivated hemp.
 151 2. ~~(b)~~ A procedure for the effective disposal of plants,
 152 whether growing or not, that are cultivated in violation of this
 153 section or department rules, and products derived from those
 154 plants.
 155 3. Packaging and labeling requirements that ensure that
 156 hemp extract intended for human ingestion or inhalation is not
 157 attractive to children.
 158 4. Advertising regulations that ensure hemp extract
 159 intended for human ingestion or inhalation is not marketed or
 160 advertised in a manner that specifically targets or is
 161 attractive to children.
 162 (b) The department shall adopt rules pursuant to ss.
 163 120.536(1) and 120.54, establishing the cannabinoids to include
 164 in calculating total cannabinoids, which must include, at a
 165 minimum, delta-8 tetrahydrocannabinol, delta-9
 166 tetrahydrocannabinol, delta-9 tetrahydrocannalibonic acid,
 167 delta-10 tetrahydrocannabinol, delta-9,11 tetrahydrocannabinol,
 168 exo-tetracannabinol, and hexahydrocannabinol.
 169 Section 3. For the purpose of incorporating the amendment
 170 made by this act to section 581.217, Florida Statutes, in a
 171 reference thereto, subsection (3) of section 893.02, Florida
 172 Statutes, is reenacted to read:
 173 893.02 Definitions.—The following words and phrases as used
 174 in this chapter shall have the following meanings, unless the

Page 6 of 7

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

575-02800-23

20231676c1

175 context otherwise requires:

176 (3) "Cannabis" means all parts of any plant of the genus
177 *Cannabis*, whether growing or not; the seeds thereof; the resin
178 extracted from any part of the plant; and every compound,
179 manufacture, salt, derivative, mixture, or preparation of the
180 plant or its seeds or resin. The term does not include
181 "marijuana," as defined in s. 381.986, if manufactured,
182 possessed, sold, purchased, delivered, distributed, or
183 dispensed, in conformance with s. 381.986. The term does not
184 include hemp as defined in s. 581.217 or industrial hemp as
185 defined in s. 1004.4473.

186 Section 4. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/2023

Meeting Date

1676

Bill Number or Topic

FISCAL POLICY

Committee

663902

Amendment Barcode (if applicable)

Name SLATER BATLISS

Phone 222-8900

Address 204 S. MONROE ST

Email N/A

Street

TAMPAHASSEE FL 32301

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: SunFlora

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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1676

4/20/2023

Meeting Date

Fiscal Policy

Committee

Bill Number or Topic

663902 DE

Amendment Barcode (if applicable)

Name William Howell

Phone 214-850-1788

Address 816 Acoma St #1218

Email wbowell17@gmail.com

Street

Denver

CO

80204

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[x] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate

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Meeting Date

1676

Bill Number or Topic

663902 DE

Amendment Barcode (if applicable)

Fiscal Policy

Committee

Name Dr. Sean Norris

Phone 720-235-2613

Address 14828 W 6th Ave

Email Sean@menutraceuticals.com

Street

Golden

CO

80402

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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Meeting Date

Fiscal Policy

Committee

1676

Bill Number or Topic

663902 DE

Amendment Barcode (if applicable)

Name

Philip Snow

Phone

828-333-8647

Address

84 W. Walnut St. suite 201

Email

philip@kightlaw.com

Street

Asheville

City

NC

State

28801

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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Meeting Date

SB 1676

Bill Number or Topic

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name J.D. McCormick

Phone 407-508-0340

Address 120 S. Monroe St
Street

Email jd@healthyFlorida.org

Tallahassee
City

FL
State

32301
Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

4/20/23

Meeting Date

Fiscal Policy

Committee

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
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1676
SB 1675 Hemp

Bill Number or Topic

Name Teresa Miller

Phone 813-842-3073

Amendment Barcode (if applicable)

Address 3608 W Corona St.

Street

Email embracelife911@gmail.com

Tampa

City

FL

State

33629

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

APPEARANCE RECORD

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4/20/23 Meeting Date

SB1076 Bill Number or Topic

Fiscal Policy Committee

Amendment Barcode (if applicable)

Name Cassidy Stewart Phone (850) 212-7530

Address 120 S Monroe St Email kst0313@aol.com

Tallahassee, FL 32301

Speaking: [] For [] Against [] Information OR Waive Speaking: [x] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

- [x] I am appearing without compensation or sponsorship. [] I am a registered lobbyist, representing: [] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

Fiscal Policy

Committee

1676

Bill Number or Topic

Amendment Barcode (if applicable)

Name Isabelle Garbarino

Phone (850) 617-7700

Address 400 S. Monroe St.

Email _____

Street

Tallahassee

FL

32399

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

FL Dept. of Agriculture (DACS)

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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4/20/23

Meeting Date

1676

Bill Number or Topic

HEAR PONY

Committee

Amendment Barcode (if applicable)

Name

BETH LABASKY

Phone

850 322 7335

Address

Rd 10285

Email

BETHLABASKY@AOL

Street

TALLAHASSEE

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

INFORMED FAMILIES
RED RIBBON CERTIFIED SCHOOLS

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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4/20/23

Meeting Date

Health Policy

Committee

1676

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Ramon Maury

Phone

850 222 1568

Address

PO Box 10245

Email

Rm@RAMONMAURY.COM

Street

JALL FL

State

32302

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

INFORMED FAMILIES
RED RIBBON CAMPAIGN'S

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 1676

04/20/23

Meeting Date

Deliver both copies of this form to Senate professional staff conducting the meeting

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name William Clark / Libertarian Party of Florida

Phone 850-590-0023

Address 1041 Drake Acres Road

Email ptcdale@gmail.com

Street

Quincy

Florida

32351

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

4/20/23

Meeting Date

Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
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1676- Hemp

Bill Number or Topic

663902

Amendment Barcode (if applicable)

Name Teresa Miller

Phone 813-842-3073

Address 3608 W Corona St.

Email embracelife911@gmail.com

Street

Tampa

City

FL

State

33629

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/CS/CS/SB 1690

INTRODUCER: Committee on Fiscal Policy; Appropriations Committee on Health and Human Services; Committee on Children, Families, and Elder Affairs; and Senator Ingoglia

SUBJECT: Sexual Exploitation and Human Trafficking

DATE: April 21, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Tuszynski</u>	<u>Cox</u>	<u>CF</u>	<u>Fav/CS</u>
2.	<u>Sneed</u>	<u>Money</u>	<u>AHS</u>	<u>Fav/CS</u>
3.	<u>Tuszynski</u>	<u>Yeatman</u>	<u>FP</u>	<u>Fav/CS</u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/CS/CS/SB 1690 creates s. 402.88, F.S., to require the Department of Children and Families (DCF) to certify adult safe houses, and inspect and recertify the safe houses annually. The bill defines an adult safe house as a group residential facility that provides care and housing for adults who have been sexually exploited or trafficked, and requires adult safe houses to:

- Receive and shelter victims of human trafficking and their minor children or other dependents.
- Provide certain services.
- Participate in providing certain orientation and training programs.
- Provide a safe and therapeutic environment.
- Receive an annual written endorsement from local law enforcement agencies.
- File certain information regarding human trafficking employees or volunteers who may claim privilege under s. 90.5037, F.S., to refuse to disclose certain information.

The bill allows the DCF to deny, suspend, or revoke the certification of an adult safe house that fails to comply with the requirements of the bill and outlines the training of adult safe house staff and requires the DCF to ensure that staff has completed the training. The bill allows the DCF to exempt the hotline, professional training, or community education requirements for a new adult safe house if already provided by another adult safe house within the same service area.

The bill amends s. 409.1678, F.S., related to specialized residential options for children who are victims of CSE, to:

- Require age-appropriate educational programming for children regarding the signs and dangers of, and how to report, human trafficking.
- Ensure security for safe houses and safe foster homes provides for, at a minimum, the detection of possible trafficking activity, coordination with law enforcement, and be part of the emergency response to search for absent or missing children.

The bill requires certain facilities to display signs to warn youth of the dangers of human trafficking and to encourage the reporting of individuals observed attempting to engage in human trafficking activity.

The bill amends s. 509.096, F.S., to shorten the time that a public lodging establishment has to correct training deficiencies from 90 to 45 days and makes the establishment ineligible for any correction period for a second or subsequent violation of the training and awareness requirements if the violation occurred after July 1, 2023.

The bill also amends s. 943.0583, F.S., to modify the eligibility criteria for who may petition for expunction of a criminal history record that is related to an enumerated offense on the habitual violent felony offender list. The bill allows human trafficking victims to expunge such records if the disposition was not a conviction. The bill defines the term “conviction”.

The bill will have a significant negative fiscal impact on state government. See Section V of this analysis.

The bill takes effect July 1, 2023.

II. Present Situation:

Human Trafficking

The Florida Legislature recognizes human trafficking as a form of modern-day slavery whose victims include young children, teenagers, and adults who may be citizens that are trafficked domestically within the borders of the United States or smuggled across international borders worldwide.¹ While victims of human trafficking are forced to work in prostitution or sexual entertainment, trafficking also occurs in forms of labor exploitation, such as domestic servitude, restaurant work, janitorial work, factory work, and agricultural work.² Many human trafficking

¹ Section 787.06, F.S.

² *Id.*

victims are induced with false promises of financial or emotional security, but are forced or coerced³ into commercial sexual activity,⁴ domestic servitude, or other types of forced labor.⁵

Human Trafficking in Florida

Florida law defines “human trafficking” as transporting, soliciting, recruiting, harboring, providing, enticing, maintaining,⁶ purchasing, patronizing, procuring, or obtaining⁷ another person for the purpose of exploitation of that person.⁸ In Florida, any person who knowingly, or in reckless disregard of the facts, engages in human trafficking, or attempts to engage in human trafficking, or benefits financially by receiving anything of value from participation in a venture that has subjected a person to human trafficking for labor or services, or commercial sexual activity, commits a crime.⁹ Florida law sets out several circumstances which give rise to specified penalties including, in part:

- Labor or services of any child under the age of 18 commits a first degree felony;¹⁰
- Labor or services of any child under the age of 18 who is an unauthorized alien¹¹ commits a first degree felony;¹²
- Labor or services who does so by the transfer or transport of any child under the age of 18 from outside of Florida to within Florida commits a first degree felony;¹³
- Commercial sexual activity¹⁴ who does so by the transfer or transport of any child under the age of 18 from outside of Florida to within Florida commits a first degree felony;¹⁵ or

³ Section 787.06(2)(a), F.S., defines “coercion” in the context of human trafficking as using or threatening physical force; restraining, isolating, or confining or threatening the same without lawful authority and against his or her will; using lending or other credit methods to establish a debt when labor or services are pledged as a security for the debt, if the reasonably assessed value of the labor or services is not applied toward liquidation of the debt, and the length and nature of the labor or service and not limited and defined; destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document of any person; causing or threatening to cause financial harm, enticing or luring by fraud or deceit; or providing controlled substances to any person for the purpose of exploitation.

⁴ Section 787.062(2)(b), F.S., defines “commercial sexual activity” as any violation of ch. 796, F.S., or an attempt to commit any such offense, and includes sexually explicit performances and the production of pornography.

⁵ The Department of Education, *Healthy Schools – Human Trafficking*, available at <http://www.fldoe.org/schools/healthy-schools/human-trafficking.stml> (last visited March 19, 2023).

⁶ Section 787.06(2)(f), F.S., provides “maintain” means, in relation to labor or services, to secure or make possible continued performance thereof, regardless of any initial agreement on the part of the victim to perform such type service. Section 787.06(2)(h), F.S., defines “services” as any act committed at the behest of, under the supervision of, or for the benefit of another, including forced marriage, servitude, or the removal of organs.

⁷ Section 787.06(2)(g), F.S., provides “obtain” means, in relation to labor, commercial sexual activity, or services, to receive, take possession of, or take custody of another person or secure performance thereof. Section 787.06(2)(e), F.S., provides “labor” means work of economic or financial value.

⁸ Section 787.06(2)(d), F.S.

⁹ Section 787.06(3), F.S.

¹⁰ Section 787.06(3)(a)1., F.S. A first degree felony is punishable by a state prison term not exceeding 30 years, a fine not exceeding \$10,000, or both. Sections 775.082 and 775.083, F.S.

¹¹ Section 787.06(2)(j), F.S., defines “unauthorized alien” as an alien who is not authorized under federal law to be employed in the United States, as provided in 8 U.S.C. s. 1324a(h)(3).

¹² Section 787.06(3)(c)1., F.S.

¹³ Section 787.06(3)(e)1., F.S.

¹⁴ Section 787.06(2)(b), F.S., defines “commercial sexual activity” as any violation of ch. 796, F.S., or an attempt to commit any such offense, and includes sexually explicit performances and the production of pornography. Section 787.06(2)(i), F.S., defines “sexual explicit performance” as an act or show, whether public or private, that is live, photographed, recorded, or videotaped and intended to arouse or satisfy the sexual desires or appeal to the prurient interest.

¹⁵ Section 787.06(3)(f)1., F.S., provides that an offense committed under these circumstances is punishable by a term of imprisonment not exceeding life or as provided in ss. 775.082, 775.083, or 775.084, F.S.

- Commercial sexual activity in which any child under the age of 18, or in which any person who is mentally defective¹⁶ or mentally incapacitated¹⁷ is involved commits a life felony.¹⁸

First-degree felonies are reclassified as a life felony if a person causes great bodily harm, permanent disability, or permanent disfigurement to another person during the commission of the offense.¹⁹ Ignorance of the human trafficking victim's age, the victim's misrepresentation of his or her age, or a bona fide belief of the victim's age cannot be raised as a defense by a defendant.²⁰

Florida is ranked the third highest state of reported human trafficking cases in the United States.²¹ Reports of commercially exploited children to the Florida Abuse Hotline (hotline) for 2020 totaled 3,181 and 3,182 in 2021.²²

Child Sexual Exploitation in Florida

It is difficult to obtain an accurate count of commercial sexual exploitation (CSE) victims who are children because these victims are not readily identifiable.²³ CSE victims do not have immediately recognizable characteristics, many do not have identification, and they are often physically or psychologically controlled by adult traffickers; as such, they rarely disclose or provide information on exploitation.²⁴

In 2021, the DCF verified 377 child victims of commercial sexual exploitation from 3,182 reports alleging commercial sexual exploitation made to the hotline.²⁵ Of the reports that were referred for investigation, most came from the Department of Juvenile Justice (DJJ), the Department of Corrections, or criminal justice personnel and law enforcement.²⁶ Of the 377 verified commercially sexually exploited children, 25 percent were in out-of-home care,

¹⁶ Section 794.011(1)(c), F.S., defines "mentally defective" as a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

¹⁷ Section 794.011(1)(d), F.S., defines "mental incapacitated" as temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

¹⁸ A life felony is punishable by a term of life imprisonment, \$15,000 fine, or both as provided in s. 775.082(3)(a)6., F.S., s. 775.083, F.S., or s. 775.084, F.S.

¹⁹ Section 787.06(8)(b), F.S.

²⁰ Section 787.06(9), F.S.

²¹ Florida Alliance to End Human Trafficking, *The Issue*, available at <https://floridaallianceendht.com/the-issue/> (last visited March 19, 2023).

²² The Office of Program Policy Analysis and Government Accountability, *Annual Report on the Commercial Sexual Exploitation of Children in Florida*, 2022, p. 2, July 2022, available at <https://oppaga.fl.gov/Documents/Reports/22-05.pdf> (last visited March 19, 2023).

²³ Office of Program Policy Analysis & Government Accountability, *Placement Challenges Persist for Child Victims of Commercial Sexual Exploitation; Questions Regarding Effective Interventions and Outcomes Remain*, (Jul. 2016), available at <https://oppaga.fl.gov/Products/ReportDetail?rn=16-04> (last visited March 22, 2023).

²⁴ U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention, *Commercial Sexual Exploitation of Children and Sex Trafficking*, available at <https://ojjdp.ojp.gov/model-programs-guide/literature-reviews/commercial-sexual-exploitation-of-children-and-sex-trafficking.pdf> (last visited March 22, 2023).

²⁵ Office of Program Policy Analysis & Government Accountability, *Annual Report on the Commercial Sexual Exploitation of Children in Florida*, 2022, Report 22-05, July 2022, pp. i and 2, available at <https://oppaga.fl.gov/Products/ReportDetail?rn=22-05> (last viewed March 22, 2023).

²⁶ *Id.*

including the care of relatives or in foster homes, residential group care, or residential treatment centers.²⁷

Safe Houses and Safe Foster Homes for Child-victims of Human Trafficking

Current law defines and provides for the certification of specialized residential options for children who are victims of human trafficking or commercial sexual exploitation (CSE).²⁸ The law defines a “safe foster home” to mean a foster home certified by the DCF to care for sexually exploited children and a “safe house” to mean a group residential placement certified by the DCF to care for sexually exploited children.²⁹ To be certified, a safe house or safe foster home must:

- Use strength-based and trauma-informed approaches to care, to the extent possible and appropriate.
- Serve exclusively one sex.
- Group child victims of CSE by age or maturity level.
- Care for child victims of CSE in a manner that separates those children from children with other needs. Safe houses and safe foster homes may care for other populations if the children who have not experienced commercial sexual exploitation do not interact with children who have experienced commercial sexual exploitation.
- Have awake staff members on duty 24 hours a day, if a safe house.
- Provide appropriate security through facility design, hardware, technology, staffing, and siting, including, but not limited to, external video monitoring or door exit alarms, a high staff-to-client ratio, or being situated in a remote location that is isolated from major transportation centers and common trafficking areas.
- Meet other criteria established by department rule,³⁰ including personnel qualifications, staffing ratios, and types of services offered.³¹

At-Risk Houses

At-risk houses are group care homes that are certified to serve children considered to be at-risk for sex trafficking. Children are deemed to be “at risk of sex trafficking” if they have experienced trauma such as abuse, neglect, and/or maltreatment, and present one or more of the accompanying risk factors: history of running away and/or homelessness; history of sexual abuse and/or sexually acting out behavior; inappropriate interpersonal and/or social media boundaries; family history of or exposure to human trafficking; or out-of-home placement instability demonstrated by repeated moves from less restrictive levels of care. There are currently 157 at-risk houses licensed by DCF that provide services to youth who are at risk of sex trafficking.³²

²⁷ *Id.*, p. 4.

²⁸ Section 409.1678, F.S.

²⁹ Section 409.1678(1), F.S.

³⁰ Rule 65C-46.020, F.A.C.

³¹ Section 409.1678(2)(c), F.S.

³² The DCF, 2023 Agency Legislative Bill Analysis, SB 1690, *Human Trafficking*, p. 3 (on file with Committee on Children, Families, and Elder Affairs Staff). (hereinafter cited as DCF Bill Analysis)

Safe Houses for Adult Survivors of Human Trafficking

There are currently 13 adult safe houses in Florida that serve adult survivors of human trafficking.³³ Of these, two allow for the survivor’s minor children to also reside in the home.³⁴

The DCF does not regulate or monitor any of these adult safe houses³⁵ and current law provides no framework for any agency to do so.

Privileged Communication between Human Trafficking Victims and Others

Section 90.5037, F.S., creates a privilege to refuse to disclose confidential communications or records between human trafficking victims and human trafficking victim advocates or trained volunteers made in the course of advising, counseling, or providing services. The law gives a human trafficking victim the power to not personally disclose and also prevent disclosure by any other person.³⁶

This privilege may be claimed by:

- The victim of human trafficking.
- The guardian or conservator of a victim.
- The personal representative of a deceased victim.
- The human trafficking victim advocate or trained volunteer, but only on behalf of the human trafficking victim. The authority to claim this privilege is presumed in the absence of evidence to the contrary.³⁷

Human Trafficking Victim Expunction

In 2013, the Legislature created a process authorizing a victim of human trafficking to petition a court for the expunction³⁸ of a criminal history record resulting from his or her arrest or filing of charges for an offense committed or reported to have been committed while he or she was a victim of human trafficking.³⁹

For purposes of human trafficking victim expunction, “victim of human trafficking” means a person subjected to coercion⁴⁰ for the purpose of being used in human trafficking, a child under

³³ DCF Bill Analysis, p. 2.

³⁴ *Id.*

³⁵ *Id.*

³⁶ Section 90.5037(3), F.S.

³⁷ Section 90.5037(4), F.S.

³⁸ When a criminal history record is ordered to be expunged, the record must be physically destroyed by any criminal justice agency possessing such record, except that any criminal history record in the custody of the Florida Department of Law Enforcement (FDLE) must be retained. *See* s. 943.045(16), F.S.

³⁹ Chapter 2013-98 s. 2, L.O.F.; codified as s.943.0583(3), F.S.

⁴⁰ Section 787.06, F.S., defines “coercion” as “1. Using or threatening to use physical force against any person; 2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority against his or her will; 3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined; 4. Destroying, concealing removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or

18 years of age subjected to human trafficking, or an individual subjected to human trafficking as defined by federal law.⁴¹

To be eligible for expunction, the criminal offense must be related to a human trafficking scheme of which the person was a victim or the offense must have been committed at the direction of an operator of the scheme and must *not* be one of the following offenses under s. 775.084(1)(b)1., related to the designation as a “habitual violent felony offender,” including:

- Arson;
- Sexual battery;
- Robbery;
- Kidnapping;
- Aggravated child abuse;
- Aggravated abuse of an elderly person or disabled adult;
- Aggravated assault with a deadly weapon;
- Murder;
- Manslaughter;
- Aggravated manslaughter of an elderly person or disabled adult;
- Aggravated manslaughter of a child;
- Unlawful throwing, placing, or discharging of a destructive device or bomb;
- Armed burglary; or
- Aggravated stalking.⁴²

The human trafficking victim is eligible to receive the expunction regardless of the disposition of the arrest or of any charges unless the criminal history record sought to be expunged is related to one of the above-listed offenses.

The court with original jurisdiction over the crime that the human trafficking victim seeks to expunge is the court designated to hear the victim’s petition.⁴³ A petition must be initiated by the petitioner with due diligence after he or she is no longer a victim of human trafficking or has sought human trafficking services.⁴⁴ The petition must be accompanied by the following:

- A sworn statement attesting that the petitioner is eligible for an expunction to the best of his or her knowledge and does not have other petitions to expunge or seal pending before any court; and
- Official documentation of the petitioner’s status as a human trafficking victim, if any exists.⁴⁵

In contrast to other expunctions made under s. 943.0585, F.S., a court is required to treat a petition seeking to expunge more than one eligible case as a single petition.⁴⁶ Florida’s clerks of

any other actual or purported government identification document, of any person; 5. Causing or threatening to cause financial harm to any person; 6. Enticing or luring any person by fraud or deceit; or 7. Providing a controlled substance as outlined in Schedule I or Schedule II of s. 893.03, F.S., to any person for the purpose of exploitation of that person.”

⁴¹ Section 943.0583(1)(c), F.S.

⁴² Section 943.0583(3), F.S. This subsection provides that expunction is not permitted if the offense is related to an offense enumerated in s. 775.084(1)(b)1., F.S., related to habitual violent felony offenders.

⁴³ Section 943.0583(2), F.S.

⁴⁴ Section 943.0583(4), F.S.

⁴⁵ Section 943.0583(6), F.S.

⁴⁶ Section 943.0583(2), F.S.

court are prohibited from charging a filing fee, service charge, or copy fee or any other charge for a petition for a human trafficking victim expunction.⁴⁷

When a criminal history record is ordered to be expunged, the record must be physically destroyed by any criminal justice agency possessing such record, except that any criminal history record in the custody of the Florida Department of Law Enforcement (FDLE) must be retained.⁴⁸ A human trafficking victim may lawfully deny or fail to acknowledge any expunged record unless he or she is applying for a job with a criminal justice agency or is a defendant in a subsequent criminal prosecution.⁴⁹ The criminal history record that has been expunged is considered confidential and exempt⁵⁰ from public records requirements.⁵¹

Current law also provides that criminal intelligence⁵² and criminal investigative information⁵³ is confidential and exempt from public records requirements. Such information includes:⁵⁴

- Any information that reveals the identity of a person under the age of 18 who is the victim of human trafficking for labor or services;⁵⁵
- Any information that may reveal the identity of a person who is the victim of human trafficking for commercial sexual activity;⁵⁶ and
- A photograph, videotape, or image of any part of the body of a victim of human trafficking involving commercial sexual activity.⁵⁷

Human Trafficking in Public Lodging Establishments

The Division of Hotels and Restaurants (Division) is a division within the Department of Business and Professional Regulation (DBPR) that licenses, inspects, and regulates public lodging and food service establishments pursuant to ch. 509, F.S.⁵⁸ The term “public lodging

⁴⁷ Section 943.0583(2), F.S.

⁴⁸ Section 943.045(16), F.S.

⁴⁹ Section 943.0583(8)(b), F.S.

⁵⁰ Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute. *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004). Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances. *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

⁵¹ Section 119.071(2)(h), F.S.

⁵² Section 119.011(3)(a), F.S., defines “criminal intelligence information” as information with respect to an identifiable person or group of persons collected by a criminal justice agency in an effort to anticipate, prevent, or monitor possible criminal activity.

⁵³ Section 119.011(3)(b), F.S., defines “criminal investigative information” as information with respect to an identifiable person or group of persons compiled by a criminal justice agency in the course of conducting a criminal investigation of a specific act or omission, including, but not limited to, information derived from laboratory tests, reports of investigators or informants, or any type of surveillance.

⁵⁴ Chapter 2015-146, L.O.F.

⁵⁵ See s. 787.06(3)(a), F.S.

⁵⁶ See s. 787.06(3)(b), (d), (f), and (g), F.S.

⁵⁷ *Id.*

⁵⁸ Sections 509.013 and 509.032, F.S.

establishment” includes both transient⁵⁹ and nontransient⁶⁰ public lodging establishments. There are currently 63,690 public lodging establishments that are licensed by the Division.⁶¹ The following are classified as public lodging establishments:⁶²

- Hotel;
- Motel;
- Vacation rental;
- Nontransient apartment;
- Transient apartment;
- Bed and breakfast inn; and
- Vacation rentals.⁶³

Public lodging establishments must be licensed and inspected by the Division, and are subject to sanitary standards, staff training and test requirements, administrative rules, and immediate closure upon a finding that continued operation presents a severe and immediate threat to the public health.⁶⁴ Public lodging establishments can be attractive locations for human traffickers, due to the privacy and anonymity afforded.⁶⁵

Sex trafficking operations are often set up in public lodging establishments via online advertising, without the establishment operator’s knowledge.⁶⁶ The use of websites to communicate and arrange meeting times and locations enable those involved in the operation to remain anonymous.⁶⁷ In a 10 year review, from December 2007 to December 2017, the National Human Trafficking Hotline (HT Hotline) recorded 3,596 cases of human trafficking involving a hotel or motel. Additionally, 75 percent of human trafficking survivors reported coming into contact with hotels at some point while being trafficked.⁶⁸

⁵⁹ “Transient public lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests. Section 509.013(4)(a)1., F.S.

⁶⁰ “Nontransient public lodging establishment” means any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests for periods of at least 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests for periods of at least 30 days or 1 calendar month. Section 509.013(4)(a)2., F.S.

⁶¹ The Department of Business and Professional Regulation (DBPR), *Division of Hotels & Restaurants Annual Report 2021-22*, p. 8, available at http://www.myfloridalicense.com/dbpr/hr/reports/annualreports/documents/ar2021_22.pdf (last visited April 20, 2023).

⁶² Section 509.242(1)(a)-(g), F.S., sets out criteria that must be met in order for an establishment to be classified as a public lodging establishment pursuant to ch. 509, F.S.

⁶³ *Id.*

⁶⁴ See ss. 509.032 and 509.035, F.S.

⁶⁵ The Department of Homeland Security, Blue Campaign, *Human Trafficking Response Guide*, p. 2, available at https://www.dhs.gov/sites/default/files/2022-10/Hospitality%20Toolkit%20508c%2009_29_2022.pdf (last visited April 20, 2023).

⁶⁶ The DBPR, Division of Hotels and Restaurants, *Human Trafficking Information Sheet*, (March 22, 2016) available at http://www.myfloridalicense.com/dbpr/hr/forms/documents/5022_104.pdf (last visited April 20, 2023).

⁶⁷ National Human Trafficking Hotline, *Hotel/Motel-Based*, available at <https://humantraffickinghotline.org/sex-trafficking-venuesindustries/hotelmotel-based> (last visited April 20, 2023).

⁶⁸ Polaris, *On-Ramps, Intersections, and Exit Routes: A Roadmap for Systems and Industries to Prevent and Disrupt Human Trafficking*, (July 2018) available at <https://polarisproject.org/resources/on-ramps-intersections-and-exit-routes-a-roadmap-for-systems-and-industries-to-prevent-and-disrupt-human-trafficking/> (last visited April 20, 2023).

The Division has emphasized the importance in educating staff at public lodging establishments on signs of trafficking activity. The following are ways to identify a victim of human trafficking:

- Signs of physical abuse or malnourishment;
- Person seems coached or controlled;
- Victim rarely left alone;
- Suspicious tattoos or branding on victim;
- Living conditions unsuitable;
- Victim demeaned or treated aggressively;
- Accompanied by older male;
- Avoids interaction with others;
- “Do not Disturb” sign used constantly;
- Receives lots of visitors;
- Pays for room with cash;
- Dresses inappropriately or provocatively;
- Few personal belongings;
- Refuses cleaning services;
- Room smells of bodily fluids and musk;
- Lots of cash in room;
- Alcohol and/or drugs in room; and
- Room monitored outside or in hallway.⁶⁹

Human Trafficking Awareness in Public Lodging Establishments

In 2019, the Legislature required a public lodging establishment to create and implement human trafficking awareness training and policies for employees of the establishment who perform housekeeping duties in the rental units or who work at the front desk or reception area where guests ordinarily check-in or check out.⁷⁰

A public lodging establishment must:

- Provide annual training regarding human trafficking awareness to employees who perform housekeeping duties or work at the front desk within 60 days after beginning employment, or by January 1, 2021, whichever occurs later. Proof of such employee training must be provided to the Division upon request;
- Implement a procedure for the reporting of suspected human trafficking to the HT Hotline or to a local law enforcement agency by January 1, 2021; and
- Post a sign with the relevant provisions of the reporting procedure in a conspicuous place in the establishment that is accessible to employees by January 1, 2021.⁷¹

Such training must include:

- The definition of human trafficking and the differences between sex trafficking and labor trafficking;
- Guidance specific to the public lodging sector on how to identify individuals who may be victims of human trafficking; and

⁶⁹ *Supra*, note 66.

⁷⁰ Chapter 2019-152 s. 6, L.O.F.; codified as s. 509.096, F.S.

⁷¹ Section 509.096(1), F.S.

- Guidance on the role of the employees of a public lodging establishment in reporting and responding to suspected human trafficking.⁷²

The training must be submitted to and approved by the Division before being provided to employees. The Division must impose administrative fines of \$2,000 per day against a public lodging establishment that is not in compliance with statute, unless there are written assurances that each deficiency will be corrected within 90 days of the notice of violation.⁷³

III. Effect of Proposed Changes:

Adult Safe Houses

The bill creates s. 402.88, F.S., to require the DCF to develop and administer a certification process for adult safe houses that provide care for adults who have been sexually exploited or trafficked.

The bill requires the DCF to establish a process to certify adult safe houses that:

- Provides a facility that serves as an adult safe house to receive and house persons who are victims of human trafficking.
 - Minor children and other dependents of the victim when such dependents are partly or wholly dependent on the victim, may be sheltered with the victim in an adult safe house.
- Receives annual written endorsement of local law enforcement.
- Provides the following minimum services:
 - Information and referral;
 - Licensed counseling and case management;
 - Substance abuse screening and access or referral to treatment;
 - Temporary emergency shelter for more than 24 hours;
 - Operation of a 24-hour hotline;
 - Nonresidential outreach services;
 - Training for law enforcement personnel;
 - Assessment and appropriate referral of resident children; and
 - Educational services for community awareness, prevention, and services available for persons subject to human trafficking.
- Participates in providing orientation and training programs developed for law enforcement, social workers, and other professionals who work with human trafficking victims.
- Provides a safe, therapeutic environment tailored to the needs of CSE or trafficked adults who have endured significant trauma using strength-based and trauma-informed treatment models.
- Files with the DCF a list of human trafficking advocates employed or volunteering at the adult safe house who may claim privilege under s. 90.5037, F.S.,⁷⁴ to refuse to disclose certain information. The list must include the title of the position held by the advocate and a description of the duties of his or her position.

⁷² Section 509.096(2), F.S.

⁷³ Section 509.096(3), F.S.

⁷⁴ Section 90.5037, F.S. makes certain communications between certain human trafficking victim's advocates and human trafficking victims confidential.

- Comply with rules adopted under the section.

The bill allows the DCF to exempt the hotline, professional training, or community education requirements for a new adult safe house if already provided by another adult safe house within the designated service area to avoid duplication of services.

The bill requires the DCF to inspect and annually certify adult safe houses to ensure compliance with the requirements of the section and allows the denial, suspension, or revocation of certification if an adult safe house fails to comply with those requirements.

The bill also outlines the training of adult safe house staff and requires the DCF to ensure that staff has completed said training, the contents of which are to be specified by rule.

The bill allows the DCF to adopt rules to implement the section, which must include, in part, rules related to health and safety provisions that protect minor children and other dependents of a victim that shelter in the adult safe house from recruitment, and to ensure that the minors do not become at risk of becoming, or become victims of human trafficking.

Education and Signage

The bill amends s. 409.1678, F.S., to require the DCF to develop age-appropriate educational programming for children regarding the signs and dangers of, and how to report, human trafficking. The educational programming must be developed for safe houses and safe foster homes.⁷⁵

The bill amends ss. 394.875, 409.1678, and 409.175, F.S., to require the following places to display signs to warn youth of the dangers of human trafficking and to encourage the reporting of individuals observed attempting to engage in human trafficking activity:

- Residential treatment centers for children and adolescents;
- Safe houses;
- Foster homes;
- Residential child-caring agencies; and
- Child-placing agencies.

The signs must be in conspicuous locations and must contain the telephone number for either the National Human Trafficking Resource Center or other number that the Florida Department of Law Enforcement uses to detect and stop human trafficking.

The DCF is required to specify the content of the signs by rule. For residential treatment centers for children and adolescents, the DCF is required to consult with the Agency for Health Care Administration on the content of such signs.

⁷⁵ Section 409.1678, F.S. defines “Safe foster home” as a foster home certified by the DCF to care for sexually exploited children and “Safe house” as a group residential placement certified by the DCF to care for sexually exploited children.

The bill amends s. 787.29, F.S., relocating a provision in current law that allows a county commission to adopt an ordinance to enforce human trafficking awareness signage into the subsection that requires the display of such signs.

Human Trafficking Awareness in Public Lodging Establishments

The bill amends s. 509.096(3), F.S., to shorten the time that a public lodging establishment has to correct training deficiencies from 90 to 45 days and makes the establishment ineligible for any correction period for a second or subsequent violation of the training and awareness requirements if the violation occurred after July 1, 2023.

Certification of Safe Houses

Section 409.1678, F.S., requires safe houses and safe foster homes to provide appropriate security through specified means. The bill amends s. 409.1678, F.S., to detail that appropriate security for Safe Houses must provide for, at a minimum, the detection of possible trafficking activity, coordination with law enforcement, and be part of the emergency response to search for absent or missing children. To be in compliance, the safe house must either:

- Employ or contract with a least one individual that has law enforcement, investigative, or other similar training; or
- Execute a contract or memorandum of understanding with a law enforcement agency to perform these functions.

Expunction of Certain Criminal History Records of Human Trafficking Victims

The bill amends s. 943.0583, F.S., to modify the eligibility criteria for who may petition for expunction of a criminal history record that is related to an enumerated offense in s. 775.084(1)(b)1., F.S., related to the designation as a “habitual violent felony offender.” A victim of human trafficking will now be authorized to have his or her criminal history record expunged related to any enumerated offense unless “convicted” for the offense.

The bill defines “conviction” as a determination of guilt which is the result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, or if the defendant was a minor, a finding that the defendant committed or pled guilty or nolo contendere to committing a delinquent act, regardless of whether adjudication of delinquency is withheld. This is the same provision that is in s. 943.0584, F.S., related to criminal history records ineligible for court-ordered expunction or court-ordered sealing.

Therefore, a victim may petition to have a record expunged when he or she is arrested for such an offense but charges are not filed by the state attorney or a no information is filed, or when the victim is found not guilty by a judge or a jury.

The bill takes effect July 1, 2023

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill will result in an indeterminate negative fiscal impact for those public lodging establishments that are unable to correct human trafficking awareness training deficiencies within 45 days or that have repeat violations.

C. Government Sector Impact:

The DCF is requesting 4 FTE positions and technology development costs to fulfill the requirements of the bill. The total cost to implement the certification process is \$764,420. This will require recurring funds of \$360,145 and nonrecurring funds of \$404,275 from the General Revenue Fund.⁷⁶ Specifically, this includes:

- Three Operation Review Specialists FTEs to serve as regional certification specialists to complete pre-monitoring, travel, inspections, site monitoring and follow up, and administrative duties involved in the annual certification of adult safe houses. The total cost is estimated at \$301,420 (includes \$16,275 nonrecurring costs). Each position requires a base salary of \$50,192, plus travel and operating expenses.⁷⁷

⁷⁶ DCF Bill Analysis, p. 7.

⁷⁷ *Id.*

- Contract consulting services for the development of the technology platform to support adult safe house certification. These one-time development costs are estimated at \$388,000.
- One technology-related FTE to provide for ongoing maintenance and operations of the platform.⁷⁸ The recurring cost is \$75,000.⁷⁹

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 394.875, 409.1678, 409.175, 509.096, and 787.29 of the Florida Statutes.

This bill creates section 402.88 of the Florida Statutes.

IX. Additional Information:

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

CS/CS/CS by Fiscal Policy on April 20, 2023:

The committee substitute shortens the time that a public lodging establishment has to correct training deficiencies from 90 to 45 days and makes the establishment ineligible for any correction period for a second or subsequent violation of the training and awareness requirements if the violation occurred after July 1, 2023.

CS/CS by Appropriations Committee on Health and Human Services on April 12, 2023:

The committee substitute allows the expunction of criminal history records for certain human trafficking victims charged with the offenses listed in s. 775.084(1)(b)1., F.S., if the victim was not convicted.

CS by Children, Families, and Elder Affairs on March 27, 2023:

The committee substitute moved certain provisions related to signage into the sections of statute related to relevant facility regulation, identified specific health and safety requirements to be considered for rulemaking, and clarified what is required to provide appropriate security in safe houses.

⁷⁸ *Id.* at pp. 8-9

⁷⁹ *Id.*

B. Amendments:

None.

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



932446

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Garcia) recommended the following:

Senate Amendment (with title amendment)

Between lines 57 and 58
insert:

Section 2. Subsection (3) of section 509.096, Florida Statutes, is amended to read:

509.096 Human trafficking awareness training and policies for employees of public lodging establishments; enforcement.—

(3) The division shall impose an administrative fine of \$2,000 per day on a public lodging establishment that is not in



932446

11 compliance with this section and remit the fines to the direct-
12 support organization established under s. 16.618, unless the
13 division receives adequate written documentation from the public
14 lodging establishment which provides assurance that each
15 deficiency will be corrected within 45 ~~90~~ days after the
16 division provided the public lodging establishment with notice
17 of its violation. For a second or subsequent violation of this
18 subsection, the division may not provide a correction period to
19 a public lodging establishment and must impose the applicable
20 administrative fines.

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete line 8

25 and insert:

26 adopt rules; amending 509.096, F.S.; reducing the
27 correction period for a public lodging establishment
28 to respond to a violation; prohibiting the Division of
29 Hotels and Restaurants of the Department of Business
30 and Professional Regulation from providing a
31 correction period to a public lodging establishment
32 for a second or subsequent violation; requiring the
33 division to impose the applicable administrative fines
34 for such violations; amending 787.29, F.S.; making



485322

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Garcia) recommended the following:

1 **Senate Substitute for Amendment (932446) (with title**
2 **amendment)**

3
4 Between lines 57 and 58
5 insert:

6 Section 2. Subsection (3) of section 509.096, Florida
7 Statutes, is amended to read:

8 509.096 Human trafficking awareness training and policies
9 for employees of public lodging establishments; enforcement.—

10 (3) For a violation committed on or after July 1, 2023, the



11 division shall impose an administrative fine of \$2,000 per day
12 on a public lodging establishment that is not in compliance with
13 this section and remit the fines to the direct-support
14 organization established under s. 16.618, unless the division
15 receives adequate written documentation from the public lodging
16 establishment which provides assurance that each deficiency will
17 be corrected within 45 ~~90~~ days after the division provided the
18 public lodging establishment with notice of its violation. For a
19 second or subsequent violation of this subsection committed on
20 or after July 1, 2023, the division may not provide a correction
21 period to a public lodging establishment and must impose the
22 applicable administrative fines.

23
24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 Delete line 8
27 and insert:

28 adopt rules; amending 509.096, F.S.; reducing the
29 correction period for a public lodging establishment
30 to respond to a violation committed on or after a
31 specified date; prohibiting the Division of Hotels and
32 Restaurants of the Department of Business and
33 Professional Regulation from providing a correction
34 period to a public lodging establishment for a second
35 or subsequent violation committed on or after a
36 specified date; requiring the division to impose the
37 applicable administrative fines for such violations;
38 amending 787.29, F.S.; making

By the Appropriations Committee on Health and Human Services;
the Committee on Children, Families, and Elder Affairs; and
Senator Ingoglia

603-03741-23

20231690c2

1 A bill to be entitled
2 An act relating to sexual exploitation and human
3 trafficking; amending s. 394.875, F.S.; requiring
4 residential treatment centers for children and
5 adolescents to place specified signage; requiring the
6 Department of Children and Families, in consultation
7 with the Agency for Health Care Administration, to
8 adopt rules; amending s. 787.29, F.S.; making
9 technical changes; creating s. 402.88, F.S.; defining
10 terms; requiring the department to develop a process
11 to certify adult safe houses that provide housing and
12 care to adult survivors of human trafficking;
13 providing certification requirements; authorizing
14 rulemaking; requiring the department to inspect adult
15 safe houses before certification and annually
16 thereafter; requiring the department to ensure the
17 staff of each adult safe house completes specified
18 intensive training; providing for department actions
19 for noncompliance; amending s. 409.1678, F.S.;
20 providing requirements for safe houses and safe foster
21 homes; requiring the department to develop or approve
22 educational programming on commercial sexual
23 exploitation; amending s. 409.175, F.S.; requiring
24 specified signage to be placed on the premises of
25 facilities maintained by licensed child-caring
26 agencies; requiring the department to adopt rules;
27 amending s. 943.0583, F.S.; expanding the eligibility
28 criteria for human trafficking victims who may seek
29 expunction to include victims with certain records

Page 1 of 14

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603-03741-23

20231690c2

30 related to an offense listed in s. 775.084(1)(b)1.,
31 F.S.; providing an effective date.
32
33 Be It Enacted by the Legislature of the State of Florida:
34
35 Section 1. Subsection (8) of section 394.875, Florida
36 Statutes, is amended to read:
37 394.875 Crisis stabilization units, residential treatment
38 facilities, and residential treatment centers for children and
39 adolescents; authorized services; license required.—
40 (8)(a) The department, in consultation with the agency,
41 must adopt rules governing a residential treatment center for
42 children and adolescents which specify licensure standards for:
43 admission; length of stay; program and staffing; discharge and
44 discharge planning; treatment planning; seclusion, restraints,
45 and time-out; rights of patients under s. 394.459; use of
46 psychotropic medications; and standards for the operation of
47 such centers.
48 (b) Residential treatment centers for children and
49 adolescents must conspicuously place signs on their premises to
50 warn children and adolescents of the dangers of human
51 trafficking and to encourage the reporting of individuals
52 observed attempting to engage in human trafficking activity. The
53 signs must contain the telephone number for the National Human
54 Trafficking Hotline or such other number that the Department of
55 Law Enforcement uses to detect and stop human trafficking. The
56 department, in consultation with the agency, shall specify, at a
57 minimum, the content of the signs by rule.
58 Section 2. Subsections (3) and (5) of section 787.29,

Page 2 of 14

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603-03741-23 20231690c2

59 Florida Statutes, are amended, and subsection (4) of that
60 section is republished, to read:

61 787.29 Human trafficking public awareness signs.—

62 (3) (a) The employer at each of the following establishments
63 shall display a public awareness sign developed under subsection
64 (4) in a conspicuous location that is clearly visible to the
65 public and employees of the establishment:

66 1. ~~(a)~~ A strip club or other adult entertainment
67 establishment.

68 2. ~~(b)~~ A business or establishment that offers massage or
69 bodywork services for compensation that is not owned by a health
70 care practitioner regulated pursuant to chapter 456 and defined
71 in s. 456.001.

72 (b) The county commission may adopt an ordinance to enforce
73 this subsection. A violation of this subsection is a noncriminal
74 violation and punishable by a fine only as provided in s.
75 775.083.

76 (4) The required public awareness sign must be at least 8.5
77 inches by 11 inches in size, must be printed in at least a 16-
78 point type, and must state substantially the following in
79 English and Spanish:

80
81 "If you or someone you know is being forced to engage
82 in an activity and cannot leave—whether it is
83 prostitution, housework, farm work, factory work,
84 retail work, restaurant work, or any other activity—
85 call the National Human Trafficking Resource Center at
86 1-888-373-7888 or text INFO or HELP to 233-733 to
87 access help and services. Victims of slavery and human

603-03741-23 20231690c2

88 trafficking are protected under United States and
89 Florida law."

90
91 ~~(5) The county commission may adopt an ordinance to enforce~~
92 ~~subsection (3). A violation of subsection (3) is a noncriminal~~
93 ~~violation and punishable by a fine only as provided in s.~~
94 ~~775.083.~~

95 Section 3. Section 402.88, Florida Statutes, is created to
96 read:

97 402.88 Adult safe houses for adults who have been sexually
98 exploited or trafficked.—

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

100 (a) "Adult safe house" means a group residential facility
101 certified by the department under this section to care for
102 adults who have been sexually exploited or trafficked.

103 (b) "Department" means the Department of Children and
104 Families.

105 (2) The department shall establish a process to certify
106 adult safe houses that provide housing and care to adult
107 survivors of human trafficking as defined in s. 787.06. The
108 adult safe houses certified under this section must:

109 (a) Provide a facility which will serve as an adult safe
110 house to receive and house persons who are victims of human
111 trafficking. For the purpose of this section, minor children and
112 other dependents of a victim, when such dependents are partly or
113 wholly dependent on the victim for support or services, may be
114 sheltered with the victim in an adult safe house.

115 (b) Receive the annual written endorsement of local law
116 enforcement agencies.

603-03741-23

20231690c2

117 (c) Provide minimum services that include, but are not
 118 limited to, information and referral services, licensed
 119 counseling and case management services, substance abuse
 120 screening and, when necessary, access or referral to treatment,
 121 temporary emergency shelter for more than 24 hours, a 24-hour
 122 hotline, nonresidential outreach services, training for law
 123 enforcement personnel, assessment and appropriate referral of
 124 resident children, and educational services for community
 125 awareness relative to the incidence of human trafficking, the
 126 prevention of such crimes, and the services available for
 127 persons subject to human trafficking. If a 24-hour hotline,
 128 professional training, or community education is already
 129 provided by an adult safe house within its designated service
 130 area, the department may exempt such certification requirements
 131 for a new center serving the same service area to avoid
 132 duplication of services.

133 (d) Participate in the provision of orientation and
 134 training programs developed for law enforcement officers, social
 135 workers, and other professionals and paraprofessionals who work
 136 with human trafficking victims to better enable such persons to
 137 deal effectively with incidents of human trafficking.

138 (e) Provide a safe, therapeutic environment tailored to the
 139 needs of commercially sexually exploited or trafficked adults
 140 who have endured significant trauma. Adult safe houses shall use
 141 a model of treatment that includes strength-based and trauma-
 142 informed approaches.

143 (f) File with the department a list of the names of the
 144 human trafficking advocates who are employed or who volunteer at
 145 the adult safe house who may claim a privilege under s. 90.5037

Page 5 of 14

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603-03741-23

20231690c2

146 to refuse to disclose a confidential communication between a
 147 victim of human trafficking and the advocate regarding the human
 148 trafficking inflicted upon the victim. The list must include the
 149 title of the position held by the advocate whose name is listed
 150 and a description of the duties of that position. An adult safe
 151 house shall file amendments to this list as necessary.

152 (g) Comply with rules adopted under this section.

153 (3) The department may adopt rules to implement this
 154 section. The rules adopted must include health and safety
 155 provisions, including but not limited to protection from
 156 recruitment, to ensure that the minor children and other
 157 dependents of a victim that shelter in the adult safe house
 158 under paragraph (2) (a) do not become at risk of becoming, or
 159 become victims of commercial sexual exploitation.

160 (4) The department shall inspect adult safe houses before
 161 certification and annually thereafter to ensure compliance with
 162 the requirements of this section.

163 (5) The department shall ensure the staff of each adult
 164 safe house completes intensive training that, at a minimum,
 165 includes the needs of victims of commercial sexual exploitation,
 166 the effects of trauma and sexual exploitation, and how to
 167 address victims' needs using strength-based and trauma-informed
 168 approaches. The department shall specify by rule the contents of
 169 this training and may develop or contract for a standard
 170 curriculum.

171 (6) If the department finds that there is failure by an
 172 adult safe house to comply with the requirements established, or
 173 rules adopted, under this section, the department may deny,
 174 suspend, or revoke the certification of the adult safe house.

Page 6 of 14

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603-03741-23

20231690c2

175 Section 4. Paragraphs (c) and (d) of subsection (2) of
 176 section 409.1678, Florida Statutes, is amended to read:
 177 409.1678 Specialized residential options for children who
 178 are victims of commercial sexual exploitation.—
 179 (2) CERTIFICATION OF SAFE HOUSES AND SAFE FOSTER HOMES.—
 180 (c) To be certified, a safe house must hold a license as a
 181 residential child-caring agency, as defined in s. 409.175, and a
 182 safe foster home must hold a license as a family foster home, as
 183 defined in s. 409.175. A safe house or safe foster home must
 184 also:
 185 1. Use strength-based and trauma-informed approaches to
 186 care, to the extent possible and appropriate.
 187 2. Serve exclusively one sex.
 188 3. Group child victims of commercial sexual exploitation by
 189 age or maturity level.
 190 4. Care for child victims of commercial sexual exploitation
 191 in a manner that separates those children from children with
 192 other needs. Safe houses and safe foster homes may care for
 193 other populations if the children who have not experienced
 194 commercial sexual exploitation do not interact with children who
 195 have experienced commercial sexual exploitation.
 196 5. Have awake staff members on duty 24 hours a day, if a
 197 safe house.
 198 6.a. Provide appropriate security through facility design,
 199 hardware, technology, staffing, and siting, including, but not
 200 limited to, external video monitoring or door exit alarms, a
 201 high staff-to-client ratio, or being situated in a remote
 202 location that is isolated from major transportation centers and
 203 common trafficking areas.

Page 7 of 14

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603-03741-23

20231690c2

204 b. If a safe house, appropriate security must provide for,
 205 at a minimum, the detection of possible trafficking activity
 206 around a facility, coordination with law enforcement, and be
 207 part of the emergency response to search for absent or missing
 208 children. For a safe house to be in compliance with providing
 209 appropriate security under this subparagraph, the safe house
 210 must either:
 211 (I) Employ or contract with at least one individual that
 212 has law enforcement, investigative, or other similar training,
 213 as established by rule by the department; or
 214 (II) Execute a contract or memorandum of understanding with
 215 a law enforcement agency to perform these functions.
 216 7. If a safe house, conspicuously place signs on the
 217 premises to warn children of the dangers of human trafficking
 218 and to encourage the reporting of individuals observed
 219 attempting to engage in human trafficking activity. The signs
 220 must advise children to report concerns to the local law
 221 enforcement agency or the Department of Law Enforcement,
 222 specifying the appropriate telephone numbers used for such
 223 reports. The department shall specify, at a minimum, the content
 224 of the signs by rule.
 225 8. Meet other criteria established by department rule,
 226 which may include, but are not limited to, personnel
 227 qualifications, staffing ratios, and types of services offered.
 228 (d) Safe houses and safe foster homes shall provide
 229 services tailored to the needs of child victims of commercial
 230 sexual exploitation and shall conduct a comprehensive assessment
 231 of the service needs of each resident. In addition to the
 232 services required to be provided by residential child caring

Page 8 of 14

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603-03741-23 20231690c2

233 agencies and family foster homes, safe houses and safe foster
 234 homes must provide, arrange for, or coordinate, at a minimum,
 235 the following services:

- 236 1. Victim-witness counseling.
- 237 2. Family counseling.
- 238 3. Behavioral health care.
- 239 4. Treatment and intervention for sexual assault.
- 240 5. Education tailored to the child's individual needs,
 241 including remedial education if necessary.
- 242 6. Life skills and workforce training.
- 243 7. Mentoring by a survivor of commercial sexual
 244 exploitation, if available and appropriate for the child.
- 245 8. Substance abuse screening and, when necessary, access to
 246 treatment.
- 247 9. Planning services for the successful transition of each
 248 child back to the community.
- 249 10. Activities structured in a manner that provides child
 250 victims of commercial sexual exploitation with a full schedule.
- 251 11. Deliver age-appropriate programming to educate children
 252 regarding the signs and dangers of commercial sexual
 253 exploitation and how to report commercial sexual exploitation.
 254 The department shall develop or approve such programming.

255 Section 5. Paragraph (b) of subsection (5) of section
 256 409.175, Florida Statutes, is amended to read:

257 409.175 Licensure of family foster homes, residential
 258 child-caring agencies, and child-placing agencies; public
 259 records exemption.—

260 (5) The department shall adopt and amend rules for the
 261 levels of licensed care associated with the licensure of family

603-03741-23 20231690c2

262 foster homes, residential child-caring agencies, and child-
 263 placing agencies. The rules may include criteria to approve
 264 waivers to licensing requirements when applying for a child-
 265 specific license.

266 (b) The requirements for licensure and operation of family
 267 foster homes, residential child-caring agencies, and child-
 268 placing agencies shall include:

- 269 1. The operation, conduct, and maintenance of these homes
 270 and agencies and the responsibility which they assume for
 271 children served and the evidence of need for that service.
- 272 2. The provision of food, clothing, educational
 273 opportunities, services, equipment, and individual supplies to
 274 assure the healthy physical, emotional, and mental development
 275 of the children served.
- 276 3. The appropriateness, safety, cleanliness, and general
 277 adequacy of the premises, including fire prevention and health
 278 standards, to provide for the physical comfort, care, and well-
 279 being of the children served.
- 280 4. The ratio of staff to children required to provide
 281 adequate care and supervision of the children served and, in the
 282 case of family foster homes, the maximum number of children in
 283 the home.
- 284 5. The good moral character based upon screening,
 285 education, training, and experience requirements for personnel
 286 and family foster homes.
- 287 6. The department may grant exemptions from
 288 disqualification from working with children or the
 289 developmentally disabled as provided in s. 435.07.
- 290 7. The provision of preservice and inservice training for

603-03741-23

20231690c2

291 all foster parents and agency staff.

292 8. Satisfactory evidence of financial ability to provide
293 care for the children in compliance with licensing requirements.

294 9. The maintenance by the agency of records pertaining to
295 admission, progress, health, and discharge of children served,
296 including written case plans and reports to the department.

297 10. The provision for parental involvement to encourage
298 preservation and strengthening of a child's relationship with
299 the family.

300 11. The transportation safety of children served.

301 12. The provisions for safeguarding the cultural,
302 religious, and ethnic values of a child.

303 13. Provisions to safeguard the legal rights of children
304 served.

305 14. Requiring signs to be conspicuously placed on the
306 premises of facilities maintained by child-caring agencies to
307 warn children of the dangers of human trafficking and to
308 encourage the reporting of individuals observed attempting to
309 engage in human trafficking activity. The signs must advise
310 children to report concerns to the local law enforcement agency
311 or the Department of Law Enforcement, specifying the appropriate
312 telephone numbers used for such reports. The department shall
313 specify, at a minimum, the content of the signs by rule.

314 Section 6. Subsection (3) of section 943.0583, Florida
315 Statutes, is amended, and subsections (10) and (11) of that
316 section are republished, to read:

317 943.0583 Human trafficking victim expunction.—

318 (3) (a) Except as provided in paragraph (b), a person who is
319 a victim of human trafficking may petition for the expunction of

603-03741-23

20231690c2

320 a criminal history record resulting from the arrest or filing of
321 charges for one or more offenses committed or reported to have
322 been committed while the person was a victim of human
323 trafficking, which offense was committed or reported to have
324 been committed as a part of the human trafficking scheme of
325 which the person was a victim or at the direction of an operator
326 of the scheme, including, but not limited to, violations under
327 chapters 796 and 847, without regard to the disposition of the
328 arrest or of any charges.

329 (b) A person who is a victim of human trafficking may not
330 petition the court for the expunction of a criminal history
331 record that resulted from a conviction of an offense listed in
332 s. 775.084(1)(b)1. For purposes of this section, the term
333 "conviction" has the same meaning as s. 943.0584(1). However,
334 this section does not apply to any offense listed in s.
335 775.084(1)(b)1.

336 (c) Determination of the petition under this section should
337 be by a preponderance of the evidence. A conviction expunged
338 under this section is deemed to have been vacated due to a
339 substantive defect in the underlying criminal proceedings. If a
340 person is adjudicated not guilty by reason of insanity or is
341 found to be incompetent to stand trial for any such charge, the
342 expunction of the criminal history record may not prevent the
343 entry of the judgment or finding in state and national databases
344 for use in determining eligibility to purchase or possess a
345 firearm or to carry a concealed firearm, as authorized in s.
346 790.065(2)(a)4.c. and 18 U.S.C. s. 922(t), nor shall it prevent
347 any governmental agency that is authorized by state or federal
348 law to determine eligibility to purchase or possess a firearm or

603-03741-23

20231690c2

349 to carry a concealed firearm from accessing or using the record
350 of the judgment or finding in the course of such agency's
351 official duties.

352 (10) (a) A criminal history record ordered expunged under
353 this section that is retained by the department is confidential
354 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
355 Constitution, except that the record shall be made available:

356 1. To criminal justice agencies for their respective
357 criminal justice purposes.

358 2. To any governmental agency that is authorized by state
359 or federal law to determine eligibility to purchase or possess a
360 firearm or to carry a concealed firearm for use in the course of
361 such agency's official duties.

362 3. Upon order of a court of competent jurisdiction.

363 (b) A criminal justice agency may retain a notation
364 indicating compliance with an order to expunge.

365 (11) (a) The following criminal intelligence information or
366 criminal investigative information is confidential and exempt
367 from s. 119.07(1) and s. 24(a), Art. I of the State
368 Constitution:

369 1. Any information that reveals the identity of a person
370 who is a victim of human trafficking whose criminal history
371 record has been expunged under this section.

372 2. Any information that may reveal the identity of a person
373 who is a victim of human trafficking whose criminal history
374 record has been ordered expunged under this section.

375 (b) Criminal investigative information and criminal
376 intelligence information made confidential and exempt under this
377 subsection may be disclosed by a law enforcement agency:

Page 13 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

603-03741-23

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378 1. In the furtherance of its official duties and
379 responsibilities.

380 2. For print, publication, or broadcast if the law
381 enforcement agency determines that such release would assist in
382 locating or identifying a person that the agency believes to be
383 missing or endangered. The information provided should be
384 limited to that needed to identify or locate the victim.

385 3. To another governmental agency in the furtherance of its
386 official duties and responsibilities.

387 (c) This exemption applies to such confidential and exempt
388 criminal intelligence information or criminal investigative
389 information held by a law enforcement agency before, on, or
390 after the effective date of the exemption.

391 Section 7. This act shall take effect July 1, 2023.

Page 14 of 14

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

SB 1690

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name LIBBY Guzzo

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Address CAPITAL PL-01

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Tallah

City

FL

State

32399

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

ATTORNEY GENERAL'S OFFICE

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

SB 1690

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Nancy Lawther, Ph.D. (Florida PTA) Phone 407 855-7604

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City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [X] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida PTA

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: PCS/SB 7050 (880856)

INTRODUCER: Fiscal Policy Committee

SUBJECT: Elections

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
	<u>Biehl</u>	<u>Roberts</u>		EE Submitted as Committee Bill
1.	<u>Biehl</u>	<u>Yeatman</u>	<u>FP</u>	Pre-meeting

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

PCS/SB 7050 makes the following changes to election laws:

- Enhances an existing requirement for signature matching training and requires the Department of State to promulgate related rules.
- Revises registration requirements, procedures, deadlines, prohibitions, and fines for third-party voter registration organizations.
- Requires additional information to be included on voter information cards.
- Revises processes to be used by supervisors of elections and the Department of State in voter registration list maintenance activities and enhances information other governmental entities must provide for that purpose.
- Reenacts a public records exemption for certain voter registration information received from another state or the District of Columbia.
- Clarifies and modernizes requirements for providing voter signature update information and for the process of signature verification.
- Updates and enhances requirements for post-election reports.
- Creates a new candidate disclosure requirement for certain outstanding fines and fees.
- Prescribes requirements for use of a candidate nickname on a ballot.
- Specifies how candidates with the same surname running for the same office in a general election may be distinguished on the ballot.
- Clarifies costs that supervisors of elections may charge for verification of signatures on petitions.

- Modernizes notice requirements by authorizing notice to be made on specified websites instead of in a local newspaper.
- Modernizes requirements for precinct boundary data maintained by supervisors.
- Clarifies situations in which a provisional ballot must be voted.
- Implements some of the recommendations from the Department of State’s vote-by-mail report.
- Clarifies the number of alternate members to be appointed to county canvassing boards.
- Modifies timeframes for meetings of the Elections Canvassing Commission, submission of returns by county canvassing boards, and certification of presidential electors.
- Requires submission of specified information for presidential electors, revises qualifications for presidential electors, and addresses “faithless electors.”
- Allows state committeemen and state committeewomen to prequalify.
- Clarifies the existing felony for casting more than one ballot.
- Revises required frequency for campaign finance reports and preempts local governments from enacting reporting schedules that differ from those provided in statute.
- Adds text messages to the types of services and costs that do not constitute contributions that count toward specified limits.
- Creates new framework regulating use of voter guides.
- Adjust fines that may be imposed and the collection of fines for violations of specified election laws.

The bill takes effect July 1, 2023.

II. Present Situation:

Please see “Effect of Proposed Changes.”

III. Effect of Proposed Changes:

Voter Signature Matching Training (Section 1)

Present Situation

Applicants registering to vote in Florida must provide their signature as part of their voter registration application, which then becomes part of the voter registration record.¹ Thereafter, voters can update their signatures by using a voter registration application and submitting it to a voter registration official.²

Current law requires the Secretary of State to provide formal signature matching training to supervisors of elections (supervisors) and county canvassing board members.³ Canvassing boards may count vote-by-mail and provisional ballots only if the signature on the voter’s certificate or in the cure affidavit matches the elector’s signature in the registration books or precinct register.⁴

¹ Section 97.052(2)(q), F.S.

² Section 98.077(1), F.S.

³ Section 97.012(17), F.S.

⁴ See ss. 101.048(2)(b) and 101.68, F.S.

Effect of Proposed Changes

The bill specifies that the signature matching training provided by the Secretary of State is mandatory and that any person whose duties require verification of signatures must undergo the training.

The bill also requires the Department of State (department) to adopt rules governing signature matching procedures and training.

Disclaimer on Voter Registration Application (Section 2)***Present Situation***

Current law prescribes information that must be included on the uniform statewide voter registration application, including, but not limited to, a statement informing the applicant that if the application is being collected by a third-party voter registration organization, the organization might not deliver the application in less than 14 days or before the next ensuing election.⁵

Effect of Proposed Changes

The bill revises 14 days to 10 to conform to substantive changes made to third-party voter registration organizations in Section 4 of the bill.

Third-Party Voter Registration Organizations (Section 4)***Present Situation***

A third-party voter registration organization is any person, entity, or organization soliciting or collecting voter registration applications, but does not include:

- A person who seeks only to register to vote or collect a voter registration application from that person's spouse, child, or parent; or
- A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the Division of Elections (division), supervisor, Department of Highway Safety and Motor Vehicles, or a voter registration agency^{6,7}

Before engaging in any voter registration activities, an organization must register and provide to the division specified information related to the organization's officers, the organization's registered agent, and each registration agent registering persons to vote on behalf of the organization.⁸ The registration of an organization does not automatically expire at any point; the organization must affirmatively request cancellation.

An organization that collects voter registration applications must deliver each application to the division or the supervisor of elections in the county in which the applicant resides within 14 days

⁵ Section 97.052(3)(g), F.S.

⁶ A voter registration agency is any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library (s. 97.021(44), F.S.).

⁷ Section 97.021(40), F.S.

⁸ Section 97.0575(1), F.S.

after the application was completed by the applicant, but not after registration closes for the next ensuing election.⁹ If an organization fails to meet the deadline, it is liable for the following fines:

- \$50 for each application delivered to the division or supervisor more than 14 days after it was submitted to the organization, and \$250 for each such application if the organization or person acting on its behalf acted willfully.
- \$100 for each application delivered to the division or supervisor after the book-closing deadline, and \$500 for each such application if the organization or person acting on its behalf acted willfully.
- \$500 for each application not delivered at all, and \$1,000 for each such application if the organization or person acting on its behalf acted willfully.¹⁰

The aggregate fine which may be assessed against an organization, including affiliate organizations, for violations committed in a calendar year is \$50,000.

If a person collecting applications on behalf of an organization alters an application without the applicant's knowledge and consent and is criminally convicted, the organization is liable for a fine in the amount of \$1,000 for each application altered.¹¹

Effect of Proposed Changes

The bill provides that beginning January 1, 2025, organizations must register for each specific general election cycle for which the organization will engage in voter registration activities. The registration of an organization will automatically expire at the end of each general election cycle for which it registers.

The remainder of the changes in this bill section will take effect 90 days after the department provides notice of the requirements to registered organizations.¹²

The bill requires an organization to affirm that each person collecting or handling voter registrations on its behalf:

- Has not been convicted of a felony violation of the Election Code or of a specified felony related to identity theft; and
- Is a citizen of the United States.

The bill provides that an organization is liable for a fine of \$50,000 for each person convicted of a disqualifying felony or noncitizen who collects or handles voter registration applications on the organization's behalf.

The bill creates a new requirement that organizations provide a receipt to each applicant upon accepting the application. The bill requires the division to adopt by rule by October 1, 2023, a

⁹ Section 97.0575(3)(a), F.S.

¹⁰ *Id.*

¹¹ Section 97.0575(4), F.S.

¹² Section 97.0575(8), F.S., currently provides, "The requirements of this section are retroactive for any third-party voter registration organization registered with the department on the effective date of this act, and must be complied with within 90 days after the department provides notice to the third-party voter registration organization of the requirements contained in this section." This bill replaces "the effective date of this act" with "July 1, 2023."

uniform format for the receipt that must include, but need not be limited to, the name of the applicant, the date received, the name of the organization, the name of the registration agent, the applicant's political party affiliation, and the county in which the applicant resides.

The bill reduces the number of days an organization has to deliver an application to 10¹³ from 14.

The bill increases fines for late-delivered applications as follows:

- For each application delivered more than 10 days after it was submitted – to \$50 *per each day late*, up to a maximum of \$2,500, and to \$2,500 if the organization or person acting on its behalf acted willfully.
- For each application delivered after the book-closing deadline – to \$100 *per each day late*, up to a maximum of \$5,000, and to \$5,000 if the organization or person acting on its behalf acted willfully.
- For each application not delivered at all – to \$5,000 if the organization or person acting on its behalf acted willfully.

The bill increases the aggregate fine which may be assessed an organization, including affiliate organizations, for violations committed in a calendar year to \$250,000.

The bill provides that it is a third-degree felony for a person collecting applications on behalf of an organization to copy the application or retain personal information from the application for any reason other than to provide such application or information to the organization.

The bill creates a new prohibition against an organization mailing or otherwise providing an application upon which any information about an applicant has been filled in before it is provided to the applicant. The bill provides that an organization that violates this prohibition is liable for a \$50 fine for each such application.

Voter Information Cards (Sections 5 and 6)

Present Situation

Current law requires each supervisor to provide a voter information card with specified information to all registered voters in the supervisor's county.¹⁴ A supervisor must issue a new card in the case of a change of name, address of legal residence, polling place address, or party affiliation.¹⁵

Effect of Proposed Changes

The bill adds to the information that must be included on voter information cards:

- A link to the supervisor's website to provide the most current polling place locations; and
- A specified statement that the card is proof of registration but is not legal verification of eligibility to vote.

¹³ A federal district court order in 2012 specified that 10 is the minimum number of days the Legislature may allow third-party voter registration organizations to deliver voter registration applications (*League of Women Voters of Florida v. Browning*, 863 F.Supp.2d 1155, United States District Court, N.D. Florida).

¹⁴ Section 97.071(1), F.S.

¹⁵ Section 97.071(3), F.S.

The bill also clarifies that a supervisor does not have to issue a new card if a temporary change is made to a polling location due to a state of emergency.

The bill specifies that its changes to requirements for voter information cards only apply to cards issued on or after July 1, 2023.

Voter Address List Maintenance (Sections 7 and 8)

Present Situation

Current law requires each supervisor to conduct an address registration list maintenance program (program) to ensure accurate and current voter registration records.¹⁶ Each program must be conducted, at a minimum, once each year and must be completed no later than 90 days prior to the date of any federal election,¹⁷ as required by the National Voter Registration Act. Specifically, a supervisor must incorporate one or more of the following procedures in an annual list maintenance program:

- Use change-of-address information supplied by the United States Postal Service (U.S.P.S.) through its licensees to identify registered voters whose addresses might have changed. Additionally, in odd-numbered years (unless using the second option below), the supervisor must identify change-of-address information from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all voters who have not voted in the preceding two election cycles and who have not requested a registration update during that time.
- Identify change-of-address information from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county.

Address confirmation requests sent pursuant to the first list maintenance option must be addressed to the voter's address of legal residence. If a request is returned as undeliverable, any other notification must be sent to the voter's mailing address on file. In addition, a voter must respond to an address confirmation request within 30 days.

If a supervisor fails to conduct required list maintenance activities, the department must conduct the activities.

Current law also requires the department to promulgate forms for the following forms used in address list maintenance processes:

- Address confirmation requests.
- Address change notices.
- Address confirmation final notices.¹⁸

¹⁶ Section 98.065(1), F.S.

¹⁷ Section 98.065(4), F.S.

¹⁸ Section 98.0655, F.S.

Effect of Proposed Changes

The bill:

- Deletes the requirement that address confirmation requests be first sent to the voter's address of legal residence.
- Requires each annual list maintenance program to begin by April 1.
- Deletes the requirement that voters respond to an address confirmation request within 30 days.
- Requires each supervisor to conduct at least an annual review of voter registration records to identify any in which a voter may be registered at an address that may not be a legal residential address for the voter, and initiate list maintenance for such records.
- Provides that if a supervisor does not conduct required address list maintenance activities, the department must coordinate with the supervisor instead of taking over the activities.

Registration Records Maintenance Activities; Ineligibility Determinations (Sections 9 and 48)

Present Situation

In addition to address list maintenance procedures conducted by the supervisors, current law requires the department to engage in list maintenance activities to ensure the maintenance of accurate and current voter registration records.¹⁹ The specified list maintenance activities address duplicate registrations, deceased persons, persons adjudicated mentally incapacitated, persons convicted of a felony, persons who do not meet the age requirement for voting, persons who are not U.S. citizens, and persons who have listed a residence that is not their legal residence. Current law also prescribes procedures for removing such persons from the voter rolls.

Supervisors must certify to the department the list of maintenance and ineligibility activities conducted every six months. If the department determines a supervisor has not satisfied statutory requirements, the department must satisfy the requirements for that county.²⁰

Current law authorizes the department to obtain driver license data from the Department of Highway Safety and Motor Vehicles pursuant to an interagency agreement to facilitate determinations of ineligibility of voter registration applicants and registered voters.²¹

Current law also provides a public records exemption for confidential voter registration information from another state or the District of Columbia that is received by the department pursuant to its participation in a multi-state program to exchange information for the purpose of verifying voter registration information.²² The exemption is scheduled to repeal on October 2, 2023, pursuant to the Open Government Sunset Review Act, unless reenacted by the Legislature.

¹⁹ Section 98.075(1), F.S.

²⁰ Section 98.075(8)(a), F.S.

²¹ Section 322.142(4)(e), F.S.

²² Section 98.075(2)(c), F.S.

Effect of Proposed Changes

The bill:

- Authorizes the department to identify deceased voters using information from just one of the following entities, instead of from all three as is required by current law – the Department of Health, U.S. Social Security Administration, or Department of Highway Safety and Motor Vehicles.
- Creates a deadline of 7 days for a supervisor to remove the name of a deceased voter from the voter registration system, and adds Department of Highway Safety and Motor Vehicles information to the types of information upon which removal can be based.
- Requires supervisors to coordinate with clerks of court to identify voters convicted of a felony during the preceding week.
- Creates a deadline of 14 days for a supervisor to publish public notice after receiving a returned mailed notice, and adds publication of notice on the county’s or the supervisor’s website as an alternative to publication in a newspaper.
- Specifies additional information to be included in required notices.
- Creates deadlines for supervisors to make determinations of eligibility and to remove voters from the voter registration system.
- Removes the requirement for the department to take over list maintenance requirements if a supervisor does not complete them and instead requires the department to coordinate with the supervisor to ensure completion of the activities.
- Deletes the repeal date of the public records exemption for certain voter registration information received from other states or the District of Columbia, thereby reenacting the exemption.

The bill also adds supervisors to the entities authorized to get driver license data for purposes of verifying applicant and voter eligibility.

Update of Voter Signature (Section 10)***Present Situation***

Current law prescribes the following requirements for information that must be provided to voters on how to update a signature:

- The department and supervisors must include signature update information in specified correspondence sent to voters.
- At least once during each general election year, a supervisor must publish in a local newspaper specified signature update information.²³

Current law also specifies the following provisions regarding use of voter signature for verification:

- All signature updates for use in verifying vote-by-mail (VBM) and provisional ballots must be received by the supervisor before the VBM ballot is received or the provisional ballot is cast.
- The signature on file at the time the VBM ballot is received or the provisional ballot is cast is the signature that must be used for verification.

²³ Section 98.077(2)-(3), F.S.

Effect of Proposed Changes

The bill revises requirement for provision of signature update information by:

- Removing the department from the requirement to include specified information in certain correspondence sent to voters.
- Specifying that the notice a supervisor must publish each general election year must occur before the presidential preference primary or the primary election, whichever occurs first.
- Authorizing a supervisor to publish signature update information on the county's website or the supervisor's website instead of in a local newspaper.

The bill revises requirements for use of voter signature for verification by:

- Specifying that they apply to voter signatures on petitions in addition to those on VBM or provisional ballot voter certificates.
- Authorizing older signatures from previous registration updates to be used for voter signatures requiring secondary or tertiary review.

Duty of Governmental Entities to Provide Information to Department and Supervisors (Section 11)

Present Situation

Current law requires specified governmental entities to provide information to the department on persons who may not be included in the voter rolls due to death, adjudication of mental incapacity, felony conviction, or lack of U.S. citizenship.²⁴ Specifically, the law requires, in part:

- The Department of Health to furnish monthly to the department a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older.
- Each clerk of court to furnish monthly to the department specified information on persons adjudicated mentally incapacitated with respect to voting, persons whose mental capacity with respect to voting has been restored, persons who have returned signed jury notices indicating a change of address, and terms of sentence and personal information of persons convicted of a felony.
- The Department of Law Enforcement to identify persons who have been convicted of a felony who appear in the voter registration records supplied by the statewide voter registration system, in a time and manner that enables the department to meet its obligations under state and federal law.
- The Florida Commission on Offender Review to furnish at least bimonthly to the department specified data on persons granted clemency or any updates to prior records.
- The Department of Corrections to identify persons convicted of a felony and committed to its custody or placed on community supervision and provide the information to the department in a time and manner that enables the department to meet its obligations under state and federal law.
- The Department of Highway Safety to furnish monthly to the department a list of persons who have been licensed in another state and a list of and specified information related to

²⁴ Section 98.093, F.S.

persons who presented evidence of non-U.S. citizenship upon being issued a new or renewed Florida driver license or identification card.

Effect of Proposed Changes

The bill makes the following changes to information reporting requirements for specified governmental entities:

- Standardizes frequency of reporting to weekly for the Department of Health, clerks of court, Department of Law Enforcement, Florida Commission on Offender Review, Department of Corrections, and Department of Highway Safety and Motor Vehicles.
- Where current law requires provision of a person's social security number, clarifies that only the last four digits of the number are required.
- Requires clerks to report information to the supervisors in addition to the department.
- Specifies the required information clerks must report for each person adjudicated mentally incapacitated.
- Requires the Department of Highway Safety and Motor Vehicles to provide additional information for persons who have been licensed in another state and creates a new requirement that the Department of Highway Safety and Motor Vehicles provide specified information about persons it has received indication are deceased.

Election Reports (Section 12)

Present Situation

Current law requires the department and supervisors to submit specified post-election reports, which include, but are not limited to:

- Voting history and statewide voter registration information – Within 30 days after certification of election results, supervisors must submit to the department updated voting history information for each qualified voter who voted. The department must then compile and submit required information to the Legislature no later than 45 days after certification of the election results.
- Precinct-level election results – Within 30 days after certification of election results, supervisors must submit to the department precinct-level election results. The department must make the reported information available on a searchable database.
- Precinct-level book closing statistics – For specified elections, after the date of book closing but before the date of the election, the department must compile specified precinct-level statistical data for each county.²⁵

Effect of Proposed Changes

The bill revises reporting requirements for voting history and statewide voter registration information by:

- Creating a new report for reconciliation of total ballots cast in each precinct to the total number of voters with voter history and the precinct-level election results.

²⁵ Section 98.0981, F.S.

- Requiring voter history to include the unique identifier assigned to each qualified voter in the statewide voter registration system, each qualified voter's unique precinct identifier at the time of voting, and specifics of voting history.
- Creating a new report for the geographical information system map of precinct boundaries.
- Requiring each supervisor to submit the above-specified reports to the department no later than 20 days after certification of election results.

The bill revises information the department must report to the Legislature by:

- Requiring inclusion of both voting history and the precinct boundaries the bill requires the supervisors to report.
- Specifying additional elected office districts that must be included for each voter.
- Extending the deadline by which the report must be submitted to 60 from 45 days after certification of election results.

The bill revises reporting requirements for precinct-level election results by:

- Reducing to 10 from 30 the number of days after certification of election results within which supervisors must report required information to the department.
- Requiring a supervisor to research and address any questions or issues identified by the department pertaining to the results. If the originally changed information is changed or correct, the supervisor must provide an amended report no later than 10 business days after the request from the department.
- Creating a deadline of 60 days after certification of election results for the department to make the information publicly available in a website specifically rather than in a "database."

The bill revises the precinct-level book closing statistics report by:

- Revising the deadline to no later than 10 days after book closing.
- Defining "unique precinct identifier number."

Candidate Oaths/Disclosures (Sections 13 and 41)

Present Situation

Each candidate for office must take and subscribe to in writing a specified oath or affirmation regarding his or her eligibility to run for the office.²⁶

In addition, each candidate for an office other than judicial or school board office must, at the time of subscribing to the oath or affirmation, also state in writing certain information about his or her party or no-party affiliation.²⁷

²⁶ Sections 99.021(1)(a) and 105.031(4), F.S.

²⁷ Section 99.021(1)(b) and (c), F.S.

Effect of Proposed Changes

The bill additionally requires each candidate to, at the time of subscribing to the oath or affirmation, state in writing:

- Whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed \$250 for any violations of state or local ethics laws or of state campaign financing laws, and, if so;
- The amount owed and each entity that levied such fine, fee, or penalty.

The new requirement applies to candidates for all offices.

Candidate Names on Ballot (Sections 14 and 21)***Present Situation***

Current law requires each candidate to print in the written oath or affirmation his or her name as he or she wishes it to appear on the ballot.²⁸ It does not prescribe a framework for use of a candidate nickname.

Current law provides that when two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word “incumbent” shall appear next to the incumbent’s name.

Effect of Proposed Changes

The bill creates requirements for use of a candidate nickname on a ballot.

The bill also specifies that “incumbent” shall appear next to the incumbent’s name in *any* election in which two or more candidates running for the same office have the same or a similar surname.

Cost for Verification of Signatures on Petitions (Section 15)***Present Situation***

Current law requires voter signatures on petitions to be verified by supervisors and specifies the cost per signature that the supervisor shall be paid.²⁹

Effect of Proposed Changes

The bill clarifies that supervisors are entitled to 10 cents or the actual cost, whichever is less, for each signature checked for a local issue, and that for statewide issues each supervisor may charge the actual cost.

²⁸ Sections 99.021(1)(a) and 105.031(4)(b), F.S.

²⁹ Sections 99.067 and 100.371, F.S.

Publication of Notice (Sections 16, 17, 18, 22, 30, 31, and 34)

Present Situation

The Election Code requires notice of specified events to be made in a local newspaper of general circulation, including notice of:

- A general election.³⁰
- A special election to fill any vacancy in office.³¹
- Any special election or referendum.³²
- The time and place of testing automatic tabulating equipment.³³
- Polling place locations.³⁴
- An election rescheduled due to emergency.³⁵
- County canvassing board members and meetings.³⁶

Effect of Proposed Changes

The bill modernizes and conforms the Election Code's notice requirements by authorizing publication to be made on the county's website, the municipality's website, or the supervisor's website, as applicable, in lieu of publication in a local newspaper.

Precinct Boundary Data (Section 19)

Present Situation

Current law requires supervisors to maintain specified data related to precincts and districts. In part, supervisors must maintain a map showing major features and district boundaries in the county and must report to the department data on all precincts in the county associated with the most recent decennial census blocks within each precinct.³⁷

Within 10 days after any change in the division, number, or boundaries of precincts, or the location of polling places, a supervisor must write an accurate description of any new or altered precincts and identify the location of each new or altered polling place.³⁸

Data maintained by supervisors is used in each redistricting cycle.

Effect of Proposed Changes

The bill:

- Requires supervisors to maintain precinct and district maps in geographical information system format.

³⁰ Section 100.021, F.S.

³¹ Section 100.141(3), F.S.

³² Section 100.342, F.S.

³³ Section 101.5612(2), F.S.

³⁴ Section 101.71(2), F.S.

³⁵ Section 101.733(2), F.S.

³⁶ Section 102.141(2)(b), F.S.

³⁷ Section 101.001(3), F.S.

³⁸ Section 101.001(4)(a), F.S.

- Deletes requirements relating to use of census blocks.
- Removes specified “visible features” and boundaries from the types of boundaries that may be used as a precinct boundary.

Provisional Ballots (Section 20)

Present Situation

Current law entitles the following persons to vote a provisional ballot:

- A voter claiming to be properly registered in the state and eligible to vote at the precinct in the election but whose eligibility cannot be determined.
- A person whom an election official asserts is not eligible.
- Other persons as specified in the Election Code.³⁹

Effect of Proposed Change

The bill specifies that the category of “a person whom an election official asserts is not eligible” includes a person to whom notice of eligibility review has been sent but for whom a final determination of eligibility has not been made.

Requests for and Delivery of Vote-by-Mail Ballots (Section 24)

Present Situation

Florida law allows an elector to request a VBM ballot to be used in lieu of voting at the polls during early voting or on Election Day. An elector does not need to provide a reason for a VBM ballot request.

An elector can request a VBM ballot in person, in writing, or by telephone.⁴⁰ In addition, if directly instructed by the elector, a request for a VBM ballot can be made by a member of the elector’s immediate family⁴¹ or the elector’s legal guardian. The person making the request must disclose:

- The name of the elector for whom the ballot is requested.
- The elector’s address.
- The elector’s date of birth.
- The elector’s Florida driver license number, Florida identification card number, or last four digits of the elector’s social security number, whichever may be verified in the supervisor’s records.
- The requester’s name.
- The requester’s address.
- The requester’s driver license number, identification number, or last four digits of the requester’s social security number, if available.
- The requester’s relationship to the elector.
- The requester’s signature, if the request is made in writing.⁴²

³⁹ Section 101.048, F.S.

⁴⁰ Sections 101.62(1)(a)-(b), F.S.

⁴¹ “Immediate family” is defined to mean a spouse, parent, child, grandparent, or sibling (s. 101.62(4)(c)4., F.S.).

⁴² Section 101.62(1)(b), F.S.

If an elector requests a VBM ballot to be sent to an address not on file in the Florida Voter Registration System, the request must be made in writing and signed by the elector, unless the elector is an absent uniformed service voter or overseas voter.⁴³

A request for a VBM ballot may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

A request for a VBM ballot to be mailed to a voter must be received by the supervisor no later than 5 p.m. on the 10th day before the election. The supervisor shall mail VBM ballots to voters requesting ballots by such deadline no later than 8 days before the election.

Generally, VBM ballots must be mailed via nonforwardable, return-if-undeliverable mail. Overseas and military voters are allowed to get VBM ballots via forwardable mail.⁴⁴

Effect of Proposed Changes

The bill:

- Clarifies that the only persons from whom a supervisor may accept a VBM ballot request are the voter or his or her immediate family member or legal guardian, and that VBM requests may be made through a supervisor's website.
- Requires the division to, by October 1, 2023, prescribe a statewide uniform application form to request a VBM ballot.
- Clarifies that supervisors must verify the personal identifying number in a VBM ballot request against their records and/or the Department of Highway Safety and Motor Vehicles, and must add the number to the voter's registration record if not already included.
- Requires, instead of authorizes, a VBM ballot request to be canceled when any first-class mail is returned as undeliverable, and requires the voter to provide or confirm his or her current residential address if he or she requests a VBM ballot in the future.
- Moves back by two days each the deadlines for mailing of a VBM ballot (to no later than 10 days before the election and for submitting a VBM ballot request (to 5 p.m. on the 12th day before the election).
- Requires VBM ballot mailing envelopes to be clearly marked "Do Not Forward."

Picking Up a VBM Ballot in Person (Section 24)

Present Situation

Current law authorizes in-person provision of a VBM ballot:

- To the requesting voter, upon presentation of identification, up to 7 p.m. on Election Day.
- To the designee of the requesting voter, if specified requirements are met, on Election Day or up to 9 days before the day of the election.

However, a VBM ballot may be provided in person on Election Day only if there is an emergency to the extent that the voter will be unable to go to his or her assigned polling place,

⁴³ Section 101.62(1)(b), F.S.

⁴⁴ Section 101.62(4)(c), F.S.

in which case the voter or his or her designee must execute an affidavit affirming to the facts which allow for provision of the VBM ballot.⁴⁵

Effect of Proposed Changes

The bill adds mandatory early voting days to the time period during which a voter must affirm that he or she has an emergency such that he or she is unable to go to an early voting location or to his or her assigned polling place on election day.

VBM Ballots of Persons Undergoing Eligibility Review (Section 25)

Present Situation

Current law requires each supervisor to safely keep in his or her office any envelopes received containing marked ballots of absent electors.⁴⁶

Effect of Proposed Changes

The bill requires each supervisor to segregate any VBM ballots received from persons undergoing eligibility review and to treat them as provisional ballots for individual review by the county canvassing board.

The bill also requires each supervisor to attempt to contact each voter in the same manner as if he or she had voted a provisional ballot.

Canvassing of VBM Ballots (Section 26)

Present Situation

Generally, the county canvassing board decides how to handle outlier situations in which, for example, VBM ballots are returned in the wrong envelope or multiple ballots are returned in one envelope.

Effect of Proposed Changes

The bill specifies that if two or more VBM ballots are returned in one mailing envelope for the same election, none shall be counted.

Special Requirements for Certain First-Time Voters (Sections 27 and 28)

Present Situation

Current law requires first-time Florida voters who registered by mail and have never been issued a current and valid Florida driver license, Florida identification card, or social security number to include a copy of a specified form of identification with a returned vote-by-mail ballot, unless a federally mandated exception applies.⁴⁷

⁴⁵ Section 101.62(4)(c)3.-5., F.S.

⁴⁶ Section 101.67(1), F.S.

⁴⁷ Sections 97.0535, F.S.

Current law also specifies vote-by-mail ballot instructions for these certain first-time voters.⁴⁸

If such a special VBM ballot has a signature deficiency, it may be cured until 7 p.m. on Election Day.⁴⁹

Effect of Proposed Changes

The bill extends the cure period for a signature deficiency until 5 p.m. on the 2nd day after the election to conform the timeframe to that for other VBM ballots.

The bill also conforms vote-by-mail ballot instructions accordingly.

Meeting Time of Elections Canvassing Commission (Section 32)

Present Situation

Current law specifies that the Elections Canvassing Commission shall meet at 9 a.m. on the 9th day after a primary election and at 9 a.m. on the 14th day after a general election to certify the results of the election for each federal, state, and multicounty office.⁵⁰

Effect of Proposed Changes

The bill moves up the meeting time for both meetings of the commission to 8 a.m.

County Canvassing Boards (Sections 33 and 34)

Present Situation

Current law provides that a county canvassing board is composed of the supervisor, a county court judge, and the chair of the board of county commissioners. Alternate canvassing board members may be appointed pursuant to statutory specifications.⁵¹ The exact number of allowable alternates is not specified.

Current law also specifies deadlines for submission of county returns by county canvassing boards.⁵² Further, at the same time that the official results of an election are certified to the department, the county canvassing board must file a report with the division on the conduct of the election that includes specified information.⁵³

Effect of Proposed Changes

The bill:

- Clarifies that at least two alternate canvassing board members shall be appointed and that any alternate may serve in any seat.
- Extends the deadline for submission of county returns to the department by half a day.

⁴⁸ Section 101.6923, F.S.

⁴⁹ Section 101.6925, F.S.

⁵⁰ Section 102.111(2), F.S.

⁵¹ Section 102.141(1), F.S.

⁵² Section 102.112(2), F.S.

⁵³ Section 102.141(10), F.S.

- Provides that supervisors, instead of county canvassing boards, shall certify official results to the department; specifies a deadline; and revises a reporting requirement for ballot printing errors.

Presidential Electors and Write-In Candidates for President (Sections 35 and 36)

Present Situation

Current law specifies timeframes for certification of presidential electors and requires each presidential elector to be a qualified elector of the party he or she represents.⁵⁴

Current law also provides requirements for write-in candidates for President and Vice President.⁵⁵

Effect of Proposed Changes

The bill:

- Moves up certification deadlines.
- Requires presidential electors to be registered Florida voters and requires political parties to provide voter registration numbers and contact information for their electors.
- Requires write-in candidates for President and Vice President to provide the Florida voter registration number and contact information for each presidential elector and requires each presidential elector to be a qualified registered voter of the state.

The bill also addresses “faithless electors” by specifying that a presidential elector’s refusal or failure to vote for the candidates for President and Vice President of the party the presidential elector was nominated to represent constitutes a resignation of the position, that his or her vote may not be recorded, and that his or her position as a presidential elector must be filled as provided by law.

Prequalifying of State Committeemen and Committeewomen (Section 37)

Present Situation

Current law provides that electors seeking to qualify for the office of state committeeman or state committeewoman must qualify with the department or supervisor between the 71st and 67nd days preceding the primary election.⁵⁶

Candidates are subject to the same timeframe, but may submit their qualifying papers 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.⁵⁷

⁵⁴ Section 103.021, F.S.

⁵⁵ Section 103.022, F.S.

⁵⁶ Section 103.091(4), F.S.

⁵⁷ Section 99.061(8), F.S.

Effect of Proposed Changes

The bill allows state committeemen and state committeewomen to submit qualifying papers during the 14 days prior to the qualifying period.

Voting a Fraudulent Ballot (Section 38)***Present Situation***

Current law makes it a third-degree felony for a person to knowingly vote or attempt to vote a fraudulent ballot.⁵⁸

Effect of Proposed Changes

The bill specifies that a person who is undergoing eligibility review and who votes a provisional ballot or VBM ballot before a final determination of eligibility is made is not subject to the criminal penalty.

Casting More Than One Ballot (Section 39)***Present Situation***

Current law provides that it is a third-degree felony to willfully vote more than one ballot at any election.⁵⁹

Effect of Proposed Changes

The bill defines “votes more than one ballot at any election” and authorizes prosecution of the violation to proceed in any county in which one of the ballots was willfully cast.

Reporting of Fraudulent Registrations and Illegal Voting (Section 40)***Present Situation***

Current law provides that supervisors are authorized to investigate fraudulent registrations and illegal voting and report findings to the local state attorney and the Florida Elections Commission.⁶⁰

Effect of Proposed Changes

The bill substitutes the Office of Election Crimes and Security for the Florida Elections Commission.

⁵⁸ Section 104.16, F.S.

⁵⁹ Section 104.18, F.S.

⁶⁰ Section 104.42(1), F.S.

Campaign Finance Reports (Sections 42 and 44)

Present Situation

Current law requires submission of the following reports by statewide candidates and political committees that file campaign finance reports with the division:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends).
- Weekly contribution and expenditure reports beginning on the 60th day before the primary, with the last weekly report due on the 4th day before the general election.
- Daily contribution reports beginning on the 10th day before the general election, with the last report due on the 5th day before the general election.⁶¹

Current law requires submission of the following reports by electioneering communications organizations that filed campaign finance reports with the division:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends).
- Weekly contribution and expenditure reports beginning on the 60th day before the primary, with the last weekly report due on the 4th day before the general election.
- Daily contribution reports beginning on the 10th day before the general election through the 5th day before the general election, and the 3rd day of the general election with the last report due on the day before the general election.⁶²

All daily reports required above must contain contributions received, but not expenditures made.

Current law requires submission of the following reports by all non-statewide candidates, regardless of the candidate's filing officer, and political committees or electioneering communications organizations that file reports with a supervisor or a municipal clerk:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends).
- Biweekly contribution and expenditure reports during the 60th-32nd days before the primary, and the 74th-32nd days before the general election.
- Weekly contribution and expenditure reports beginning on the 32nd day before the primary and general elections, with the last weekly report due on the 4th day before the primary and general elections.⁶³

Effect of Proposed Changes

The bill:

- Reduces required reporting frequency from monthly to quarterly until qualifying, at which time the current reporting requirements resume.
- Preempts local governments from enacting a reporting schedule that differs from that provided in statute.

⁶¹ Section 106.07(1)(a), F.S.

⁶² Section 106.0703(1)(a)-(b), F.S.

⁶³ Sections 106.07(1)(b) and 106.0703(1)(c), F.S.

Campaign Contributions/Text Messages (Section 45)

Present Situation

Current law provides that a candidate may not accept contributions from a county executive committee of a political party whose contributions in the aggregate exceed \$50,000, or from the national or state executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, whose contributions in the aggregate exceed \$50,000.⁶⁴ A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of the political party, or affiliated party committees, which contributions in the aggregate exceed \$250,000.⁶⁵

Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the above contribution limits.

Effect of Proposed Changes

The bill adds text messages to the list of services and costs that do not constitute contributions that count toward the specified contribution limits.

Voter Guides (Section 46)

Present Situation

Current law defines and provides requirements, including disclaimers, for political advertisements⁶⁶ and electioneering communications⁶⁷.⁶⁸ It does not address voter guides.

Effect of Proposed Changes

The bill creates new requirements for voter guides, defined to mean direct mail that is either an electioneering communication or a political advertisement sent for the purpose of advocating for or endorsing particular issues or candidates by recommending specific electoral choices to the voter or by indicating issue or candidate selections on an unofficial ballot.

⁶⁴ Section 106.08(2)(a), F.S.

⁶⁵ Section 106.08(2)(b), F.S.

⁶⁶ “Political advertisement” means a paid expression in a prescribed communications medium, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, the term does not include: (a) A statement by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or in opposition to a candidate or issue, in that organization’s newsletter, which newsletter is distributed only to the members of that organization; or (b) Editorial endorsements by a newspaper, a radio or television station, or any other recognized news medium. Section 106.011(15), F.S.

⁶⁷ “Electioneering communication” means a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which: 1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; 2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and 3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected. Section 106.011(8)(a), F.S. The statutory definition also excludes specified types of communications from the definition.

⁶⁸ Chapter 106, F.S.

The bill specifies a required disclaimer for voter guides and prohibits a person from representing that a voter guide is an official publication of a political party unless such person is given specified written permission.

Fines for Election Law Violations (Section 47)

Present Situation

Current law provides for fines to be automatically assessed against political committees for late-filing of required reports.⁶⁹ Current law also provides for almost 100 additional, separate violations in ch. 106, F.S., as well as numerous violations in ch. 104, F.S.

The Florida Elections Commission or an administrative law judge may impose a fine or up to \$1,000 per count for a violation of ch. 104 or 106, F.S.

Current law does not authorize increased fines for repeat offenders.

Effect of Proposed Changes

The bill provides that a fine imposed against a political committee for a violation of ch. 106, F.S., jointly and severally attaches to the chair of the political committee, the treasurer of the political committee, and any other person with control over the political committee. However, collection from these individuals may occur only if the political committee does not pay the fine within 30 days.

The bill also increases to \$2,500 the allowable fine per count that may be imposed by the Florida Elections Commission or an administrative law judge for violations of ch. 104 or 106, F.S. The bill provides for a 3x fine multiplier, not to exceed \$7,500, after a person commits three counts of the same category of offense.

Conforming Cross-References (Sections 3, 23, 29, and 43)

The bill conforms statutory cross-references to substantive changes made by the bill.

Effective Date (Section 49)

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. Bills that affect state or local elections are exempt from the requirements of Art. VII, section 18 of the Florida Constitution.

⁶⁹ Section 106.07(8)(a), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Increasing the amount of fines that may be assessed against a third-party voter registration organization will financially impact those organizations that fail to comply with statutory requirements.

Increasing fines for certain election law violations will financially impact persons who fail to comply with statutory requirements.

C. Government Sector Impact:

The following provisions of the bill may have a fiscal or workload impact on supervisors:

- The addition of new content on voter information cards.
- Revisions to list maintenance processes and requirements.
- Modernization of requirements for precinct boundary data collection and maintenance.
- The requirement that “Do Not Forward” be printed on VBM mailing envelopes.

Authorizing certain notices to be published on specified websites instead of in newspapers may reduce costs to supervisors.

The increased frequency and required information for reporting of information to the department or supervisors for use in list maintenance activities may increase workload and costs of reporting governmental entities.

Prohibiting the counting of two or more VBM ballots for the same election that are returned in one mailing envelope may reduce the workload of county canvassing boards by an insignificant amount.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.012, 97.022, 97.0535, 97.057, 97.0575, 97.071, 98.065, 98.0655, 98.075, 98.077, 98.093, 98.0981, 99.021, 99.097, 100.342, 101.001, 101.048, 101.151, 101.6103, 101.62, 101.657, 101.68, 101.6921, 101.6923, 101.6925, 101.694, 102.111, 102.112, 102.141, 103.021, 103.022, 103.091, 104.18, 104.42, 104.47, 106.07, 106.0702, 106.0703, 106.08, 106.1436, and 106.265.

This bill creates the following section of the Florida Statutes: 99.0215.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

PCS (880856) by Fiscal Policy on April 20, 2023:

- Deletes from the original bill provisions clarifying the authority of the Office of Election Crimes and Security and the duties of the statewide prosecutor; requiring all new voters who have never been issued a specified identification or social security number to vote in person the first time; revising discretionary early voting days; and creating a criminal penalty for threats and harassment of election workers.
- Revises the original bill’s third-party voter registration organization provisions to clarify effective dates; eliminate an exception to the reregistration requirement for political parties; revise the maximum aggregate annual fine; and add a prohibition against voter registration application collecting or handling by a person convicted of certain felonies or by a noncitizen.
- Clarifies the definition of “voting more than one ballot;” the number of alternate canvassing board members; provisions governing voting by persons undergoing eligibility review; that a voter may request a VBM ballot through a supervisor’s website; that the new disclosure requirement for certain unpaid fines applies to judicial candidates; and that collection of certain fines imposed on political committees may occur against officers of the committee only if the committee fails to pay.
- Modernizes and conforms required notice provisions throughout the Election Code by authorizing publication on specified websites in lieu of in a local newspaper.

- Authorizes supervisors to obtain driver license data for the purpose of verifying applicant or voter eligibility.
- Addresses “faithless” presidential electors.

B. Amendments:

None.

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



896348

LEGISLATIVE ACTION

Senate	.	House
Comm: UNFAV	.	
04/21/2023	.	
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	.	

The Committee on Fiscal Policy (Thompson) recommended the following:

Senate Amendment

Delete lines 463 - 470

and insert:

~~3. A fine in the amount of \$500 for each application collected by a third-party voter registration organization or any person, entity, or agent acting on its behalf, which is not submitted to the division or supervisor of elections in the county in which the applicant resides. A fine in the amount of \$1,000 for any application not submitted if the third-party~~



896348

11 ~~voter registration organization or person, entity, or agency~~
12 ~~acting on its behalf acted willfully.~~



880856

594-03953-23

Proposed Committee Substitute by the Committee on Fiscal Policy

A bill to be entitled

An act relating to elections; amending s. 97.012, F.S.; requiring the Secretary of State to provide mandatory formal signature matching training to specified persons; requiring the Department of State to adopt specified rules; amending s. 97.052, F.S.; conforming a provision to changes made by the act; amending s. 97.057, F.S.; conforming a cross-reference; amending s. 97.0575, F.S.; requiring that third-party voter registration organizations provide to the Division of Elections the general election cycle for which they are registering persons to vote, beginning on a certain date; requiring that third-party voter registration organizations provide to the division certain affirmations; providing that a third-party voter registration organization is liable for certain fines in certain circumstances; providing that the registration of such organizations expires at the conclusion of the organizations' lawful responsibilities following such election cycle, beginning on a certain date; requiring such organizations to provide applicants with a specified receipt; requiring the division to adopt by rule a uniform format for such receipt by a specified date; revising the timeframe within which such organizations must deliver applications to the division or a supervisor of elections; revising the fines for failure to submit applications to the division or the



880856

594-03953-23

supervisor within the specified timeframe; prohibiting a person collecting applications on behalf of a third-party voter registration organization from copying specified information from the application for reasons other than complying with specified requirements; providing criminal penalties; prohibiting organizations from providing prefilled voter registration applications to applicants; providing civil penalties; providing for retroactive application; amending s. 97.071, F.S.; revising the contents of voter information cards; providing construction; providing applicability; amending s. 98.065, F.S.; deleting a provision relating to the address to which certain voter registration mail must be addressed; revising requirements applicable to registration list maintenance programs; requiring a supervisor to conduct a certain review of voter registration records at least annually and take certain actions; requiring the department to coordinate with a supervisor of elections for a specified purpose; amending s. 98.0655, F.S.; deleting a provision that requires an address confirmation request to include a certain statement; amending s. 98.075, F.S.; deleting the scheduled repeal of a public records exemption for certain voter registration information from another state or the District of Columbia; requiring the supervisor to remove the name of a registered voter from the statewide voter registration system within a specified



880856

594-03953-23

58 timeframe if certain conditions exist; requiring the
59 supervisor to coordinate with his or her respective
60 clerk of the court to obtain information of those
61 registered voters convicted of a felony who have not
62 had their voting rights restored; requiring a
63 supervisor to adhere to specified procedures before
64 the removal of a registered voter from the statewide
65 voter registration system; providing construction;
66 requiring the notice that the supervisor must provide
67 to a potentially ineligible voter to include a
68 specified statement; authorizing a supervisor to post
69 a specified notice on the county's website or the
70 supervisor's website; requiring the notice to contain
71 specified statements; requiring the supervisor to make
72 a final determination of the voter's eligibility
73 within a specified timeframe and remove the name of a
74 registered voter within a specified timeframe if the
75 registered voter fails to respond or responds in a
76 certain manner to certain notices; requiring the
77 supervisor to review evidence and make a determination
78 of eligibility within a specified timeframe in certain
79 circumstances; requiring the supervisor to remove an
80 ineligible voter within a specified timeframe and
81 notify the voter that he or she has the right to
82 appeal the determination of ineligibility; requiring
83 the supervisor to schedule and issue notice of a
84 hearing within a specified timeframe after receiving
85 the voter's hearing request; requiring that the
86 hearing be held within a specified timeframe;



880856

594-03953-23

87 authorizing the voter to request an extension;
88 requiring the department to coordinate with the
89 supervisor to ensure that such actions and activities
90 are conducted; conforming provisions to changes made
91 by the act; amending s. 98.077, F.S.; deleting a
92 reference to the department from a provision requiring
93 correspondence to include certain information;
94 requiring a supervisor to publish a specified notice
95 in a newspaper, on the county's website, or on the
96 supervisor's website; requiring that signature updates
97 used to verify signatures on ballot certificates or
98 petitions be received by the supervisor before the
99 voter's ballot is received, his or her provisional
100 ballot is cast, or the petition is submitted for
101 signature verification; requiring the supervisor to
102 use the signature on file at the time the vote-by-mail
103 ballot is received, the provisional ballot is cast, or
104 the petition is reviewed; providing an exception;
105 amending s. 98.093, F.S.; requiring the Department of
106 Health to weekly furnish a specified list to the
107 Department of State; requiring clerks of the circuit
108 court to weekly furnish specified information to the
109 supervisors; requiring the clerks to provide certain
110 information to the department; requiring the
111 Department of Law Enforcement to identify and report
112 specified persons to the Department of State at least
113 weekly; requiring the Florida Commission on Offender
114 Review to furnish data on clemency to the Department
115 of State at least weekly; requiring the Department of



880856

594-03953-23

116 Corrections to identify persons convicted of a felony
117 and committed to its custody, and to provide such
118 information to the Department of State, at least
119 weekly; requiring the Department of Highway Safety and
120 Motor Vehicles to weekly furnish specified information
121 to the Department of State; revising construction;
122 making technical changes; amending s. 98.0981, F.S.;
123 requiring supervisors to submit specified reports to
124 the department within a specified timeframe; requiring
125 supervisors to prepare a reconciliation report and
126 submit such report to the department; providing
127 requirements for, and the required format of, the
128 report; revising the requirement that supervisors
129 transmit to the department, in a specified format, the
130 completely updated voting history information for each
131 qualified voter who voted; defining the term "unique
132 precinct identifier"; requiring supervisors to submit
133 a specified geographical information system map to the
134 department; requiring the department to submit an
135 election summary report containing certain information
136 to the Legislature following the certification by the
137 Elections Canvassing Commission of specified
138 elections; deleting certain file specifications;
139 revising the timeframe for a supervisor to collect and
140 submit to the department precinct-level election
141 results after certification by the commission of
142 specified elections; revising the procedures to
143 compile such results; requiring the supervisor to
144 research and address questions or issues identified by



880856

594-03953-23

145 the department in such results; requiring the
146 supervisor to provide amended precinct-level election
147 results to the department within a specified
148 timeframe, if certain conditions exist; requiring the
149 department to publish such results online within a
150 specified timeframe; specifying requirements for the
151 website; requiring certain files to be created in
152 accordance with, and providing requirements for, a
153 certain rule; providing a definition; providing the
154 timeframe within which the department must compile and
155 make available certain precinct-level statistical
156 data; requiring the department to adopt specified
157 rules; amending s. 99.021, F.S.; revising the form of
158 the candidate oath to require that candidates
159 acknowledge certain outstanding fines, fees, or
160 penalties relating to ethics or campaign finance
161 violations; creating s. 99.0215, F.S.; requiring a
162 candidate to designate in the candidate's oath the
163 name he or she wishes to have printed on the ballot,
164 subject to specified conditions; requiring a candidate
165 to file a specified affidavit simultaneously with the
166 oath if the candidate wishes to use a nickname, which
167 is subject to certain conditions; defining the term
168 "political slogan"; prohibiting the use of a
169 professional title or degree except in specified
170 circumstances; amending s. 99.097, F.S.; requiring the
171 person or organization that submits signatures for a
172 local or statewide issue to pay the supervisor in
173 advance for checking the signatures; making technical



880856

594-03953-23

174 changes; amending s. 100.021, F.S.; providing
175 alternative methods for providing notice of a general
176 election; amending s. 100.141, F.S.; revising the
177 methods by which a supervisor may publish notice of a
178 special election; amending s. 100.342, F.S.;
179 specifying that the notice for a special election or
180 referendum may be published on the county's website,
181 the municipality's website, or the supervisor's
182 website, as applicable; amending s. 101.001, F.S.;
183 revising requirements for specified maps maintained by
184 supervisors of elections; authorizing supervisors of
185 elections to coordinate with other governmental
186 entities for a certain purpose; deleting a provision
187 requiring supervisors to provide the department
188 certain data on precincts in the county; deleting a
189 provision requiring the department to maintain a
190 certain database; requiring supervisors of elections
191 to include changes in the name of a precinct in a
192 certain document; amending s. 101.048, F.S.; providing
193 that specified persons are entitled to vote a
194 provisional ballot; amending s. 101.151, F.S.;
195 requiring the word "incumbent" to appear next to a
196 candidate's name on an election ballot under specified
197 conditions; amending s. 101.5612, F.S.; revising the
198 methods by which certain notice may be provided;
199 amending s. 101.6103, F.S.; conforming a cross-
200 reference; making technical changes; amending s.
201 101.62, F.S.; specifying that a supervisor must accept
202 requests for vote-by-mail ballots only from specified



880856

594-03953-23

203 persons; providing that a request may be made through
204 a supervisor's website; requiring the department to
205 adopt by rule a uniform statewide application for a
206 written request for a vote-by-mail ballot by a
207 specified date; requiring a supervisor to cancel a
208 request for a vote-by-mail ballot if certain mail sent
209 by the supervisor to the voter is returned to the
210 supervisor as undeliverable; requiring a voter who
211 subsequently requests a vote-by-mail ballot to provide
212 or confirm his or her current residential address;
213 requiring the supervisor to add certain information to
214 the voter's registration record if such information is
215 provided in the vote-by-mail request; revising the
216 definition of the term "immediate family"; deleting a
217 provision requiring vote-by-mail ballot requests to be
218 received by a specified time before the supervisor
219 mails a vote-by-mail ballot; revising the day after
220 which a supervisor may not mail a vote-by-mail ballot;
221 providing the deadline for submitting a vote-by-mail
222 ballot request; revising the means by which and the
223 period during which a supervisor shall provide a vote-
224 by-mail ballot to a voter; prohibiting a supervisor
225 from personally delivering a vote-by-mail ballot to
226 certain voters or delivering a vote-by-mail ballot to
227 certain voters' designees during a certain period
228 unless certain conditions exist; making technical
229 changes; amending s. 101.67, F.S.; requiring the
230 supervisor to segregate and treat certain ballots as
231 provisional; amending s. 101.68, F.S.; prohibiting



880856

594-03953-23

232 vote-by-mail ballots from being counted if two or more
233 ballots arrive in one mailing envelope; making
234 technical changes; amending s. 101.6923, F.S.;

235 requiring that a specified statement be included in a
236 vote-by-mail ballot provided to certain voters; making
237 technical changes; amending s. 101.6925, F.S.;

238 revising the deadline for a voter to make specified
239 information available to the supervisor before a vote-
240 by-mail ballot may be canvassed; amending s. 101.694,
241 F.S.; conforming a cross-reference; amending ss.
242 101.71 and 101.733, F.S.; revising the methods by
243 which certain notice may be provided; amending s.
244 102.111, F.S.; revising the time at which the
245 Elections Canvassing Commission shall meet to certify
246 returns; amending s. 102.112, F.S.; revising the
247 timeframe in which county returns must be filed with
248 the department; amending s. 102.141, F.S.; requiring a
249 certain number of alternate canvassing board members;
250 revising the methods by which certain notice may be
251 provided; requiring the supervisor to file a report
252 with the Division of Elections within a specified
253 timeframe; revising the requirements for the report;
254 requiring the division to review the report and offer
255 specified training to supervisors based on the report;
256 requiring the department to submit an analysis of
257 specified reports to the Governor and the Legislature
258 by a specified date; amending s. 103.021, F.S.;

259 revising the timeframe within which a political party
260 executive committee must submit its presidential



880856

594-03953-23

261 electors to the Governor for nomination; requiring the
262 state executive committee of each party to submit
263 specified information; requiring that electors be
264 qualified registered voters and members of the
265 political party for which they are named as electors;
266 specifying that a required oath be made in writing;
267 revising the timeframe within which the Governor must
268 certify the electors to the department; revising the
269 timeframe within which a minor political party must
270 submit its list of presidential electors to the
271 department; requiring presidential electors to file
272 with the Governor a certain written oath; providing
273 that certain acts constitute a resignation of the
274 position of presidential elector; amending s. 103.022,
275 F.S.; requiring certain write-in candidates to submit
276 specified information; amending s. 103.091, F.S.;

277 authorizing a qualifying office to accept and hold
278 qualifying papers for candidates for political party
279 offices within a specified timeframe before the
280 qualifying period; amending s. 104.16, F.S.; providing
281 applicability; amending s. 104.18, F.S.; providing
282 that a prosecution for voting more than one ballot may
283 proceed in any jurisdiction in which a ballot was
284 willfully cast; providing that it is not necessary to
285 prove which ballot was cast first; defining the term
286 "votes more than one ballot at any election"; amending
287 s. 104.42, F.S.; authorizing a supervisor to report
288 certain findings to the Office of Election Crimes and
289 Security rather than the Florida Elections Commission;



880856

594-03953-23

290 amending s. 105.031, F.S.; revising the form of the
291 candidate's oath to require that candidates for
292 judicial office acknowledge certain outstanding fines,
293 fees, or penalties relating to ethics or campaign
294 finance violations; amending s. 106.07, F.S.; revising
295 reporting intervals for candidates and political
296 committees from monthly to quarterly; preempting local
297 governments from establishing reporting schedules that
298 differ from certain requirements; conforming a cross-
299 reference; amending s. 106.0702, F.S.; conforming a
300 cross-reference; amending s. 106.0703, F.S.; revising
301 reporting intervals for electioneering communications
302 organizations from monthly to quarterly; conforming a
303 cross-reference; amending s. 106.08, F.S.; adding text
304 messages to the items that do not constitute
305 contributions to be counted toward certain
306 contribution limits; creating s. 106.1436, F.S.;
307 defining the term "voter guide"; prohibiting a person
308 from representing that a voter guide is an official
309 publication of a political party; providing an
310 exception; providing disclosure requirements for such
311 voter guides; providing criminal penalties and fines;
312 amending s. 106.265, F.S.; increasing the maximum
313 civil fines that may be imposed for specified
314 violations; providing that fines assessed against a
315 political committee also attach jointly and severally
316 to persons with control over the political committee;
317 providing construction; amending s. 322.142, F.S.;
318 authorizing the Department of Highway Safety and Motor



880856

594-03953-23

319 Vehicles to provide certain reproductions to a
320 supervisor of elections; providing an effective date.
321
322 Be It Enacted by the Legislature of the State of Florida:
323
324 Section 1. Subsection (17) of section 97.012, Florida
325 Statutes, is amended to read:
326 97.012 Secretary of State as chief election officer.—The
327 Secretary of State is the chief election officer of the state,
328 and it is his or her responsibility to:
329 (17) Provide mandatory formal signature matching training
330 to supervisors of elections and county canvassing board members.
331 Any person whose duties require verification of signatures must
332 undergo signature matching training. The department shall adopt
333 rules governing signature matching procedures and training.
334 Section 2. Paragraph (g) of subsection (3) of section
335 97.052, Florida Statutes, is amended to read:
336 97.052 Uniform statewide voter registration application.—
337 (3) The uniform statewide voter registration application
338 must also contain:
339 (g) A statement informing the applicant that if the
340 application is being collected by a third-party voter
341 registration organization, the organization might not deliver
342 the application to the division or the supervisor in the county
343 in which the applicant resides in less than 10 ~~14~~ days or before
344 registration closes for the next ensuing election, and that the
345 applicant may instead elect to deliver the application in person
346 or by mail or choose to register online. The statement must
347 further inform the applicant how to determine whether the



880856

594-03953-23

348 application has been delivered.

349 Section 3. Subsection (13) of section 97.057, Florida
350 Statutes, is amended to read:

351 97.057 Voter registration by the Department of Highway
352 Safety and Motor Vehicles.—

353 (13) The Department of Highway Safety and Motor Vehicles
354 must assist the Department of State in regularly identifying
355 changes in residence address on the driver license or
356 identification card of a voter. The Department of State must
357 report each such change to the appropriate supervisor of
358 elections who must change the voter's registration records in
359 accordance with s. 98.065(4) ~~s. 98.065(5)~~.

360 Section 4. Section 97.0575, Florida Statutes, is amended to
361 read:

362 97.0575 Third-party voter registration organizations
363 ~~registrations~~.—

364 (1) Before engaging in any voter registration activities, a
365 third-party voter registration organization must register and
366 provide to the division, in an electronic format, the following
367 information:

368 (a) The names of the officers of the organization and the
369 name and permanent address of the organization.

370 (b) The name and address of the organization's registered
371 agent in the state.

372 (c) The names, permanent addresses, and temporary
373 addresses, if any, of each registration agent registering
374 persons to vote in this state on behalf of the organization.
375 This paragraph does not apply to persons who only solicit
376 applications and do not collect or handle voter registration



880856

594-03953-23

377 applications.

378 (d) Beginning January 1, 2025, the specific general
379 election cycle for which the third-party voter registration
380 organization is registering persons to vote.

381 (e) An affirmation that each person collecting or handling
382 voter registration applications on behalf of the third-party
383 voter registration organization has not been convicted of a
384 felony violation of the Election Code, a felony violation of an
385 offense specified in s. 817.5685, or an offense specified in s.
386 817.568. A third-party voter registration organization is liable
387 for a fine in the amount of \$50,000 for each person convicted of
388 a felony violation of the Election Code, a felony violation of
389 an offense specified in s. 817.5685, or an offense specified in
390 s. 817.568 who is collecting or handling voter registration
391 applications on behalf of the third-party voter registration
392 organization.

393 (f) An affirmation that each person collecting or handling
394 voter registration applications on behalf of the third-party
395 voter registration organization is a citizen of the United
396 States of America. A third-party voter registration organization
397 is liable for a fine in the amount of \$50,000 for each person
398 who is not a citizen and is collecting or handling voter
399 registration applications on behalf of the third-party voter
400 registration organization.

401 (2) Beginning January 1, 2025, the registration of a third-
402 party voter registration organization automatically expires at
403 the conclusion of the specific general election cycle for which
404 the third-party voter registration organization is registered.

405 (3)(2) The division or the supervisor of elections shall



880856

594-03953-23

406 make voter registration forms available to third-party voter
407 registration organizations. All such forms must contain
408 information identifying the organization to which the forms are
409 provided. The division shall maintain a database of all third-
410 party voter registration organizations and the voter
411 registration forms assigned to the third-party voter
412 registration organization. Each supervisor of elections shall
413 provide to the division information on voter registration forms
414 assigned to and received from third-party voter registration
415 organizations. The information must be provided in a format and
416 at times as required by the division by rule. The division shall
417 ~~must~~ update information on third-party voter registrations daily
418 and make the information publicly available.

419 (4) A third-party voter registration organization that
420 collects voter registration applications shall provide a receipt
421 to an applicant upon accepting possession of his or her
422 application. The division shall adopt by rule a uniform format
423 for the receipt by October 1, 2023. The format must include, but
424 need not be limited to, the name of the applicant, the date the
425 application is received, the name of the third-party voter
426 registration organization, the name of the registration agent,
427 the applicant's political party affiliation, and the county in
428 which the applicant resides.

429 (5) (a) ~~(3) (a)~~ A third-party voter registration organization
430 that collects voter registration applications serves as a
431 fiduciary to the applicant and shall ensure, ensuring that any
432 voter registration application entrusted to the organization,
433 irrespective of party affiliation, race, ethnicity, or gender,
434 is ~~must be~~ promptly delivered to the division or the supervisor



880856

594-03953-23

435 of elections in the county in which the applicant resides within
436 10 14 days after the application ~~is~~ ~~was~~ completed by the
437 applicant, but not after registration closes for the next
438 ensuing election. If a voter registration application collected
439 by any third-party voter registration organization is not
440 promptly delivered to the division or supervisor of elections in
441 the county in which the applicant resides, the third-party voter
442 registration organization is liable for the following fines:

443 1. A fine in the amount of \$50 per each day late, up to
444 \$2,500, for each application received by the division or the
445 supervisor of elections in the county in which the applicant
446 resides more than 10 14 days after the applicant delivered the
447 completed voter registration application to the third-party
448 voter registration organization or any person, entity, or agent
449 acting on its behalf. A fine in the amount of \$2,500 ~~\$250~~ for
450 each application received if the third-party voter registration
451 organization or person, entity, or agency acting on its behalf
452 acted willfully.

453 2. A fine in the amount of \$100 per each day late, up to
454 \$5,000, for each application collected by a third-party voter
455 registration organization or any person, entity, or agent acting
456 on its behalf, before book closing for any given election for
457 federal or state office and received by the division or the
458 supervisor of elections in the county in which the applicant
459 resides after the book-closing deadline for such election. A
460 fine in the amount of \$5,000 ~~\$500~~ for each application received
461 if the third-party voter registration organization or any
462 person, entity, or agency acting on its behalf acted willfully.

463 3. A fine in the amount of \$500 for each application



594-03953-23

464 collected by a third-party voter registration organization or
465 any person, entity, or agent acting on its behalf, which is not
466 submitted to the division or supervisor of elections in the
467 county in which the applicant resides. A fine in the amount of
468 \$5,000 ~~\$1,000~~ for any application not submitted if the third-
469 party voter registration organization or person, entity, or
470 agency acting on its behalf acted willfully.

471
472 The aggregate fine which may be assessed pursuant to this
473 paragraph which may be assessed against a third-party voter
474 registration organization, including affiliate organizations,
475 for violations committed in a calendar year is \$250,000 ~~\$50,000~~.

476 (b) A showing by the third-party voter registration
477 organization that the failure to deliver the voter registration
478 application within the required timeframe is based upon force
479 majeure or impossibility of performance shall be an affirmative
480 defense to a violation of this subsection. The secretary may
481 waive the fines described in this subsection upon a showing that
482 the failure to deliver the voter registration application
483 promptly is based upon force majeure or impossibility of
484 performance.

485 ~~(6)(4)~~ If a person collecting voter registration
486 applications on behalf of a third-party voter registration
487 organization alters the voter registration application of any
488 other person, without the other person's knowledge and consent,
489 in violation of s. 104.012(4) and is subsequently convicted of
490 such offense, the applicable third-party voter registration
491 organization is liable for a fine in the amount of \$5,000 ~~\$1,000~~
492 for each application altered.



594-03953-23

493 (7) If a person collecting voter registration applications
494 on behalf of a third-party voter registration organization
495 copies a voter's application or retains a voter's personal
496 information, such as the voter's Florida driver license number,
497 Florida identification card number, social security number, or
498 signature, for any reason other than to provide such application
499 or information to the third-party voter registration
500 organization in compliance with this section, the person commits
501 a felony of the third degree, punishable as provided in s.
502 775.082, s. 775.083, or s. 775.084.

503 ~~(8)(5)~~ If the Secretary of State reasonably believes that a
504 person has committed a violation of this section, the secretary
505 may refer the matter to the Attorney General for enforcement.
506 The Attorney General may institute a civil action for a
507 violation of this section or to prevent a violation of this
508 section. An action for relief may include a permanent or
509 temporary injunction, a restraining order, or any other
510 appropriate order.

511 ~~(9)(6)~~ The division shall adopt by rule a form to elicit
512 specific information concerning the facts and circumstances from
513 a person who claims to have been registered to vote by a third-
514 party voter registration organization but who does not appear as
515 an active voter on the voter registration rolls. The division
516 shall also adopt rules to ensure the integrity of the
517 registration process, including controls to ensure that all
518 completed forms are promptly delivered to the division or a
519 supervisor in the county in which the applicant resides.

520 ~~(10)(7)~~ The date on which an applicant signs a voter
521 registration application is presumed to be the date on which the



880856

594-03953-23

522 third-party voter registration organization received or
523 collected the voter registration application.

524 (11) A third-party voter registration organization may not
525 mail or otherwise provide a voter registration application upon
526 which any information about an applicant has been filled in
527 before it is provided to the applicant. A third-party voter
528 registration organization that violates this section is liable
529 for a fine in the amount of \$50 for each such application.

530 (12) ~~(8)~~ The requirements of this section are retroactive
531 for any third-party voter registration organization registered
532 with the department as of July 1, 2023 on the effective date of
533 this act, and must be complied with within 90 days after the
534 department provides notice to the third-party voter registration
535 organization of the requirements contained in this section.
536 Failure of the third-party voter registration organization to
537 comply with the requirements within 90 days after receipt of the
538 notice shall automatically result in the cancellation of the
539 third-party voter registration organization's registration.

540 Section 5. Subsections (1) and (3) of section 97.071,
541 Florida Statutes, are amended to read:

542 97.071 Voter information card.—

543 (1) A voter information card must ~~shall~~ be furnished by the
544 supervisor to all registered voters residing in the supervisor's
545 county. The card must contain:

- 546 (a) Voter's registration number.
547 (b) Date of registration.
548 (c) Full name.
549 (d) Party affiliation.
550 (e) Date of birth.



880856

594-03953-23

551 (f) Address of legal residence.

552 (g) Precinct number.

553 (h) Polling place address and a link to the supervisor's
554 website to provide the most current polling place locations.

555 (i) Name of supervisor and contact information of
556 supervisor.

557 (j) The following statement: "This card is for information
558 purposes only. This card is proof of registration but is not
559 legal verification of eligibility to vote. It is the
560 responsibility of a voter to keep his or her eligibility status
561 current."

562 (k) ~~(j)~~ Other information deemed necessary by the
563 supervisor.

564 (3) In the case of a change of name, address of legal
565 residence, polling place address, or party affiliation, the
566 supervisor shall issue the voter a new voter information card. A
567 temporary change made to a polling location pursuant to ss.
568 101.71 and 101.74 does not require the issuance of a new voter
569 information card.

570 Section 6. The amendments made to s. 97.071, Florida
571 Statutes, by this act, only apply to new and replacement voter
572 information cards issued on or after July 1, 2023.

573 Section 7. Present subsections (4), (5), and (6) of section
574 98.065, Florida Statutes, are redesignated as subsections (3),
575 (4), and (5), respectively, present subsections (3) and (4),
576 paragraph (c) of present subsection (5), and subsection (7) are
577 amended, and a new subsection (6) is added to that section, to
578 read:

579 98.065 Registration list maintenance programs.—



880856

594-03953-23

580 ~~(3) Address confirmation requests sent pursuant to~~
581 ~~paragraph (2) (a) and mail sent pursuant to paragraph (b) must be~~
582 ~~addressed to the voter's address of legal residence, not~~
583 ~~including voters temporarily residing outside the county and~~
584 ~~registered in the precinct designated by the supervisor pursuant~~
585 ~~to s. 101.045(1). If a request is returned as undeliverable, any~~
586 ~~other notification sent to the voter pursuant to subsection (5)~~
587 ~~or s. 98.0655 must be addressed to the voter's mailing address~~
588 ~~on file, if any.~~

589 (3)(4) A registration list maintenance program must be
590 conducted by each supervisor, at a minimum, once each year,
591 beginning no later than April 1, and must be completed at least
592 ~~not later than~~ 90 days before the date of any federal election.
593 All list maintenance actions associated with each voter must be
594 entered, tracked, recorded, and maintained in the statewide
595 voter registration system.

596 ~~(4)(5)~~

597 (c) If an address confirmation request required by
598 paragraph (2) (a) is returned as undeliverable without indication
599 of an address change, ~~or there is no response from the voter~~
600 ~~within 30 days,~~ or if any other nonforwardable return-if-
601 undeliverable mail is returned as undeliverable with no
602 indication of an address change, the supervisor must ~~shall~~ send
603 an address confirmation final notice to all addresses on file
604 for the voter.

605 (6) The supervisor shall, at a minimum, conduct an annual
606 review of voter registration records to identify registration
607 records in which a voter is registered at an address that may
608 not be an address of legal residence for the voter. For those



880856

594-03953-23

609 registration records with such addresses that the supervisor has
610 reasonable belief are not legal residential addresses, the
611 supervisor shall initiate list maintenance activities pursuant
612 to s. 98.075(6) and (7).

613 (7) (a) No later than July 31 and January 31 of each year,
614 the supervisor must certify to the department the address list
615 maintenance activities conducted during the first 6 months and
616 the second 6 months of the year, respectively, including the
617 number of address confirmation requests sent, the number of
618 voters designated as inactive, and the number of voters removed
619 from the statewide voter registration system.

620 (b) If, based on the certification provided pursuant to
621 paragraph (a), the department determines that a supervisor has
622 not conducted the list maintenance activities required by this
623 section, the department must coordinate with the supervisor to
624 ensure that ~~shall conduct~~ the appropriate list maintenance
625 activities for that county are conducted. Failure to conduct
626 list maintenance activities as required in this section
627 constitutes a violation of s. 104.051.

628 Section 8. Paragraph (c) of subsection (1) of section
629 98.0655, Florida Statutes, is amended to read:

630 98.0655 Registration list maintenance forms.—The department
631 shall prescribe registration list maintenance forms to be used
632 by the supervisors which must include:

633 (1) An address confirmation request that must contain:

634 ~~(c) If the address confirmation request is required by s.~~
635 ~~98.065(2) (a), a statement that if the voter has not changed his~~
636 ~~or her legal residence or has changed his or her legal residence~~
637 ~~within the state, the voter should return the form within 30~~



880856

594-03953-23

638 ~~days after the date on which the notice was sent to the voter,~~
639 and

640 Section 9. Paragraph (c) of subsection (2) and subsections
641 (3) through (8) of section 98.075, Florida Statutes, are amended
642 to read:

643 98.075 Registration records maintenance activities;
644 ineligibility determinations.—

645 (2) DUPLICATE REGISTRATION.—

646 (c) Information received by the department from another
647 state or the District of Columbia upon the department becoming a
648 member of a nongovernmental entity as provided in subparagraph
649 (b)1., which is confidential or exempt pursuant to the laws of
650 that state or the District of Columbia, is exempt from s.
651 119.07(1) and s. 24(a), Art. I of the State Constitution. The
652 department shall provide such information to the supervisors to
653 conduct registration list maintenance activities. ~~This paragraph~~
654 ~~is subject to the Open Government Sunset Review Act in~~
655 ~~accordance with s. 119.15 and shall stand repealed on October 27,~~
656 ~~2023, unless reviewed and saved from repeal through reenactment~~
657 ~~by the Legislature.~~

658 (3) DECEASED PERSONS.—

659 (a)1. The department shall identify those registered voters
660 who are deceased by comparing information received from:

661 a. The Department of Health as provided in s. 98.093;

662 b. The United States Social Security Administration,
663 including, but not limited to, any master death file or index
664 compiled by the United States Social Security Administration; or
665 ~~and~~

666 c. The Department of Highway Safety and Motor Vehicles.



880856

594-03953-23

667 2. Within 7 days after receipt of such information through
668 the statewide voter registration system, the supervisor shall
669 remove the name of the registered voter.

670 (b) The supervisor shall remove the name of a deceased
671 registered voter from the statewide voter registration system
672 within 7 days after receipt of:

673 1. upon receipt of A copy of a death certificate issued by
674 a governmental agency authorized to issue death certificates;
675 or—

676 2. Information on the death of the registered voter
677 received from the Department of Highway Safety and Motor
678 Vehicles.

679 (4) ADJUDICATION OF MENTAL INCAPACITY.—The department shall
680 identify those registered voters who have been adjudicated
681 mentally incapacitated with respect to voting and who have not
682 had their voting rights restored by comparing information
683 received from the clerk of the circuit court as provided in s.
684 98.093. The department shall review such information and make an
685 initial determination as to whether the information is credible
686 and reliable. If the department determines that the information
687 is credible and reliable, the department ~~must shall~~ notify the
688 supervisor and provide a copy of the supporting documentation
689 indicating the potential ineligibility of the voter to be
690 registered. Upon receipt of the notice that the department has
691 made a determination of initial credibility and reliability, the
692 supervisor shall adhere to the procedures set forth in
693 subsection (7) ~~before prior to~~ the removal of a registered voter
694 from the statewide voter registration system.

695 (5) FELONY CONVICTION.—



880856

594-03953-23

696 (a) The department shall identify those registered voters
697 who have been convicted of a felony and whose voting rights have
698 not been restored by comparing information received from, but
699 not limited to, a clerk of the circuit court, the Board of
700 Executive Clemency, the Department of Corrections, the
701 Department of Law Enforcement, or a United States Attorney's
702 Office, as provided in s. 98.093. The department shall review
703 such information and make an initial determination as to whether
704 the information is credible and reliable. If the department
705 determines that the information is credible and reliable, the
706 department ~~must~~ shall notify the supervisor and provide a copy
707 of the supporting documentation indicating the potential
708 ineligibility of the voter to be registered. Upon receipt of the
709 notice that the department has made a determination of initial
710 credibility and reliability, the supervisor shall adhere to the
711 procedures set forth in subsection (7) ~~before~~ prior to the
712 removal of a registered voter's name from the statewide voter
713 registration system.

714 (b) The supervisors shall coordinate with their respective
715 clerks of the court to obtain information pursuant to s. 98.093
716 to identify registered voters within their respective
717 jurisdictions who have been convicted of a felony during the
718 preceding week and whose voting rights have not been restored.
719 The supervisor shall adhere to the procedures set forth in
720 subsection (7) before the removal of a registered voter's name
721 from the statewide voter registration system. For purposes of
722 this paragraph, a supervisor's duties under subsection (7) begin
723 upon his or her determination that the information received from
724 the clerk is credible and reliable.



880856

594-03953-23

725 (6) OTHER BASES FOR INELIGIBILITY. ~~Subsections (2)-(5) do~~
726 ~~not limit or restrict the department or the supervisor in his or~~
727 ~~her duty to act upon direct receipt of, access to, or knowledge~~
728 ~~of information from any governmental entity that identifies a~~
729 ~~registered voter as potentially ineligible.~~ If the department or
730 supervisor receives information from any governmental entity
731 ~~sources~~ other than those identified in subsections (2)-(5) that
732 a registered voter is ineligible because the voter ~~he or she~~ is
733 deceased, adjudicated a convicted felon without having had his
734 or her voting rights restored, adjudicated mentally
735 incapacitated without having had his or her voting rights
736 restored, does not meet the age requirement pursuant to s.
737 97.041, is not a United States citizen, is a fictitious person,
738 or has listed an address ~~a residence~~ that is not his or her
739 address of legal residence, the supervisor must adhere to the
740 procedures set forth in subsection (7) ~~before~~ prior to the
741 removal of the name of a registered voter who is determined to
742 be ineligible ~~a registered voter's name~~ from the statewide voter
743 registration system.

744 (7) PROCEDURES FOR REMOVAL.—

745 (a) If the supervisor receives notice or information
746 pursuant to subsections (4)-(6), the supervisor of the county in
747 which the voter is registered ~~must~~ shall:

748 1. Notify the registered voter of his or her potential
749 ineligibility by mail within 7 days after receipt of notice or
750 information. The notice ~~must~~ shall include:

751 a. A statement of the basis for the registered voter's
752 potential ineligibility and a copy of any documentation upon
753 which the potential ineligibility is based. Such documentation



880856

594-03953-23

754 must include any conviction from another jurisdiction determined
755 to be a similar offense to murder or a felony sexual offense, as
756 those terms are defined in s. 98.0751.

757 b. A statement that failure to respond within 30 days after
758 receipt of the notice may result in a determination of
759 ineligibility and in removal of the registered voter's name from
760 the statewide voter registration system.

761 c. A return form that requires the registered voter to
762 admit or deny the accuracy of the information underlying the
763 potential ineligibility for purposes of a final determination by
764 the supervisor.

765 d. A statement that, if the voter is denying the accuracy
766 of the information underlying the potential ineligibility, the
767 voter has a right to request a hearing for the purpose of
768 determining eligibility.

769 e. Instructions for the registered voter to contact the
770 supervisor of elections of the county in which the voter is
771 registered if assistance is needed in resolving the matter.

772 f. Instructions for seeking restoration of civil rights
773 pursuant to s. 8, Art. IV of the State Constitution and
774 information explaining voting rights restoration pursuant to s.
775 4, Art. VI of the State Constitution following a felony
776 conviction, if applicable.

777 g. The following statement: "If you attempt to vote at an
778 early voting site or your normal election day polling place, you
779 will be required to vote a provisional ballot. If you vote by
780 mail, your ballot may not be accepted until a final
781 determination of eligibility is made."

782 2. If the mailed notice is returned as undeliverable, the



880856

594-03953-23

783 supervisor must, within 14 days after receiving the returned
784 notice, either publish ~~shall publish~~ notice once in a newspaper
785 of general circulation in the county in which the voter was last
786 registered or publish notice on the county's website as provided
787 in s. 50.0311 or on the supervisor's website, as deemed
788 appropriate by the supervisor. The notice must ~~shall~~ contain the
789 following:

790 a. The voter's name and address.

791 b. A statement that the voter is potentially ineligible to
792 be registered to vote.

793 c. A statement that failure to respond within 30 days after
794 the notice is published may result in a determination of
795 ineligibility by the supervisor and removal of the registered
796 voter's name from the statewide voter registration system.

797 d. An instruction for the voter to contact the supervisor
798 no later than 30 days after the date of the published notice to
799 receive information regarding the basis for the potential
800 ineligibility and the procedure to resolve the matter.

801 e. An instruction to the voter that, if further assistance
802 is needed, the voter should contact the supervisor of elections
803 of the county in which the voter is registered.

804 f. A statement that, if the voter denies the accuracy of
805 the information underlying the potential ineligibility, the
806 voter has a right to request a hearing for the purpose of
807 determining eligibility.

808 g. The following statement: "If you attempt to vote at an
809 early voting site or your normal election day polling place, you
810 will be required to vote a provisional ballot. If you vote by
811 mail, your ballot may not be accepted until a final



880856

594-03953-23

812 determination of eligibility is made.”

813 3. If a registered voter fails to respond to a notice
814 pursuant to subparagraph 1. or subparagraph 2., the supervisor
815 ~~must shall~~ make a final determination of the voter’s eligibility
816 within 7 days after expiration of the voter’s timeframe to
817 respond. If the supervisor determines that the voter is
818 ineligible, the supervisor ~~must shall~~ remove the name of the
819 registered voter from the statewide voter registration system
820 within 7 days. The supervisor shall notify the registered voter
821 of the supervisor’s determination and action.

822 4. If a registered voter responds to the notice pursuant to
823 subparagraph 1. or subparagraph 2. and admits the accuracy of
824 the information underlying the potential ineligibility, the
825 supervisor must, as soon as practicable, shall make a final
826 determination of ineligibility and ~~shall~~ remove the voter’s name
827 from the statewide voter registration system. The supervisor
828 shall notify the registered voter of the supervisor’s
829 determination and action.

830 5. If a registered voter responds to the notice issued
831 pursuant to subparagraph 1. or subparagraph 2. and denies the
832 accuracy of the information underlying the potential
833 ineligibility but does not request a hearing, the supervisor
834 ~~must shall~~ review the evidence and make a ~~final~~
835 eligibility no later than 30 days after receiving the response
836 from the voter. If the supervisor determines that the registered
837 voter is ineligible, the supervisor must remove the voter’s name
838 from the statewide voter registration system upon such
839 determination and notify the registered voter of the
840 supervisor’s determination and action and that the removed voter



880856

594-03953-23

841 has a right to appeal a determination of ineligibility pursuant
842 to s. 98.0755. If such registered voter requests a hearing, the
843 supervisor ~~must shall~~ send notice to the registered voter to
844 attend a hearing at a time and place specified in the notice.
845 The supervisor shall schedule and issue notice for the hearing
846 within 7 days after receiving the voter’s request for a hearing
847 and shall hold the hearing no later than 30 days after issuing
848 the notice of the hearing. A voter may request an extension upon
849 showing good cause by submitting an affidavit to the supervisor
850 as to why he or she is unable to attend the scheduled hearing.
851 Upon hearing all evidence presented at the hearing, the
852 supervisor shall make a determination of eligibility within 7
853 days. If the supervisor determines that the registered voter is
854 ineligible, the supervisor ~~must shall~~ remove the voter’s name
855 from the statewide voter registration system and notify the
856 registered voter of the supervisor’s determination and action
857 and that the removed voter has a right to appeal a determination
858 of ineligibility pursuant to s. 98.0755.

859 (b) The following ~~shall~~ apply to this subsection:

860 1. All determinations of eligibility ~~must shall~~ be based on
861 a preponderance of the evidence.

862 2. All proceedings are exempt from ~~the provisions of~~
863 chapter 120.

864 3. Any notice ~~must shall~~ be sent to the registered voter by
865 certified mail, return receipt requested, or other means that
866 provides a verification of receipt or ~~must shall~~ be published in
867 a newspaper of general circulation where the voter was last
868 registered, on the county’s website as provided in s. 50.0311,
869 or on the supervisor’s website, whichever is applicable.



880856

594-03953-23

870 4. The supervisor shall remove the name of any registered
871 voter from the statewide voter registration system only after
872 the supervisor makes a final determination that the voter is
873 ineligible to vote.

874 5. Any voter whose name has been removed from the statewide
875 voter registration system pursuant to a determination of
876 ineligibility may appeal that determination under ~~the provisions~~
877 ~~of~~ s. 98.0755.

878 6. Any voter whose name was removed from the statewide
879 voter registration system on the basis of a determination of
880 ineligibility who subsequently becomes eligible to vote must
881 reregister in order to have his or her name restored to the
882 statewide voter registration system.

883 (8) CERTIFICATION.—

884 (a) No later than July 31 and January 31 of each year, the
885 supervisor shall certify to the department that the supervisor
886 has the activities conducted the activities required pursuant to
887 this section during the first 6 months and the second 6 months
888 of the year, respectively. The certification must shall include
889 the number of persons to whom notices were sent pursuant to
890 subsection (7), the number of persons who responded to the
891 notices, the number of notices returned as undeliverable, the
892 number of notices published in the newspaper, on the county's
893 website, or on the supervisor's website, the number of hearings
894 conducted, and the number of persons removed from the statewide
895 voter registration system systems and the reasons for such
896 removals.

897 (b) If, based on the certification provided pursuant to
898 paragraph (a), the department determines that a supervisor has



880856

594-03953-23

899 not satisfied the requirements of this section, the department
900 must coordinate with the supervisor to ensure that shall satisfy
901 the appropriate list maintenance activities requirements for
902 that county are conducted. Failure to satisfy the requirements
903 of this section constitutes shall constitute a violation of s.
904 104.051.

905 Section 10. Subsections (2), (3), and (4) of section
906 98.077, Florida Statutes, are amended to read:

907 98.077 Update of voter signature.—

908 (2) The ~~department and~~ supervisors of elections shall
909 include in any correspondence, other than postcard notifications
910 and notices relating to eligibility, sent to a registered voter
911 information regarding when, where, and how to update the voter's
912 signature and shall provide the voter information on how to
913 obtain a voter registration application from a voter
914 registration official which can be returned to update the
915 signature.

916 (3) At least once during each general election year before
917 the presidential preference primary or the primary election,
918 whichever occurs first, the supervisor shall publish in a
919 newspaper of general circulation or other newspaper in the
920 county, on the county's website as provided in s. 50.0311, or on
921 the supervisor's website, as deemed appropriate by the
922 supervisor, a notice specifying when, where, or how a voter can
923 update his or her signature that is on file and how a voter can
924 obtain a voter registration application from a voter
925 registration official.

926 (4) Except as authorized in ss. 101.048 and 101.68:

927 (a) All signature updates for use in verifying vote-by-mail



594-03953-23

928 voter certificates, and provisional ballot voter certificates,
929 or petitions ~~ballots~~ must be received by the appropriate
930 supervisor before the voter's elector's ballot is received by
931 the supervisor or, in the case of provisional ballots, before
932 the voter's elector's ballot is cast or, in the case of a
933 petition, before the petition is submitted for signature
934 verification.

935 (b) The signature on file at the time the vote-by-mail
936 ballot is received, ~~or~~ at the time the provisional ballot is
937 cast, or at the time a petition is reviewed is the signature
938 that must shall be used in verifying the signature on the vote-
939 by-mail voter certificates, and provisional ballot voter
940 certificates, or petitions, respectively. For signatures
941 requiring secondary or tertiary review, older signatures from
942 previous registration updates may be used.

943 Section 11. Section 98.093, Florida Statutes, is amended to
944 read:

945 98.093 Duty of officials to furnish information relating to
946 deceased persons, persons adjudicated mentally incapacitated,
947 persons convicted of a felony, and persons who are not United
948 States citizens.-

949 (1) DUTIES.-In order to identify ineligible registered
950 voters and maintain accurate and current voter registration
951 records in the statewide voter registration system pursuant to
952 procedures in s. 98.065 or s. 98.075, it is necessary for the
953 department and supervisors of elections to receive or access
954 certain information from state and federal officials and
955 entities in the format prescribed.

956 (2) To the maximum extent feasible, state and local



594-03953-23

957 government agencies shall facilitate provision of information
958 and access to data to the department, including, but not limited
959 to, databases that contain reliable criminal records and records
960 of deceased persons. State and local government agencies that
961 provide such data must shall do so without charge if the direct
962 cost incurred by those agencies is not significant.

963 (2)(a) DEPARTMENT OF HEALTH.-The Department of Health shall
964 furnish weekly monthly to the department a list containing the
965 name, address, date of birth, date of death, social security
966 number, race, and sex of each deceased person 17 years of age or
967 older whose death was reported during the preceding week.

968 (3)(b) CLERK OF THE CIRCUIT COURT.-Each clerk of the
969 circuit court shall furnish weekly to the supervisors in their
970 respective jurisdiction the following information monthly to the
971 department:

972 (a) Information identifying A list of those persons who
973 have been adjudicated mentally incapacitated with respect to
974 voting during the preceding week and calendar month, a list of
975 those persons whose mental capacity with respect to voting has
976 been restored during the preceding week. The information must
977 include each person's name; address; date of birth; race; sex;
978 and, if available, his or her Florida driver license number or
979 Florida identification card number or the last four digits of
980 his or her social security number. The clerk shall provide the
981 information to the department to assist a supervisor in
982 identifying registered voters in his or her county who are
983 adjudicated mentally incapacitated outside of his or her county
984 pursuant to s. 98.075(4).

985 (b) Information identifying ealendar month, and a list of



880856

594-03953-23

986 those persons who have ~~responded to returned signed~~ jury notices
987 during the preceding ~~week from months~~ to the clerk of the
988 circuit court ~~and whose response indicated indicating~~ a change
989 of address. ~~The information must~~ Each list shall include each
990 ~~person's the~~ name, address, date of birth, race, sex, and,
991 ~~if whichever is~~ available, the Florida driver license number ~~or~~
992 Florida identification card number, or the last four digits of
993 his or her social security number of each such person.

994 (c) ~~2-~~ Information on the terms of sentence for felony
995 convictions, including any financial obligations for court
996 costs, fees, and fines, of all persons listed in the clerk's
997 records whose last known address in the clerk's records is
998 within this state and who have been convicted of a felony during
999 the preceding ~~week month~~. The information may be provided to the
1000 supervisor directly by the clerk ~~individual clerks~~ of the
1001 circuit court or may be provided on the clerk's ~~their~~ behalf
1002 through the Comprehensive Case Information System. For each
1003 felony conviction reported, the information must include:

1004 ~~1.a-~~ The full name, last known address, date of birth,
1005 race, sex, and, if available, the Florida driver license
1006 number or Florida identification card number, as applicable,
1007 and the last four digits of the social security number of the
1008 person convicted.

1009 ~~2.b-~~ The amounts of all financial obligations, including
1010 restitution and court costs, fees, and fines, and, if known, the
1011 amount of financial obligations not yet satisfied.

1012 ~~3.e-~~ The county in which the conviction occurred.

1013 ~~4.d-~~ The statute number violated, statute table text, date
1014 of conviction, and case number.



880856

594-03953-23

1015 ~~(4)(e)~~ UNITED STATES ATTORNEYS.—Upon receipt of information
1016 from the United States Attorney, listing persons convicted of a
1017 felony in federal court, the department shall use such
1018 information to identify registered voters or applicants for
1019 voter registration who may be potentially ineligible based on
1020 information provided in accordance with s. 98.075.

1021 ~~(5)(d)~~ DEPARTMENT OF LAW ENFORCEMENT.—The Department of Law
1022 Enforcement shall identify and report to the department at least
1023 weekly those persons who have been convicted of a felony during
1024 the preceding week who appear in the voter registration records
1025 supplied by the statewide voter registration system, in a time
1026 and manner that enables the department to meet its obligations
1027 under state and federal law.

1028 ~~(6)(e)~~ FLORIDA COMMISSION ON OFFENDER REVIEW.—The Florida
1029 Commission on Offender Review shall furnish at least weekly
1030 bimonthly to the department data, including the identity of
1031 those persons granted clemency in the preceding month or any
1032 updates to prior records which have occurred in the preceding
1033 month. The data must ~~shall~~ contain the commission's case number
1034 and the person's name, address, date of birth, race, gender,
1035 Florida driver license number, Florida identification card
1036 number, or the last four digits of the social security number,
1037 if available, and references to record identifiers assigned by
1038 the Department of Corrections and the Department of Law
1039 Enforcement, a unique identifier of each clemency case, and the
1040 effective date of clemency of each person.

1041 ~~(7)(f)~~ DEPARTMENT OF CORRECTIONS.—The Department of
1042 Corrections shall identify and report to the department at least
1043 weekly those persons who have been convicted of a felony and



880856

594-03953-23

1044 committed to its custody or placed on community supervision
1045 during the preceding week. ~~The information must be provided to~~
1046 ~~the department at a time and in a manner that enables the~~
1047 ~~department to identify registered voters who are convicted~~
1048 ~~felons and to meet its obligations under state and federal law.~~

1049 ~~(8)(g)~~ DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—The
1050 Department of Highway Safety and Motor Vehicles shall furnish
1051 weekly ~~monthly~~ to the department the following information:

1052 (a)1- ~~Information identifying A list of~~ those persons whose
1053 names have been removed from the Florida driver license or
1054 Florida identification card database during the preceding week
1055 because they have been licensed or been issued an identification
1056 card in another state. The information list must contain the
1057 person's name, last known Florida address, out-of-state address,
1058 date of birth, sex, last four digits of his or her social
1059 security number, and Florida driver license number or Florida
1060 identification card number and, if available, the address and
1061 the state in which the person is now licensed of each such
1062 person.

1063 ~~(b)2-~~ Information identifying A list of those persons who
1064 during the preceding week presented evidence of non-United
1065 States citizenship upon being issued a new or renewed Florida
1066 driver license or Florida identification card. The information
1067 list must contain the person's name; address; date of birth;
1068 last four digits of the social security number, if applicable;
1069 and Florida driver license number or Florida identification card
1070 number, as available applicable; and alien registration number
1071 or other legal status identifier, of each such person.

1072 (c) Information identifying those persons for which it has



880856

594-03953-23

1073 received official information during the preceding week that the
1074 person is deceased. The information must contain the name,
1075 address, date of birth, last four digits of the social security
1076 number, Florida driver license number or Florida identification
1077 card number, source containing information on the deceased, and
1078 date of death of each such person.

1079 ~~(9)(3)~~ CONSTRUCTION.—This section does not limit or
1080 restrict the supervisor in his or her duty to act upon direct
1081 receipt of, access to, or knowledge of official information from
1082 these and other governmental entities that identify a registered
1083 voter as potentially ineligible and to initiate removal of
1084 remove the name of the registered voter who is determined to be
1085 ineligible names of persons from the statewide voter
1086 registration system pursuant to s. 98.075(7) ~~based upon~~
1087 ~~information received from other sources.~~

1088 Section 12. Section 98.0981, Florida Statutes, is amended
1089 to read:

1090 98.0981 Reports; voting history; statewide voter
1091 registration system information; precinct-level election
1092 results; book closing statistics; live turnout data.—

1093 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM
1094 INFORMATION.—Each supervisor shall submit the reports required
1095 by this subsection to the department no later than 20 days after
1096 the Elections Canvassing Commission certifies the results of an
1097 election.

1098 (a) Reconciliation.—For each presidential preference
1099 primary election, special primary election, special election,
1100 primary election, and general election, the supervisor shall
1101 reconcile the aggregate total of ballots cast in each precinct



880856

594-03953-23

1102 to the aggregate number of voters with voter history pursuant to
1103 paragraph (b) and the precinct-level election results pursuant
1104 to subsection (3) and submit a reconciliation report. The report
1105 must be submitted to the department in an electronic format
1106 pursuant to file format and specifications set forth in rule.
1107 The report must include a written explanation if the
1108 reconciliation results in a discrepancy between the voter
1109 history and the election results.

1110 (b) Voting history.-For each Within 30 days after
1111 certification by the Elections Canvassing Commission of a
1112 presidential preference primary, special election, special
1113 primary election, primary election, or general election, as
1114 applicable, supervisors of elections shall transmit completely
1115 updated voting history information for each qualified voter to
1116 the department. Such information must be provided, in a uniform
1117 electronic format pursuant to file specifications adopted by the
1118 department by rule. The voting history information must include:
1119 specified in paragraph (d), completely updated voting history
1120 information for each qualified voter who voted

1121 1. The unique identifier assigned to each qualified voter
1122 within the statewide voter registration system.

1123 2. Each qualified voter's unique precinct identifier at the
1124 time of voting. For purposes of this subparagraph, the term
1125 "unique precinct identifier" means an alphanumeric code
1126 containing no more than six characters representing the precinct
1127 name or number.

1128 3. Specifics as to each qualified voter's voting history,
1129 including whether the qualified voter voted a regular ballot
1130 during the early voting period, voted during the early voting



880856

594-03953-23

1131 period using a provisional ballot that was subsequently counted,
1132 voted a regular ballot at a precinct location, voted at a
1133 precinct location using a provisional ballot that was
1134 subsequently counted, voted by vote-by-mail ballot, attempted to
1135 vote by a timely received vote-by-mail ballot that was not
1136 counted, attempted to vote by a vote-by-mail ballot that was
1137 received untimely, attempted to vote by provisional ballot that
1138 was not counted, or did not vote.

1139 (c) Precinct boundaries.-For each presidential preference
1140 primary election, special primary election, special election,
1141 primary election, and general election, the supervisor shall
1142 submit to the department the geographical information system map
1143 of precinct boundaries created and maintained pursuant to s.
1144 101.001 for the applicable election.

1145 (2) ~~(b)~~ LEGISLATIVE REPORT.-

1146 (a) Specifications.-After receipt of the information in
1147 paragraph (a), The department shall prepare an election summary
1148 compiled for a presidential preference primary election, special
1149 primary election, special election, primary election, or general
1150 election, as applicable, a report in an electronic format which
1151 contains the following information, separately compiled for the
1152 primary and general election for all voters qualified to vote in
1153 either election:

1154 1. The voting history information as transmitted under
1155 paragraph (1) (b) and the precinct boundaries as transmitted
1156 under paragraph (1) (c). unique identifier assigned to each
1157 qualified voter within the statewide voter registration system,

1158 2. All information provided by each qualified voter on his
1159 or her voter registration application pursuant to s. 97.052(2),



594-03953-23

1160 except that which is confidential or exempt from public records
1161 requirements.

1162 3. Each qualified voter's date of registration.

1163 4. Each qualified voter's ~~current~~ state representative
1164 district, state senatorial district, and congressional district,
1165 county commission district, and school board district at the
1166 time of voting, assigned by the supervisor of elections.

1167 5. Each qualified voter's ~~current precinct~~; and

1168 6. Voting history as transmitted under paragraph (a) to
1169 include whether the qualified voter voted at a precinct
1170 location, voted during the early voting period, voted by vote-
1171 by-mail ballot, attempted to vote by vote-by-mail ballot that
1172 was not counted, attempted to vote by provisional ballot that
1173 was not counted, or did not vote.

1174 (b)(e) Submission. Within 60 45 days after certification by
1175 the Elections Canvassing Commission certifies of a presidential
1176 preference primary, special election, primary election, or
1177 general election, the department shall submit send to the
1178 President of the Senate, the Speaker of the House of
1179 Representatives, the Senate Minority Leader, and the House
1180 Minority Leader an election summary a report in electronic
1181 format that includes all information set forth in paragraph (a)
1182 (b).

1183 (d) File specifications are as follows:

1184 1. ~~The file shall contain records designated by the~~
1185 ~~categories below for all qualified voters who, regardless of the~~
1186 ~~voter's county of residence or active or inactive registration~~
1187 ~~status at the book closing for the corresponding election that~~
1188 ~~the file is being created for:~~



594-03953-23

1189 a. ~~Voted a regular ballot at a precinct location.~~

1190 b. ~~Voted at a precinct location using a provisional ballot~~
1191 ~~that was subsequently counted.~~

1192 c. ~~Voted a regular ballot during the early voting period.~~

1193 d. ~~Voted during the early voting period using a provisional~~
1194 ~~ballot that was subsequently counted.~~

1195 e. ~~Voted by vote-by-mail ballot.~~

1196 f. ~~Attempted to vote by vote-by-mail ballot, but the ballot~~
1197 ~~was not counted.~~

1198 g. ~~Attempted to vote by provisional ballot, but the ballot~~
1199 ~~was not counted in that election.~~

1200 2. Each file shall be created or converted into a tab-
1201 delimited format.

1202 3. File names shall adhere to the following convention:

1203 a. Three-character county identifier as established by the
1204 department followed by an underscore.

1205 b. Followed by four-character file type identifier of
1206 "VHO3" followed by an underscore.

1207 c. Followed by FVRS election ID followed by an underscore.

1208 d. Followed by Date Created followed by an underscore.

1209 e. Date format is YYYYMMDD.

1210 f. Followed by Time Created - HHMMSS.

1211 g. Followed by ".txt".

1212 4. Each record shall contain the following columns: Record
1213 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
1214 Date, Vote History Code, Precinct, Congressional District, House
1215 District, Senate District, County Commission District, and
1216 School Board District.

1217 (c) Each supervisor of elections shall reconcile, before



880856

594-03953-23

1218 ~~submission, the aggregate total of ballots cast in each precinct~~
1219 ~~as reported in the precinct-level election results to the~~
1220 ~~aggregate total number of voters with voter history for the~~
1221 ~~election for each district.~~

1222 ~~(f) Each supervisor of elections shall submit the results~~
1223 ~~of the data reconciliation as described in paragraph (c) to the~~
1224 ~~department in an electronic format and give a written~~
1225 ~~explanation for any precincts where the reconciliation as~~
1226 ~~described in paragraph (c) results in a discrepancy between the~~
1227 ~~voter history and the election results.~~

1228 ~~(3)(2) PRECINCT-LEVEL ELECTION RESULTS.-~~

1229 ~~(a)1. Within 10 business 30 days after certification by the~~
1230 ~~Elections Canvassing Commission certifies of a presidential~~
1231 ~~preference primary election, special election, special primary~~
1232 ~~election, primary election, or general election, as applicable,~~
1233 ~~the supervisors of elections shall collect and submit to the~~
1234 ~~department precinct-level election results for the election in a~~
1235 ~~uniform electronic format specified by paragraph (c). The~~
1236 ~~precinct-level election results shall be compiled separately for~~
1237 ~~the primary or special primary election that preceded the~~
1238 ~~general or special general election, respectively. The results~~
1239 ~~must shall specifically include for each precinct the total of~~
1240 ~~all ballots cast for each candidate or nominee to fill a~~
1241 ~~national, state, county, or district office or proposed~~
1242 ~~constitutional amendment, with subtotals for each candidate and~~
1243 ~~ballot type. When one or more ballot types, also known as~~
1244 ~~counting groups, in a race or an issue have fewer than 30 voters~~
1245 ~~voting on the ballot, the ballot type must be reported as zero~~
1246 ~~except for the total votes counting group for that precinct.~~



880856

594-03953-23

1247 Ballot types or counting groups include election day, early
1248 voting, vote-by-mail, provisional voting, and total votes
1249 ~~However, ballot type or precinct subtotals in a race or question~~
1250 ~~having fewer than 30 voters voting on the ballot type or in the~~
1251 ~~precinct may not be reported in precinct results. For purposes~~
1252 ~~of this paragraph, the term "all ballots cast" means ballots~~
1253 ~~cast by voters who cast a ballot, whether at a precinct~~
1254 ~~location; by vote-by-mail ballot, including overseas vote-by-~~
1255 ~~mail ballots; during the early voting period; or by~~
1256 ~~provisional ballot.~~

1257 2. Upon request from the department, a supervisor must
1258 research and address, as appropriate, any questions or issues
1259 identified by the department pertaining to the precinct-level
1260 election results. If the information as originally submitted is
1261 changed or corrected, the supervisor must provide an amended
1262 precinct-level election results file no later than 10 business
1263 days after the request from the department.

1264 (b) The department shall make such information available
1265 online no later than 60 days after the Elections Canvassing
1266 Commission certifies the presidential preference primary
1267 election, special primary election, special election, primary
1268 election, or general election, as applicable. The website
1269 containing the information must include on a searchable,
1270 sortable, and downloadable database via its website that also
1271 includes the file layout and codes. The information must
1272 database shall be searchable and sortable by county, precinct,
1273 and candidate; The must database shall be downloadable in a
1274 tab-delimited format; and must. The database shall be available
1275 for download county-by-county and also as a statewide file. Such



880856

594-03953-23

1276 ~~report shall also be made available upon request.~~

1277 (c) The files containing the precinct-level election

1278 results ~~must shall~~ be created in accordance with the applicable

1279 file specification as set forth in rule. The rule must, at a

1280 minimum, provide that:

1281 ~~1. The precinct-level results file shall be created or~~

1282 ~~converted into a tab-delimited text file.~~

1283 ~~2. The row immediately before the first data record shall~~

1284 ~~contain the column names of the data elements that make up the~~

1285 ~~data records. There shall be one header record followed by~~

1286 ~~multiple data records.~~

1287 ~~3.~~ the data records shall include the following columns:

1288 County Name, Election Number, Election Date, Unique Precinct

1289 Identifier, Precinct Polling Location, Total Registered Voters,

1290 Total Registered Republicans, Total Registered Democrats, Total

1291 Registered All Other Parties, Contest Name,

1292 Candidate/Retention/Issue Name, Candidate Florida Voter

1293 Registration System ID Number, Division of Elections Unique

1294 Candidate Identifying Number, Candidate Party, District,

1295 Undervote Total, Overvote Total, Write-in Total, and Vote Total.

1296 For purposes of this paragraph, the term "unique precinct

1297 identifier" means an alphanumeric code containing no more than

1298 six characters representing the precinct name or number.

1299 (4)(3) PRECINCT-LEVEL BOOK CLOSING STATISTICS. No later

1300 than 10 days after the date of book closing for but before the

1301 ~~date of~~ an election as defined in s. 97.021 to fill a national,

1302 state, county, or district office, or to vote on a proposed

1303 constitutional amendment, the department shall compile and make

1304 available the following precinct-level statistical data for each



880856

594-03953-23

1305 county:

1306 (a) Unique precinct identifier numbers. For purposes of

1307 this subsection, the term "unique precinct identifier" means an

1308 alphanumeric code containing no more than six characters

1309 representing the precinct name or number.

1310 (b) Total number of active registered voters by party for

1311 each precinct.

1312 ~~(5)(4) LIVE TURNOUT DATA.~~On election day, each supervisor

1313 of elections shall make live voter turnout data, updated at

1314 least once per hour, available on his or her website. Each

1315 supervisor shall transmit the live voter turnout data to the

1316 division, which must create and maintain a real-time statewide

1317 turnout dashboard that is available for viewing by the public on

1318 the division's website as the data becomes available.

1319 ~~(6)(5) REPORTS PUBLICLY AVAILABLE.~~The department shall

1320 also make publicly available the reports and results required in

1321 subsections ~~(1)-(4) (1)-(3)~~.

1322 ~~(7)(6) RULEMAKING.~~The department shall adopt rules and

1323 prescribe forms to carry out the purposes of this section.

1324 Section 13. Paragraph (d) of subsection (1) of section

1325 99.021, Florida Statutes, is redesignated as paragraph (e), and

1326 a new paragraph (d) is added to that subsection, to read:

1327 99.021 Form of candidate oath.—

1328 (1)

1329 (d) In addition, each candidate, whether a party candidate,

1330 a candidate with no party affiliation, or a write-in candidate,

1331 shall, at the time of subscribing to the oath or affirmation,

1332 state in writing whether he or she owes any outstanding fines,

1333 fees, or penalties that cumulatively exceed \$250 for any



880856

594-03953-23

1334 violations of s. 8, Art. II of the State Constitution, the Code
1335 of Ethics for Public Officers and Employees under part III of
1336 chapter 112, any local ethics ordinance governing standards of
1337 conduct and disclosure requirements, or chapter 106. If the
1338 candidate owes any outstanding fines, fees, or penalties
1339 exceeding the threshold amount specified in this paragraph, he
1340 or she must also specify the amount owed and each entity that
1341 levied such fine, fee, or penalty. For purposes of this
1342 paragraph, any such fines, fees, or penalties that have been
1343 paid in full at the time of subscribing to the oath or
1344 affirmation are not deemed to be outstanding.

1345 Section 14. Section 99.0215, Florida Statutes, is created
1346 to read:

1347 99.0215 Name of candidate.-

1348 (1) Each candidate shall designate in the oath or
1349 affirmation specified in s. 99.021 the name that he or she
1350 wishes to have printed on the ballot, or in the case of a write-
1351 in candidate, the name that he or she wishes to have voters
1352 write in on the ballot when voting for him or her. Such
1353 designation must include the candidate's legal given name or
1354 names, a shortened form of the candidate's legal given name or
1355 names, an initial or initials of the candidate's legal given
1356 name or names, or a bona fide nickname customarily related to
1357 the candidate and by which the candidate is commonly known,
1358 immediately followed by the candidate's legal surname. If
1359 applicable, a candidate may place one of the following
1360 designations after the legal surname: "Sr.," "Jr.," or a
1361 numerical designation such as "II."

1362 (2) If a candidate wishes to designate a nickname, the



880856

594-03953-23

1363 candidate must file an affidavit that must be verified under
1364 oath or affirmation pursuant to s. 92.525(1)(a), attesting that
1365 the nickname complies with the requirements of this section. The
1366 affidavit must be filed simultaneously with the oath or
1367 affirmation specified in s. 99.021. Any nickname designated by a
1368 candidate may not be used to mislead voters. A candidate may not
1369 designate a nickname that implies the candidate is some other
1370 person, that constitutes a political slogan or otherwise
1371 associates the candidate with a cause or an issue, or that is
1372 obscene or profane. For purposes of this subsection, the term
1373 "political slogan" means any word or words expressing or
1374 connoting a position, an opinion, or a belief that the candidate
1375 may espouse, including, but not limited to, any word or words
1376 conveying any meaning other than that of the general identity of
1377 the candidate.

1378 (3) Unless a candidate has the same name as, or a name
1379 similar to, one or more candidates for the same office, an
1380 educational or professional title or degree may not be added to
1381 his or her name designation.

1382 Section 15. Subsections (4) and (5) of section 99.097,
1383 Florida Statutes, are amended to read:

1384 99.097 Verification of signatures on petitions.-

1385 (4)(a) The supervisor ~~must shall~~ be paid in advance the sum
1386 of 10 cents for each signature checked or the actual cost of
1387 checking such signature, whichever is less, by the candidate or,
1388 in the case of a petition to have a local ~~an~~ issue placed on the
1389 ballot, by the person or organization submitting the petition.
1390 In the case of a petition to place a statewide issue on the
1391 ballot, the person or organization submitting the petition must



594-03953-23

1392 pay the supervisor in advance the cost posted by the supervisor
1393 pursuant to s. 100.371(11) for the actual cost of checking
1394 signatures to place a statewide issue on the ballot.

1395 (b) However, if a candidate, a person, or an organization
1396 seeking to have an issue placed upon the ballot cannot pay such
1397 charges without imposing an undue burden on personal resources
1398 or upon the resources otherwise available to such candidate,
1399 person, or organization, such candidate, person, or organization
1400 ~~shall~~, upon written certification of such inability given under
1401 oath to the supervisor, is ~~be~~ entitled to have the signatures
1402 verified at no charge.

1403 (c) In the event a candidate, person, or organization
1404 submitting a petition to have an issue placed upon the ballot is
1405 entitled to have the signatures verified at no charge, the
1406 supervisor of elections of each county in which the signatures
1407 are verified at no charge shall submit the total number of such
1408 signatures checked in the county to the Chief Financial Officer
1409 no later than December 1 of the general election year, and the
1410 Chief Financial Officer shall cause such supervisor of elections
1411 to be reimbursed from the General Revenue Fund in an amount
1412 equal to 10 cents or the actual cost for each name checked ~~or~~
1413 ~~the actual cost of checking such signatures~~, whichever is
1414 applicable as set forth in paragraph (a) less. In no event may
1415 ~~shall~~ such reimbursement of costs be deemed or applied as extra
1416 compensation for the supervisor.

1417 (d) Petitions must ~~shall~~ be retained by the supervisors for
1418 a period of 1 year following the election for which the
1419 petitions were circulated.

1420 (5) The results of a verification pursuant to subparagraph



594-03953-23

1421 (1) (a) 2. may be contested in the circuit court by the candidate;
1422 an announced opponent; a representative of a designated
1423 political committee; or a person, party, or other organization
1424 submitting the petition. The contestant must ~~shall~~ file a
1425 complaint, together with the fees prescribed in chapter 28, with
1426 the clerk of the circuit court in the county in which the
1427 petition is certified or in Leon County if the petition covers
1428 more than one county within 10 days after midnight of the date
1429 the petition is certified; and the complaint must ~~shall~~ set
1430 forth the grounds on which the contestant intends to establish
1431 his or her right to require a complete check of the petition
1432 pursuant to subparagraph (1) (a) 1. In the event the court orders
1433 a complete check of the petition and the result is not changed
1434 as to the success or lack of success of the petitioner in
1435 obtaining the requisite number of valid signatures, then such
1436 candidate, unless the candidate has filed the oath stating that
1437 he or she is unable to pay such charges; announced opponent;
1438 representative of a designated political committee; or party,
1439 person, or organization submitting the petition, unless such
1440 person or organization has filed the oath stating inability to
1441 pay such charges, shall pay to the supervisor of elections of
1442 each affected county for the complete check an amount calculated
1443 at the rate of 10 cents for each additional signature checked or
1444 the actual cost of checking such additional signatures, as
1445 applicable whichever is less.

1446 Section 16. Section 100.021, Florida Statutes, is amended
1447 to read:

1448 100.021 Notice of general election.—The Department of State
1449 shall, in any year in which a general election is held, make out



880856

594-03953-23

1450 a notice stating what offices and vacancies are to be filled at
1451 the general election in the state, and in each county and
1452 district thereof. During the 30 days ~~before~~ prior to the
1453 beginning of qualifying, the department ~~of State~~ shall have the
1454 notice published two times in a newspaper of general circulation
1455 in each county; and, in counties in which there is no newspaper
1456 of general circulation, it shall send to the sheriff a notice of
1457 the offices and vacancies to be filled at such general election
1458 by the qualified voters of the sheriff's county or any district
1459 thereof, and the sheriff shall have at least five copies of the
1460 notice posted in conspicuous places in the county. Notice may be
1461 provided alternatively by publishing notice on the division's
1462 website, on the county's website as provided in s. 50.0311, or
1463 on the supervisor's website, as deemed appropriate by the
1464 supervisor.

1465 Section 17. Subsection (3) of section 100.141, Florida
1466 Statutes, is amended to read:

1467 100.141 Notice of special election to fill any vacancy in
1468 office.-

1469 (3) The department shall deliver a copy of such notice to
1470 the supervisor of elections of each county in which the special
1471 election is to be held. The supervisor shall have the notice
1472 published two times in a newspaper of general circulation in the
1473 county at least 10 days ~~before~~ prior to the first day set for
1474 qualifying for office or, for at least 10 days before the first
1475 day set for qualifying for office, publish notice on the
1476 county's website as provided in s. 50.0311 or on the
1477 supervisor's website. If such a newspaper is not published
1478 within the period set forth, the supervisor shall post at least



880856

594-03953-23

1479 ~~five copies of the notice in conspicuous places in the county~~
1480 ~~not less than 10 days prior to the first date set for~~
1481 ~~qualifying.~~

1482 Section 18. Section 100.342, Florida Statutes, is amended
1483 to read:

1484 100.342 Notice of special election or referendum.-In any
1485 special election or referendum not otherwise provided for, there
1486 must shall be at least 30 days' notice of the election or
1487 referendum by publication in a newspaper of general circulation
1488 in the county, district, or municipality, or publication on the
1489 county's website as provided in s. 50.0311, the municipality's
1490 website, or the supervisor's website, as applicable as the case
1491 may be. The publication must shall be made at least twice, once
1492 in the fifth week and once in the third week ~~before~~ prior to the
1493 week in which the election or referendum is to be held. If the
1494 applicable website becomes unavailable or there is no newspaper
1495 of general circulation in the county, district, or municipality,
1496 the notice must shall be posted in no less than five places
1497 within the territorial limits of the county, district, or
1498 municipality.

1499 Section 19. Subsection (3) and paragraph (a) of subsection
1500 (4) of section 101.001, Florida Statutes, are amended to read:

1501 101.001 Precincts and polling places; boundaries.-

1502 (3) (a) Each supervisor of elections shall maintain a
1503 geographical information system ~~suitable~~ map ~~drawn to a scale no~~
1504 ~~smaller than 3 miles to the inch~~ and clearly delineating all
1505 major observable features such as roads, streams, and railway
1506 lines and showing the current geographical boundaries of each
1507 precinct, representative district, and senatorial district, and



880856

594-03953-23

1508 other type of district in the county subject to the elections
1509 process in this code. A supervisor may coordinate with other
1510 governmental entities to comply with this subsection.

1511 ~~(b) The supervisor shall provide to the department data on~~
1512 ~~all precincts in the county associated with the most recent~~
1513 ~~decennial census blocks within each precinct.~~

1514 ~~(c) The department shall maintain a searchable database~~
1515 ~~that contains the precincts and the corresponding most recent~~
1516 ~~decennial census blocks within the precincts for each county,~~
1517 ~~including a historical file that allows the census blocks to be~~
1518 ~~traced through the prior decade.~~

1519 ~~(b)(d)~~ The supervisor of elections shall notify the
1520 Secretary of State in writing within 10 days after any
1521 reorganization of precincts and shall furnish a copy of the
1522 geographical information system compatible map showing the
1523 ~~current~~ geographical boundaries and designation of each new
1524 precinct. ~~However, if precincts are composed of whole census~~
1525 ~~blocks, the supervisor may furnish, in lieu of a copy of the~~
1526 ~~map, a list, in an electronic format prescribed by the~~
1527 ~~Department of State, associating each census block in the county~~
1528 ~~with its precinct.~~

1529 ~~(c)(e)~~ Any precinct established or altered under ~~the~~
1530 ~~provisions of~~ this section must shall consist of areas bounded
1531 on all sides only by census block boundaries from the most
1532 recent United States Census. If the census block boundaries
1533 split or conflict with a municipal or other political
1534 subdivision another political boundary ~~listed below~~, the
1535 boundary listed below may be used as a precinct boundary:

1536 1. Governmental unit boundaries reported in the most recent



880856

594-03953-23

1537 Boundary and Annexation Survey published by the United States
1538 Census Bureau; or

1539 ~~2. Visible features that are readily distinguishable upon~~
1540 ~~the ground, such as streets, railroads, tracks, streams, and~~
1541 ~~lakes, and that are indicated upon current census maps, official~~
1542 ~~Department of Transportation maps, official municipal maps,~~
1543 ~~official county maps, or a combination of such maps;~~

1544 ~~3. Boundaries of public parks, public school grounds, or~~
1545 ~~churches; or~~

1546 ~~2.4.~~ Boundaries of counties, incorporated municipalities,
1547 or other political subdivisions that meet criteria established
1548 by the United States Census Bureau for block boundaries.

1549 (4) (a) Within 10 days after there is any change in the
1550 division, name, number, or boundaries of the precincts, or the
1551 location of the polling places, the supervisor of elections
1552 shall make in writing an accurate description of any new or
1553 altered precincts, setting forth the boundary lines and shall
1554 identify the location of each new or altered polling place. A
1555 copy of the document describing such changes must shall be
1556 posted at the supervisor's office.

1557 Section 20. Subsection (1) of section 101.048, Florida
1558 Statutes, is amended to read:

1559 101.048 Provisional ballots.-

1560 (1) At all elections, a voter claiming to be properly
1561 registered in the state and eligible to vote at the precinct in
1562 the election but whose eligibility cannot be determined, a
1563 person whom an election official asserts is not eligible,
1564 including, but not limited to, a person to whom notice has been
1565 sent pursuant to s. 98.075(7), but for whom a final



880856

594-03953-23

1566 ~~determination of eligibility has not been made,~~ and other
1567 persons specified in the code shall be entitled to vote a
1568 provisional ballot. Once voted, the provisional ballot must
1569 ~~shall~~ be placed in a secrecy envelope and thereafter sealed in a
1570 provisional ballot envelope. The provisional ballot must shall
1571 be deposited in a ballot box. All provisional ballots must shall
1572 remain sealed in their envelopes for return to the supervisor of
1573 elections. The department shall prescribe the form of the
1574 provisional ballot envelope. A person casting a provisional
1575 ballot has shall have the right to present written evidence
1576 supporting his or her eligibility to vote to the supervisor of
1577 elections by not later than 5 p.m. on the second day following
1578 the election.

1579 Section 21. Paragraph (b) of subsection (4) of section
1580 101.151, Florida Statutes, is amended to read:

1581 101.151 Specifications for ballots.-

1582 (4)

1583 (b) When two or more candidates running for the same office
1584 on an a primary election ballot have the same or a similar
1585 surname, the word "incumbent" must shall appear next to the
1586 incumbent's name.

1587 Section 22. Subsection (2) of section 101.5612, Florida
1588 Statutes, is amended to read:

1589 101.5612 Testing of tabulating equipment.-

1590 (2) On any day not more than 25 days before the
1591 commencement of early voting as provided in s. 101.657, the
1592 supervisor of elections shall have the automatic tabulating
1593 equipment publicly tested to ascertain that the equipment will
1594 correctly count the votes cast for all offices and on all



880856

594-03953-23

1595 measures. If the ballots to be used at the polling place on
1596 election day are not available at the time of the testing, the
1597 supervisor may conduct an additional test not more than 10 days
1598 before election day. Public notice of the time and place of the
1599 test shall be given at least 48 hours prior thereto by
1600 publication on the county website as provided in s. 50.0311, on
1601 the supervisor of elections' website, or and once in one or more
1602 newspapers of general circulation in the county. If the
1603 applicable website becomes unavailable or, if there is no
1604 newspaper of general circulation in the county, by posting the
1605 notice must be posted in at least four conspicuous places in the
1606 county. The supervisor or the municipal elections official may,
1607 at the time of qualifying, give written notice of the time and
1608 location of the public preelection test to each candidate
1609 qualifying with that office and obtain a signed receipt that the
1610 notice has been given. The Department of State shall give
1611 written notice to each statewide candidate at the time of
1612 qualifying, or immediately at the end of qualifying, that the
1613 voting equipment will be tested and advise each candidate to
1614 contact the county supervisor of elections as to the time and
1615 location of the public preelection test. The supervisor or the
1616 municipal elections official shall, at least 30 days before the
1617 commencement of early voting as provided in s. 101.657, send
1618 written notice by certified mail to the county party chair of
1619 each political party and to all candidates for other than
1620 statewide office whose names appear on the ballot in the county
1621 and who did not receive written notification from the supervisor
1622 or municipal elections official at the time of qualifying,
1623 stating the time and location of the public preelection test of



880856

594-03953-23

1624 the automatic tabulating equipment. The canvassing board shall
1625 convene, and each member of the canvassing board shall certify
1626 to the accuracy of the test. For the test, the canvassing board
1627 may designate one member to represent it. The test shall be open
1628 to representatives of the political parties, the press, and the
1629 public. Each political party may designate one person with
1630 expertise in the computer field who shall be allowed in the
1631 central counting room when all tests are being conducted and
1632 when the official votes are being counted. The designee may
1633 ~~shall~~ not interfere with the normal operation of the canvassing
1634 board.

1635 Section 23. Subsection (1) of section 101.6103, Florida
1636 Statutes, is amended to read:

1637 101.6103 Mail ballot election procedure.-

1638 (1) Except as otherwise provided in subsection (7), the
1639 supervisor of elections shall mail all official ballots with a
1640 secrecy envelope, a return mailing envelope, and instructions
1641 sufficient to describe the voting process to each elector
1642 entitled to vote in the election within the timeframes specified
1643 in s. 101.62(3) ~~s. 101.62(4)~~. All such ballots must ~~shall~~ be
1644 mailed by first-class mail. Ballots must ~~shall~~ be addressed to
1645 each elector at the address appearing in the registration
1646 records and placed in an envelope which is prominently marked
1647 "Do Not Forward."

1648 Section 24. Section 101.62, Florida Statutes, is amended to
1649 read:

1650 101.62 Request for vote-by-mail ballots.-

1651 (1) REQUEST.-

1652 (a) The supervisor shall accept a request for a vote-by-



880856

594-03953-23

1653 mail ballot only from a voter or, if directly instructed by the
1654 voter, a member of the voter's immediate family or the voter's
1655 legal guardian from an elector in person or in writing. A
1656 request may be made in person, in writing, by telephone, or
1657 through the supervisor's website. The department shall prescribe
1658 by rule by October 1, 2023, a uniform statewide application to
1659 make a written request for a vote-by-mail ballot which includes
1660 fields for all information required in this subsection. One
1661 request is deemed sufficient to receive a vote-by-mail ballot
1662 for all elections through the end of the calendar year of the
1663 next regularly scheduled general election, unless the voter
1664 elector or the voter's elector's designee indicates at the time
1665 the request is made the elections within such period for which
1666 the voter elector desires to receive a vote-by-mail ballot. The
1667 supervisor must cancel a request for a vote-by-mail ballot ~~such~~
1668 request may be considered canceled when any first-class mail or
1669 nonforwardable mail sent by the supervisor to the voter elector
1670 is returned as undeliverable. If the voter requests a vote-by-
1671 mail ballot thereafter, the voter must provide or confirm his or
1672 her current residential address.

1673 (b) The supervisor may accept a ~~written, an in-person, or a~~
1674 ~~telephonic~~ request for a vote-by-mail ballot to be mailed to a
1675 voter's an elector's address on file in the Florida Voter
1676 Registration System from the voter elector, or, if directly
1677 instructed by the voter elector, a member of the voter's
1678 elector's immediate family, or the voter's elector's legal
1679 guardian. If an in-person or a telephonic request is made, the
1680 voter elector must provide the voter's elector's Florida driver
1681 license number, the voter's elector's Florida identification



880856

594-03953-23

1682 card number, or the last four digits of the voter's elector's
1683 social security number, whichever may be verified in the
1684 supervisor's records. If the ballot is requested to be mailed to
1685 an address other than the voter's elector's address on file in
1686 the Florida Voter Registration System, the request must be made
1687 in writing. A written request must be signed by the voter
1688 elector and include the voter's elector's Florida driver license
1689 number, the voter's elector's Florida identification card
1690 number, or the last four digits of the voter's elector's social
1691 security number. However, an absent uniformed services service
1692 voter or an overseas voter seeking a vote-by-mail ballot is not
1693 required to submit a signed, written request for a vote-by-mail
1694 ballot that is being mailed to an address other than the voter's
1695 elector's address on file in the Florida Voter Registration
1696 System. ~~For purposes of this section, the term "immediate~~
1697 ~~family" has the same meaning as specified in paragraph (4)(c).~~
1698 The person making the request must disclose:

- 1699 1. The name of the voter elector for whom the ballot is
- 1700 requested.
- 1701 2. The voter's elector's address.
- 1702 3. The voter's elector's date of birth.
- 1703 4. The voter's elector's Florida driver license number, the
- 1704 voter's elector's Florida identification card number, or the
- 1705 last four digits of the voter's elector's social security
- 1706 number, whichever may be verified in the supervisor's records.
- 1707 If the voter's registration record does not already include the
- 1708 voter's Florida driver license number or Florida identification
- 1709 card number or the last four digits of the voter's social
- 1710 security number, the number provided must be recorded in the



880856

594-03953-23

1711 voter's registration record.

- 1712 5. The requester's name.
- 1713 6. The requester's address.
- 1714 7. The requester's driver license number, the requester's
- 1715 identification card number, or the last four digits of the
- 1716 requester's social security number, if available.
- 1717 8. The requester's relationship to the voter elector.
- 1718 9. The requester's signature (written requests only).

1719 (c) Upon receiving a request for a vote-by-mail ballot from
1720 an absent voter, the supervisor of elections shall notify the
1721 voter of the free access system that has been designated by the
1722 department for determining the status of his or her vote-by-mail
1723 ballot.

1724 (d) For purposes of this section, the term "immediate
1725 family" refers to the following, as applicable:

- 1726 1. The voter's spouse, parent, child, grandparent,
- 1727 grandchild, or sibling, or the parent, child, grandparent,
- 1728 grandchild, or sibling of the voter's spouse.
- 1729 2. The designee's spouse, parent, child, grandparent,
- 1730 grandchild, or sibling, or the parent, child, grandparent,
- 1731 grandchild, or sibling of the designee's spouse.

1732 ~~(2) A request for a vote-by-mail ballot to be mailed to a~~
1733 ~~voter must be received no later than 5 p.m. on the 10th day~~
1734 ~~before the election by the supervisor. The supervisor shall mail~~
1735 ~~vote-by-mail ballots to voters requesting ballots by such~~
1736 ~~deadline no later than 8 days before the election.~~

1737 (2)(3) ACCESS TO VOTE-BY-MAIL REQUEST INFORMATION.-For each
1738 request for a vote-by-mail ballot received, the supervisor shall
1739 record the following information: the date the request was made;



880856

594-03953-23

1740 the identity of the voter's designee making the request, if any;
1741 the Florida driver license number, Florida identification card
1742 number, or last four digits of the social security number of the
1743 voter elector provided with a written request; the date the
1744 vote-by-mail ballot was delivered to the voter or the voter's
1745 designee or the date the vote-by-mail ballot was delivered to
1746 the post office or other carrier; the address to which the
1747 ballot was mailed or the identity of the voter's designee to
1748 whom the ballot was delivered; the date the ballot was received
1749 by the supervisor; the absence of the voter's signature on the
1750 voter's certificate, if applicable; whether the voter's
1751 certificate contains a signature that does not match the voter's
1752 elector's signature in the registration books or precinct
1753 register; and such other information he or she may deem
1754 necessary. This information must shall be provided in electronic
1755 format as provided by division rule. The information must shall
1756 be updated and made available no later than 8 a.m. of each day,
1757 including weekends, beginning 60 days before the primary until
1758 15 days after the general election and shall be
1759 contemporaneously provided to the division. This information is
1760 shall be confidential and exempt from s. 119.07(1) and may shall
1761 be made available to or reproduced only for the voter requesting
1762 the ballot, a canvassing board, an election official, a
1763 political party or official thereof, a candidate who has filed
1764 qualification papers and is opposed in an upcoming election, and
1765 registered political committees for political purposes only.

1766 (3)(4) DELIVERY OF VOTE-BY-MAIL BALLOTS.-

1767 (a) No later than 45 days before each presidential
1768 preference primary election, primary election, and general



880856

594-03953-23

1769 election, the supervisor of elections shall send a vote-by-mail
1770 ballot as provided in subparagraph (d)2. (e)2. to each absent
1771 uniformed services voter and to each overseas voter who has
1772 requested a vote-by-mail ballot.

1773 (b) The supervisor shall mail a vote-by-mail ballot to each
1774 absent qualified voter, other than those listed in paragraph
1775 (a), who has requested such a ballot, between the 40th and 33rd
1776 days before the presidential preference primary election,
1777 primary election, and general election.

1778 (c) Except as otherwise provided in paragraph (a) or
1779 paragraph (b) subsection (2) and after the period described in
1780 this paragraph, the supervisor shall mail vote-by-mail ballots
1781 within 2 business days after receiving a request for such a
1782 ballot, but no later than the 10th day before election day. The
1783 deadline to submit a request for a ballot to be mailed is 5 p.m.
1784 local time on the 12th day before an upcoming election.

1785 (d) (e) Upon a request for a vote-by-mail ballot, the
1786 supervisor shall provide a vote-by-mail ballot to each voter
1787 elector by whom a request for that ballot has been made, by one
1788 of the following means:

1789 1. By nonforwardable, return-if-undeliverable mail to the
1790 voter's elector's current mailing address on file with the
1791 supervisor or any other address the voter elector specifies in
1792 the request. The envelopes must be prominently marked "Do Not
1793 Forward."

1794 2. By forwardable mail, e-mail, or facsimile machine
1795 transmission to absent uniformed services voters and overseas
1796 voters. The absent uniformed services voter or overseas voter
1797 may designate in the vote-by-mail ballot request the preferred



880856

594-03953-23

1798 method of transmission. If the voter does not designate the
1799 method of transmission, the vote-by-mail ballot must ~~shall~~ be
1800 mailed.

1801 3. By personal delivery ~~before 7 p.m. on election day~~ to
1802 the voter after vote-by-mail ballots have been mailed and up to
1803 7 p.m. on election day ~~elector~~, upon presentation of the
1804 identification required in s. 101.043.

1805 4. By delivery to the voter's a designee after vote-by-mail
1806 ballots have been mailed and up to 7 p.m. on election day ~~or up~~
1807 ~~to 9 days before the day of an election~~. Any voter ~~elector~~ may
1808 designate in writing a person to pick up the ballot for the
1809 voter ~~elector~~; however, the person designated may not pick up
1810 more than two vote-by-mail ballots per election, other than the
1811 designee's own ballot, except that additional ballots may be
1812 picked up for members of the designee's immediate family. ~~For~~
1813 ~~purposes of this section, "immediate family" means the~~
1814 ~~designee's spouse or the parent, child, grandparent, grandchild,~~
1815 ~~or sibling of the designee or of the designee's spouse~~. The
1816 designee shall provide to the supervisor the written
1817 authorization by the voter ~~elector~~ and a picture identification
1818 of the designee and must complete an affidavit. The designee
1819 shall state in the affidavit that the designee is authorized by
1820 the voter ~~elector~~ to pick up that ballot and shall indicate if
1821 the voter ~~elector~~ is a member of the designee's immediate family
1822 and, if so, the relationship. The department shall prescribe the
1823 form of the affidavit. If the supervisor is satisfied that the
1824 designee is authorized to pick up the ballot and that the
1825 signature of the voter ~~elector~~ on the written authorization
1826 matches the signature of the voter ~~elector~~ on file, the



880856

594-03953-23

1827 supervisor must ~~shall~~ give the ballot to that designee for
1828 delivery to the voter ~~elector~~.

1829 5. Except as provided in s. 101.655, the supervisor may not
1830 deliver a vote-by-mail ballot to a voter ~~an elector~~ or a voter's
1831 designee pursuant to subparagraph 3. or subparagraph 4.,
1832 respectively, during the mandatory early voting period and up to
1833 7 p.m. on election day, an elector's immediate family member on
1834 ~~the day of the election~~ unless there is an emergency, to the
1835 extent that the voter ~~elector~~ will be unable to go to a
1836 designated early voting site in his or her county or to his or
1837 her assigned polling place on election day. If a vote-by-mail
1838 ballot is delivered, the voter ~~elector~~ or his or her designee
1839 must ~~shall~~ execute an affidavit affirming to the facts which
1840 allow for delivery of the vote-by-mail ballot. The department
1841 shall adopt a rule providing for the form of the affidavit.

1842 (4)(5) SPECIAL CIRCUMSTANCES.—If the department is unable
1843 to certify candidates for an election in time to comply with
1844 paragraph (3)(a) ~~(4)(a)~~, the Department of State is authorized
1845 to prescribe rules for a ballot to be sent to absent uniformed
1846 services voters and overseas voters.

1847 (5)(6) MATERIALS.—Only the materials necessary to vote by
1848 mail may be mailed or delivered with any vote-by-mail ballot.

1849 (6)(7) PROHIBITION.—Except as expressly authorized for
1850 voters having a disability under s. 101.662, for overseas voters
1851 under s. 101.697, or for local referenda under ss. 101.6102 and
1852 101.6103, a county, municipality, or state agency may not send a
1853 vote-by-mail ballot to a voter unless the voter has requested a
1854 vote-by-mail ballot in the manner authorized under this section.

1855 Section 25. Subsection (1) of section 101.67, Florida



880856

594-03953-23

1856 Statutes, is amended to read:

1857 101.67 Safekeeping of mailed ballots; deadline for
1858 receiving vote-by-mail ballots.-

1859 (1) (a) The supervisor of elections shall safely keep in his
1860 or her office any envelopes received containing marked ballots
1861 of absent electors, and he or she shall, before the canvassing
1862 of the election returns, deliver the envelopes to the county
1863 canvassing board along with his or her file or list kept
1864 regarding said ballots.

1865 (b) To the extent practicable, the supervisor of elections
1866 shall segregate any vote-by-mail ballots received from a person
1867 to whom notice has been sent pursuant to s. 98.075(7), but for
1868 whom a final determination of eligibility has not been made, and
1869 shall treat them as provisional ballots for individual review by
1870 the county canvassing board. The supervisor shall attempt to
1871 contact each voter whose ballot has been set aside under this
1872 paragraph in the same manner as if the voter had voted a
1873 provisional ballot under s. 101.048.

1874 Section 26. Subsection (1) of section 101.68, Florida
1875 Statutes, is amended to read:

1876 101.68 Canvassing of vote-by-mail ballot.-

1877 (1) (a) The supervisor of the county where the absent
1878 elector resides shall receive the voted ballot, at which time
1879 the supervisor shall compare the signature of the elector on the
1880 voter's certificate with the signature of the elector in the
1881 registration books or the precinct register to determine whether
1882 the elector is duly registered in the county and must record on
1883 the elector's registration record that the elector has voted.
1884 During the signature comparison process, the supervisor may not



880856

594-03953-23

1885 use any knowledge of the political affiliation of the elector
1886 ~~voter~~ whose signature is subject to verification.

1887 (b) An elector who dies after casting a vote-by-mail ballot
1888 but on or before election day shall remain listed in the
1889 registration books until the results have been certified for the
1890 election in which the ballot was cast. The supervisor shall
1891 safely keep the ballot unopened in his or her office until the
1892 county canvassing board canvasses the vote pursuant to
1893 subsection (2).

1894 (c) If two or more vote-by-mail ballots for the same
1895 election are returned in one mailing envelope, the ballots may
1896 not be counted.

1897 (d) Except as provided in subsection (4), after a vote-by-
1898 mail ballot is received by the supervisor, the ballot is deemed
1899 to have been cast, and changes or additions may not be made to
1900 the voter's certificate.

1901 Section 27. Section 101.6923, Florida Statutes, is amended
1902 to read:

1903 101.6923 Special vote-by-mail ballot instructions for
1904 certain first-time voters.-

1905 (1) ~~This section applies~~ ~~The provisions of this section~~
1906 ~~apply~~ to voters who are subject to ~~the provisions of~~ s. 97.0535
1907 and who have not provided the identification or information
1908 required by s. 97.0535 by the time the vote-by-mail ballot is
1909 mailed.

1910 (2) A voter covered by this section ~~must shall~~ be provided
1911 with printed instructions with his or her vote-by-mail ballot in
1912 substantially the following form:

1913



880856

594-03953-23

1914 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
1915 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
1916 YOUR BALLOT NOT TO COUNT.

1917

1918 1. In order to ensure that your vote-by-mail ballot will be
1919 counted, it should be completed and returned as soon as possible
1920 so that it can reach the supervisor of elections of the county
1921 in which your precinct is located no later than 7 p.m. on the
1922 date of the election. However, if you are an overseas voter
1923 casting a ballot in a presidential preference primary or general
1924 election, your vote-by-mail ballot must be postmarked or dated
1925 no later than the date of the election and received by the
1926 supervisor of elections of the county in which you are
1927 registered to vote no later than 10 days after the date of the
1928 election. Note that the later you return your ballot, the less
1929 time you will have to cure signature deficiencies, which is
1930 authorized until 5 p.m. local time on the 2nd day after the
1931 election.

1932 2. Mark your ballot in secret as instructed on the ballot.
1933 You must mark your own ballot unless you are unable to do so
1934 because of blindness, disability, or inability to read or write.

1935 3. Mark only the number of candidates or issue choices for
1936 a race as indicated on the ballot. If you are allowed to "Vote
1937 for One" candidate and you vote for more than one, your vote in
1938 that race will not be counted.

1939 4. Place your marked ballot in the enclosed secrecy
1940 envelope and seal the envelope.

1941 5. Insert the secrecy envelope into the enclosed envelope
1942 bearing the Voter's Certificate. Seal the envelope and



880856

594-03953-23

1943 completely fill out the Voter's Certificate on the back of the
1944 envelope.

1945 a. You must sign your name on the line above (Voter's
1946 Signature).

1947 b. If you are an overseas voter, you must include the date
1948 you signed the Voter's Certificate on the line above (Date) or
1949 your ballot may not be counted.

1950 c. A vote-by-mail ballot will be considered illegal and
1951 will not be counted if the signature on the Voter's Certificate
1952 does not match the signature on record. The signature on file at
1953 the start of the canvass of the vote-by-mail ballots is the
1954 signature that will be used to verify your signature on the
1955 Voter's Certificate. If you need to update your signature for
1956 this election, send your signature update on a voter
1957 registration application to your supervisor of elections so that
1958 it is received before your vote-by-mail ballot is received.

1959 6. Unless you meet one of the exemptions in Item 7., you
1960 must make a copy of one of the following forms of
1961 identification:

1962 a. Identification which must include your name and
1963 photograph: United States passport; debit or credit card;
1964 military identification; student identification; retirement
1965 center identification; neighborhood association identification;
1966 public assistance identification; veteran health identification
1967 card issued by the United States Department of Veterans Affairs;
1968 a Florida license to carry a concealed weapon or firearm; or an
1969 employee identification card issued by any branch, department,
1970 agency, or entity of the Federal Government, the state, a
1971 county, or a municipality; or



880856

594-03953-23

1972 b. Identification which shows your name and current
1973 residence address: current utility bill, bank statement,
1974 government check, paycheck, or government document (excluding
1975 voter information card).
1976 7. The identification requirements of Item 6. do not apply
1977 if you meet one of the following requirements:
1978 a. You are 65 years of age or older.
1979 b. You have a temporary or permanent physical disability.
1980 c. You are a member of a uniformed service on active duty
1981 who, by reason of such active duty, will be absent from the
1982 county on election day.
1983 d. You are a member of the Merchant Marine who, by reason
1984 of service in the Merchant Marine, will be absent from the
1985 county on election day.
1986 e. You are the spouse or dependent of a member referred to
1987 in paragraph c. or paragraph d. who, by reason of the active
1988 duty or service of the member, will be absent from the county on
1989 election day.
1990 f. You are currently residing outside the United States.
1991 8. Place the envelope bearing the Voter's Certificate into
1992 the mailing envelope addressed to the supervisor. Insert a copy
1993 of your identification in the mailing envelope. DO NOT PUT YOUR
1994 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
1995 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
1996 BALLOT WILL NOT COUNT.
1997 9. Mail, deliver, or have delivered the completed mailing
1998 envelope. Be sure there is sufficient postage if mailed.
1999 10. FELONY NOTICE. It is a felony under Florida law to
2000 accept any gift, payment, or gratuity in exchange for your vote



880856

594-03953-23

2001 for a candidate. It is also a felony under Florida law to vote
2002 in an election using a false identity or false address, or under
2003 any other circumstances making your ballot false or fraudulent.
2004 Section 28. Subsections (1) and (3) of section 101.6925,
2005 Florida Statutes, are amended to read:
2006 101.6925 Canvassing special vote-by-mail ballots.—
2007 (1) The supervisor of the county where the voter absent
2008 ~~elector~~ resides shall receive the voted special vote-by-mail
2009 ballot, at which time the mailing envelope must ~~shall~~ be opened
2010 to determine if the voter has enclosed the identification
2011 required or has indicated on the Voter's Certificate that he or
2012 she is exempt from the identification requirements.
2013 (3) If the identification is not enclosed in the mailing
2014 envelope and the voter has not indicated that he or she is
2015 exempt from the identification requirements, the supervisor must
2016 ~~shall~~ check the voter registration records to determine if the
2017 voter's identification was previously received or the voter had
2018 previously notified the supervisor that he or she was exempt.
2019 The envelope with the Voter's Certificate may ~~shall~~ not be
2020 opened unless the identification has been received or the voter
2021 has indicated that he or she is exempt. The ballot must ~~shall~~ be
2022 treated as a provisional ballot and may until 7 p.m. on election
2023 ~~day and shall~~ not be canvassed unless the supervisor has
2024 received the required identification or written indication of
2025 exemption by 5 7 p.m. local time on the 2nd day following the ~~ex~~
2026 election ~~day~~.
2027 Section 29. Subsection (1) of section 101.694, Florida
2028 Statutes, is amended to read:
2029 101.694 Mailing of ballots upon receipt of federal postcard



880856

594-03953-23

2030 application.-

2031 (1) Upon receipt of a federal postcard application for a
2032 vote-by-mail ballot executed by a person whose registration is
2033 in order or whose application is sufficient to register or
2034 update the registration of that person, the supervisor shall
2035 send the ballot in accordance with s. 101.62(3) ~~s. 101.62(4)~~.

2036 Section 30. Subsection (2) of section 101.71, Florida
2037 Statutes, is amended to read:

2038 101.71 Polling place.-

2039 (2) Notwithstanding ~~the provisions of~~ subsection (1),
2040 whenever the supervisor of elections of any county determines
2041 that the accommodations for holding any election at a polling
2042 place designated for any precinct in the county are unavailable,
2043 are inadequate for the expeditious and efficient housing and
2044 handling of voting and voting paraphernalia, or do not comply
2045 with the requirements of s. 101.715, the supervisor shall, not
2046 less than 30 days before ~~prior to~~ the holding of an election,
2047 provide for the voting place for such precinct to be moved to
2048 another site that is accessible to the public on election day in
2049 said precinct or, if such is not available, to another site that
2050 is accessible to the public on election day in a contiguous
2051 precinct. If such action of the supervisor results in the voting
2052 place for two or more precincts being located for the purposes
2053 of an election in one building, the supervisor of elections
2054 shall provide adequate supplies, equipment, and personnel are
2055 available to accommodate the voters for the precincts that are
2056 collocated. When any supervisor moves any polling place pursuant
2057 to this subsection, the supervisor shall, not more than 30 days
2058 or fewer than 7 days before ~~prior to~~ the holding of an election,



880856

594-03953-23

2059 give notice of the change of the polling place for the precinct
2060 involved, with clear description of the voting place to which
2061 changed, by publication on the county's website as provided in
2062 s. 50.0311, on the supervisor's website, or at least once in a
2063 newspaper of general circulation in the county ~~and on the~~
2064 ~~supervisor of elections' website~~. A notice of the change of the
2065 polling place involved shall be mailed, at least 14 days before
2066 ~~prior to~~ an election, to each registered elector or to each
2067 household in which there is a registered elector.

2068 Section 31. Subsection (2) of section 101.733, Florida
2069 Statutes, is amended to read:

2070 101.733 Election emergency; purpose; elections emergency
2071 contingency plan.-Because of the existing and continuing
2072 possibility of an emergency or common disaster occurring before
2073 or during a regularly scheduled or special election, and in
2074 order to ensure maximum citizen participation in the electoral
2075 process and provide a safe and orderly procedure for persons
2076 seeking to exercise their right to vote, generally to minimize
2077 to whatever degree possible a person's exposure to danger during
2078 declared states of emergency, and to protect the integrity of
2079 the electoral process, it is hereby found and declared to be
2080 necessary to designate a procedure for the emergency suspension
2081 or delay and rescheduling of elections.

2082 (2) The Governor, upon consultation with the Secretary of
2083 State, shall reschedule any election suspended or delayed due to
2084 an emergency. The election shall be held within 10 days after
2085 the date of the suspended or delayed election or as soon
2086 thereafter as is practicable. Notice of the election must shall
2087 be published on the affected county's website as provided in s.



880856

594-03953-23

2088 50.0311, on the affected supervisor's website, or at least once
2089 in a newspaper of general circulation in the affected area and,
2090 where practicable, broadcast as a public service announcement on
2091 radio and television stations at least 1 week before ~~prior to~~
2092 the date the election is to be held.

2093 Section 32. Subsection (2) of section 102.111, Florida
2094 Statutes, is amended to read:

2095 102.111 Elections Canvassing Commission.—

2096 (2) The Elections Canvassing Commission shall meet at 8 9
2097 a.m. on the 9th day after a primary election and at 8 9 a.m. on
2098 the 14th day after a general election to certify the returns of
2099 the election for each federal, state, and multicounty office. If
2100 a member of a county canvassing board that was constituted
2101 pursuant to s. 102.141 determines, within 5 days after the
2102 certification by the Elections Canvassing Commission, that a
2103 typographical error occurred in the official returns of the
2104 county, the correction of which could result in a change in the
2105 outcome of an election, the county canvassing board must certify
2106 corrected returns to the Department of State within 24 hours,
2107 and the Elections Canvassing Commission must correct and
2108 recertify the election returns as soon as practicable.

2109 Section 33. Subsection (2) of section 102.112, Florida
2110 Statutes, is amended to read:

2111 102.112 Deadline for submission of county returns to the
2112 Department of State.—

2113 (2) Returns must be filed no later than noon ~~by 5 p.m.~~ on
2114 the 8th ~~7th~~ day following a primary election and no later than
2115 ~~by noon~~ on the 13th ~~12th~~ day following the general election.
2116 However, the Department of State may correct typographical



880856

594-03953-23

2117 errors, including the transposition of numbers, in any returns
2118 submitted to the Department of State pursuant to s. 102.111(2).

2119 Section 34. Subsection (1), paragraph (b) of subsection
2120 (2), and subsection (10) of section 102.141, Florida Statutes,
2121 are amended to read:

2122 102.141 County canvassing board; duties.—

2123 (1) The county canvassing board shall be composed of the
2124 supervisor of elections; a county court judge, who shall act as
2125 chair; and the chair of the board of county commissioners. The
2126 names of the canvassing board members must be published on the
2127 supervisor's website upon completion of the logic and accuracy
2128 test. At least two alternate canvassing board members must be
2129 appointed pursuant to paragraph (e). In the event any member of
2130 the county canvassing board is unable to serve, is a candidate
2131 who has opposition in the election being canvassed, or is an
2132 active participant in the campaign or candidacy of any candidate
2133 who has opposition in the election being canvassed, such member
2134 shall be replaced as follows:

2135 (a) If ~~a~~ ~~no~~ county court judge is unable ~~able~~ to serve or
2136 if all are disqualified, the chief judge of the judicial circuit
2137 in which the county is located must ~~shall~~ appoint as a
2138 substitute member a qualified elector of the county who is not a
2139 candidate with opposition in the election being canvassed and
2140 who is not an active participant in the campaign or candidacy of
2141 any candidate with opposition in the election being canvassed.
2142 In such event, the members of the county canvassing board shall
2143 meet and elect a chair.

2144 (b) If the supervisor of elections is unable to serve or is
2145 disqualified, the chair of the board of county commissioners



880856

594-03953-23

2146 ~~must shall~~ appoint as a substitute member a member of the board
2147 of county commissioners who is not a candidate with opposition
2148 in the election being canvassed and who is not an active
2149 participant in the campaign or candidacy of any candidate with
2150 opposition in the election being canvassed. The supervisor,
2151 however, shall act in an advisory capacity to the canvassing
2152 board.

2153 (c) If the chair of the board of county commissioners is
2154 unable to serve or is disqualified, the board of county
2155 commissioners ~~must shall~~ appoint as a substitute member one of
2156 its members who is not a candidate with opposition in the
2157 election being canvassed and who is not an active participant in
2158 the campaign or candidacy of any candidate with opposition in
2159 the election being canvassed.

2160 (d) If a substitute member or alternate member cannot be
2161 appointed as provided elsewhere in this subsection, or in the
2162 event of a vacancy in such office, the chief judge of the
2163 judicial circuit in which the county is located ~~must shall~~
2164 appoint as a substitute member or alternate member a qualified
2165 elector of the county who is not a candidate with opposition in
2166 the election being canvassed and who is not an active
2167 participant in the campaign or candidacy of any candidate with
2168 opposition in the election being canvassed.

2169 (e)1. The chief judge of the judicial circuit in which the
2170 county is located shall appoint a county court judge as an
2171 alternate member of the county canvassing board or, if each
2172 county court judge is unable to serve or is disqualified, shall
2173 appoint an alternate member who is qualified to serve as a
2174 substitute member under paragraph (a). Any alternate may serve



880856

594-03953-23

2175 in any seat.

2176 2. The chair of the board of county commissioners shall
2177 appoint a member of the board of county commissioners as an
2178 alternate member of the county canvassing board or, if each
2179 member of the board of county commissioners is unable to serve
2180 or is disqualified, shall appoint an alternate member who is
2181 qualified to serve as a substitute member under paragraph (d).

2182 3. If a member of the county canvassing board is unable to
2183 participate in a meeting of the board, the chair of the county
2184 canvassing board or his or her designee ~~must shall~~ designate
2185 which alternate member will serve as a member of the board in
2186 the place of the member who is unable to participate at that
2187 meeting.

2188 4. If not serving as one of the three members of the county
2189 canvassing board, an alternate member may be present, observe,
2190 and communicate with the three members constituting the county
2191 canvassing board, but may not vote in the board's decisions or
2192 determinations.

2193 (2)

2194 (b) Public notice of the canvassing board members,
2195 alternates, time, and place at which the county canvassing board
2196 shall meet to canvass the absent electors' ballots and
2197 provisional ballots must be given at least 48 hours prior
2198 thereto by publication on the county's website as provided in s.
2199 50.0311, on the supervisor's website, or ~~and published~~ in one or
2200 more newspapers of general circulation in the county. ~~or,~~ If the
2201 applicable website becomes unavailable or there is no newspaper
2202 of general circulation in the county, the notice must be posted
2203 by posting such notice in at least four conspicuous places in



880856

594-03953-23

2204 the county. The time given in the notice as to the convening of
2205 the meeting of the county canvassing board must be specific and
2206 may not be a time period during which the board may meet.

2207 (10) (a) ~~The supervisor At the same time that the official~~
2208 ~~results of an election are certified to the Department of State,~~
2209 ~~the county canvassing board shall file a report with the~~
2210 Division of Elections on the conduct of the election no later
2211 than 20 business days after the Elections Canvassing Commission
2212 certifies the election. The report must, at a minimum, describe
2213 all of the following:

2214 1. All equipment or software malfunctions at the precinct
2215 level, at a counting location, or within computer and
2216 telecommunications networks supporting a county location, and
2217 the steps that were taken to address the malfunctions.~~†~~

2218 2. All election definition errors that were discovered
2219 after the logic and accuracy test, and the steps that were taken
2220 to address the errors.~~†~~

2221 3. All ballot printing errors, vote-by-mail ballot mailing
2222 errors, or ballot supply problems, and the steps that were taken
2223 to address the errors or problems.~~†~~

2224 4. All staffing shortages or procedural violations by
2225 employees or precinct workers which were addressed by the
2226 supervisor of elections or the county canvassing board during
2227 the conduct of the election, and the steps that were taken to
2228 correct such issues.~~†~~

2229 5. All instances where needs for staffing or equipment were
2230 insufficient to meet the needs of the voters.~~†~~ ~~and~~

2231 6. Any additional information regarding material issues or
2232 problems associated with the conduct of the election.



880856

594-03953-23

2233 (b) If a supervisor discovers new or additional information
2234 on any of the items required to be included in the report
2235 pursuant to paragraph (a) after the report is filed, the
2236 supervisor ~~must shall~~ notify the division that new information
2237 has been discovered no later than the next business day after
2238 the discovery, and the supervisor ~~must shall~~ file an amended
2239 report signed by the supervisor of elections on the conduct of
2240 the election within 10 days after the discovery.

2241 (c) Such reports ~~must shall~~ be maintained on file in the
2242 Division of Elections and ~~must shall~~ be available for public
2243 inspection.

2244 (d) The division shall review the conduct of election
2245 reports utilize the reports submitted by the canvassing boards
2246 to determine what problems may be likely to occur in other
2247 elections and disseminate such information, along with possible
2248 solutions and training, to the supervisors of elections.

2249 (e) The department shall submit the analysis of these
2250 reports for the general election as part of the consolidated
2251 reports required under ss. 101.591 and 101.595 to the Governor,
2252 the President of the Senate, and the Speaker of the House of
2253 Representatives by February 15 of each year following a general
2254 election.

2255 Section 35. Section 103.021, Florida Statutes, is amended
2256 to read:

2257 103.021 Nomination for presidential electors.—Candidates
2258 for presidential electors shall be nominated in the following
2259 manner:

2260 (1) (a) The Governor shall nominate the presidential
2261 electors of each political party. The state executive committee



880856

594-03953-23

2262 of each political party shall by resolution recommend candidates
2263 for presidential electors and deliver a certified copy thereof
2264 to the Governor no later than noon on August 24 before September
2265 1 of each presidential election year. The Governor shall
2266 nominate only the electors recommended by the state executive
2267 committee of the respective political party.

2268 (b) The state executive committee of each political party
2269 shall submit the Florida voter registration number and contact
2270 information of each presidential elector. Each such presidential
2271 elector must shall be a qualified registered voter of this state
2272 and member elector of the party he or she represents who has
2273 taken a written ~~an~~ oath that he or she will vote for the
2274 candidates of the party that he or she is nominated to
2275 represent.

2276 (c) The Governor shall certify to the Department of State
2277 no later than 5 p.m. on August 24 or before September 1, in each
2278 presidential election year, the names of a number of electors
2279 for each political party equal to the number of senators and
2280 representatives which this state has in Congress.

2281 (2) The names of the presidential electors may shall not be
2282 printed on the general election ballot, but the names of the
2283 actual candidates for President and Vice President for whom the
2284 presidential electors will vote if elected must shall be printed
2285 on the ballot in the order in which the party of which the
2286 candidate is a nominee polled the highest number of votes for
2287 Governor in the last general election.

2288 (3) Candidates for President and Vice President with no
2289 party affiliation may have their names printed on the general
2290 election ballots if a petition is signed by 1 percent of the



880856

594-03953-23

2291 registered voters electors of this state, as shown by the
2292 compilation by the Department of State for the last preceding
2293 general election. A separate petition from each county for which
2294 signatures are solicited shall be submitted to the supervisor of
2295 elections of the respective county no later than noon on July 15
2296 of each presidential election year. The supervisor shall check
2297 the names and, on or before the date of the primary election,
2298 shall certify the number shown as registered voters electors of
2299 the county. The supervisor shall be paid by the person
2300 requesting the certification the cost of checking the petitions
2301 as prescribed in s. 99.097. The supervisor shall then forward
2302 the certificate to the Department of State which shall determine
2303 whether or not the percentage factor required in this section
2304 has been met. When the percentage factor required in this
2305 section has been met, the Department of State shall order the
2306 names of the candidates for whom the petition was circulated to
2307 be included on the ballot and shall allow permit the required
2308 number of persons to be certified as presidential electors in
2309 the same manner as party candidates.

2310 (4) (a) A minor political party that is affiliated with a
2311 national party holding a national convention to nominate
2312 candidates for President and Vice President of the United States
2313 may have the names of its candidates for President and Vice
2314 President of the United States printed on the general election
2315 ballot by filing with the Department of State a certificate
2316 naming the candidates for President and Vice President and
2317 listing the required number of persons to serve as presidential
2318 electors. Notification to the Department of State under this
2319 subsection must shall be made no later than 5 p.m. on August 24



880856

594-03953-23

2320 ~~by September 1~~ of the year in which the general election is
2321 held. When the Department of State has been so notified, it
2322 shall order the names of the candidates nominated by the minor
2323 political party to be included on the ballot and shall allow
2324 ~~permit~~ the required number of persons to be certified as
2325 presidential electors in the same manner as other party
2326 candidates. As used in this section, the term "national party"
2327 means a political party that is registered with and recognized
2328 as a qualified national committee of a political party by the
2329 Federal Election Commission.

2330 (b) A minor political party that is not affiliated with a
2331 national party holding a national convention to nominate
2332 candidates for President and Vice President of the United States
2333 may have the names of its candidates for President and Vice
2334 President printed on the general election ballot if a petition
2335 is signed by 1 percent of the registered voters electors of this
2336 state, as shown by the compilation by the Department of State
2337 for the preceding general election. A separate petition from
2338 each county for which signatures are solicited must shall be
2339 submitted to the supervisors of elections of the respective
2340 county no later than noon on July 15 of each presidential
2341 election year. The supervisor shall check the names and, on or
2342 before the date of the primary election, shall certify the
2343 number shown as registered voters electors of the county. The
2344 supervisor shall be paid by the person requesting the
2345 certification the cost of checking the petitions as prescribed
2346 in s. 99.097. The supervisor shall then forward the certificate
2347 to the Department of State, which shall determine whether or not
2348 the percentage factor required in this section has been met.



880856

594-03953-23

2349 When the percentage factor required in this section has been
2350 met, the Department of State shall order the names of the
2351 candidates for whom the petition was circulated to be included
2352 on the ballot and shall allow permit the required number of
2353 persons to be certified as presidential electors in the same
2354 manner as other party candidates.

2355 (5) When for any reason a person nominated or elected as a
2356 presidential elector is unable to serve because of death,
2357 incapacity, or otherwise, the Governor may appoint a person to
2358 fill such vacancy who possesses the qualifications required for
2359 the elector to have been nominated in the first instance. Such
2360 person shall file with the Governor a written an oath that he or
2361 she will support the same candidates for President and Vice
2362 President that the person who is unable to serve was committed
2363 to support.

2364 (6) A presidential elector's refusal or failure to vote for
2365 the candidates for President and Vice President of the party the
2366 presidential elector was nominated to represent constitutes his
2367 or her resignation of the position. The vote he or she cast may
2368 not be recorded, and his or her position as a presidential
2369 elector must be filled as provided in subsection (5).

2370 Section 36. Section 103.022, Florida Statutes, is amended
2371 to read:

2372 103.022 Write-in candidates for President and Vice
2373 President.-

2374 (1) Persons seeking to qualify for election as write-in
2375 candidates for President and Vice President of the United States
2376 may have a blank space provided on the general election ballot
2377 for their names to be written in by filing an oath with the



880856

594-03953-23

2378 Department of State at any time after the 57th day, but before
2379 noon of the 49th day, ~~before~~ ~~prior~~ to the date of the primary
2380 election in the year in which a presidential election is held.

2381 (2) The Department of State shall prescribe the form to be
2382 used in administering the oath.

2383 (3) The write-in candidates shall file with the department
2384 a certificate naming the required number of persons to serve as
2385 electors. The write-in candidates shall submit the Florida voter
2386 registration number and contact information for each
2387 presidential elector. Each presidential elector must be a
2388 qualified registered voter of this state. Such write-in
2389 candidates ~~are~~ ~~shall~~ not be entitled to have their names on the
2390 ballot.

2391 Section 37. Subsection (4) of section 103.091, Florida
2392 Statutes, is amended to read:

2393 103.091 Political parties.—

2394 (4) Any political party other than a minor political party
2395 may by rule provide for the membership of its state or county
2396 executive committee to be elected for 4-year terms at the
2397 primary election in each year a presidential election is held.
2398 The terms ~~shall~~ commence on the first day of the month following
2399 each presidential general election; but the names of candidates
2400 for political party offices ~~may~~ ~~shall~~ not be placed on the
2401 ballot at any other election. The results of such election are
2402 ~~shall be~~ determined by a plurality of the votes cast. In such
2403 event, electors seeking to qualify for such office shall do so
2404 with the Department of State or supervisor of elections not
2405 earlier than noon of the 71st day, or later than noon of the
2406 67th day, preceding the primary election. A qualifying office



880856

594-03953-23

2407 may accept and hold qualifying papers submitted not earlier than
2408 14 days before the beginning of the qualifying period, to be
2409 processed and filed during the qualifying period. The outgoing
2410 chair of each county executive committee shall, within 30 days
2411 after the committee members take office, hold an organizational
2412 meeting of all newly elected members for the purpose of electing
2413 officers. The chair of each state executive committee shall,
2414 within 60 days after the committee members take office, hold an
2415 organizational meeting of all newly elected members for the
2416 purpose of electing officers.

2417 Section 38. Section 104.16, Florida Statutes, is amended to
2418 read:

2419 104.16 Voting fraudulent ballot.—

2420 (1) Any elector who knowingly votes or attempts to vote a
2421 fraudulent ballot, or any person who knowingly solicits, or
2422 attempts, to vote a fraudulent ballot, is guilty of a felony of
2423 the third degree, punishable as provided in s. 775.082, s.
2424 775.083, or s. 775.084.

2425 (2) Subsection (1) does not apply to an elector to whom
2426 notice has been sent pursuant to s. 98.075(7) and who votes a
2427 provisional ballot or vote-by-mail ballot before a final
2428 determination of eligibility is made.

2429 Section 39. Section 104.18, Florida Statutes, is amended to
2430 read:

2431 104.18 Casting more than one ballot at any election.—

2432 (1) Except as provided in s. 101.6952, whoever willfully
2433 votes more than one ballot at any election commits a felony of
2434 the third degree, punishable as provided in s. 775.082, s.
2435 775.083, or s. 775.084. In any prosecution under this section,



594-03953-23

2436 the prosecution may proceed in any jurisdiction in which one of
2437 the ballots was willfully cast, and it is not necessary to prove
2438 which of the ballots was cast first.

2439 (2) For purposes of this section, the term "votes more than
2440 one ballot at any election" means an occurrence of any of the
2441 following:

2442 (a) Voting more than once in the same election within a
2443 county located within this state.

2444 (b) Voting more than once in the same election by voting in
2445 two or more counties located in this state.

2446 (c) Voting more than once in the same election by voting in
2447 this state and in one or more other states or territories of the
2448 United States.

2449 Section 40. Subsection (1) of section 104.42, Florida
2450 Statutes, is amended to read:

2451 104.42 Fraudulent registration and illegal voting;
2452 investigation.—

2453 (1) The supervisor of elections is authorized to
2454 investigate fraudulent registrations and illegal voting and to
2455 report his or her findings to the local state attorney and the
2456 Office of Election Crimes and Security Florida Elections
2457 Commission.

2458 Section 41. Paragraph (c) is added to subsection (4) of
2459 section 105.031, Florida Statutes, to read:

2460 105.031 Qualification; filing fee; candidate's oath; items
2461 required to be filed.—

2462 (4) CANDIDATE'S OATH.—

2463 (c) In addition, each candidate for judicial office shall,
2464 at the time of subscribing to the oath or affirmation, state in



594-03953-23

2465 writing whether he or she owes any outstanding fines, fees, or
2466 penalties that cumulatively exceed \$250 for any violations of s.
2467 8, Art. II of the State Constitution, the Code of Ethics for
2468 Public Officers and Employees under part III of chapter 112, any
2469 local ethics ordinance governing standards of conduct and
2470 disclosure requirements, or chapter 106. If the candidate owes
2471 any outstanding fines, fees, or penalties exceeding the
2472 threshold amount specified in this paragraph, he or she must
2473 also specify the amount owed and each entity that levied such
2474 fine, fee, or penalty. For purposes of this paragraph, any such
2475 fines, fees, or penalties that have been paid in full at the
2476 time of subscribing to the oath or affirmation are not deemed to
2477 be outstanding.

2478 Section 42. Subsection (1) and paragraph (c) of subsection
2479 (8) of section 106.07, Florida Statutes, are amended to read:
2480 106.07 Reports; certification and filing.—

2481 (1) Each campaign treasurer designated by a candidate or
2482 political committee pursuant to s. 106.021 shall file regular
2483 reports of all contributions received, and all expenditures
2484 made, by or on behalf of such candidate or political committee.
2485 Except for the third calendar quarter immediately preceding a
2486 general election as provided in paragraphs (a) and (b), reports
2487 must ~~shall~~ be filed on the 10th day following the end of each
2488 calendar quarter ~~month~~ from the time the campaign treasurer is
2489 appointed, except that, if the 10th day following the end of a
2490 calendar quarter ~~month~~ occurs on a Saturday, Sunday, or legal
2491 holiday, the report must ~~shall~~ be filed on the next following
2492 day that is not a Saturday, Sunday, or legal holiday. Quarterly
2493 Monthly reports must ~~shall~~ include all contributions received



880856

594-03953-23

2494 and expenditures made during the calendar quarter ~~month~~ which
2495 have not otherwise been reported pursuant to this section.

2496 (a) A statewide candidate or a political committee required
2497 to file reports with the division must file reports:

2498 1. On the 60th day immediately preceding the primary
2499 election, and each week thereafter, with the last weekly report
2500 being filed on the 4th day immediately preceding the general
2501 election.

2502 2. On the 10th day immediately preceding the general
2503 election, and each day thereafter, with the last daily report
2504 being filed the 5th day immediately preceding the general
2505 election.

2506 (b) Any other candidate or a political committee required
2507 to file reports with a filing officer other than the division
2508 must file reports on the 60th day immediately preceding the
2509 primary election, and biweekly on each Friday thereafter through
2510 and including the 4th day immediately preceding the general
2511 election, with additional reports due on the 25th and 11th days
2512 before the primary election and the general election.

2513 (c) Following the last day of qualifying for office, any
2514 unopposed candidate need only file a report within 90 days after
2515 the date such candidate became unopposed. Such report shall
2516 contain all previously unreported contributions and expenditures
2517 as required by this section and shall reflect disposition of
2518 funds as required by s. 106.141.

2519 (d)1. When a special election is called to fill a vacancy
2520 in office, all political committees making contributions or
2521 expenditures to influence the results of such special election
2522 or the preceding special primary election shall file campaign



880856

594-03953-23

2523 treasurers' reports with the filing officer on the dates set by
2524 the Department of State pursuant to s. 100.111.

2525 2. When an election is called for an issue to appear on the
2526 ballot at a time when no candidates are scheduled to appear on
2527 the ballot, all political committees making contributions or
2528 expenditures in support of or in opposition to such issue shall
2529 file reports on the 18th and 4th days before such election.

2530 (e) The filing officer shall provide each candidate with a
2531 schedule designating the beginning and end of reporting periods
2532 as well as the corresponding designated due dates.

2533 (f) A county, a municipality, or any other local
2534 governmental entity is expressly preempted from enacting or
2535 adopting a reporting schedule that differs from the requirements
2536 established in this subsection.

2537 (8)

2538 (c) Any candidate or chair of a political committee may
2539 appeal or dispute the fine, based upon, but not limited to,
2540 unusual circumstances surrounding the failure to file on the
2541 designated due date, and may request and shall be entitled to a
2542 hearing before the Florida Elections Commission, which shall
2543 have the authority to waive the fine in whole or in part. The
2544 Florida Elections Commission must consider the mitigating and
2545 aggravating circumstances contained in s. 106.265(3) ~~or~~
2546 ~~106.265(2)~~ when determining the amount of a fine, if any, to be
2547 waived. Any such request shall be made within 20 days after
2548 receipt of the notice of payment due. In such case, the
2549 candidate or chair of the political committee shall, within the
2550 20-day period, notify the filing officer in writing of his or
2551 her intention to bring the matter before the commission.



880856

594-03953-23

2552 Section 43. Paragraph (c) of subsection (7) of section
2553 106.0702, Florida Statutes, is amended to read:

2554 106.0702 Reporting; political party executive committee
2555 candidates.—

2556 (7)

2557 (c) A reporting individual may appeal or dispute the fine,
2558 based upon, but not limited to, unusual circumstances
2559 surrounding the failure to file on the designated due date, and
2560 may request and is entitled to a hearing before the Florida
2561 Elections Commission, which has the authority to waive the fine
2562 in whole or in part. The Florida Elections Commission must
2563 consider the mitigating and aggravating circumstances contained
2564 in s. 106.265(3) ~~s. 106.265(2)~~ when determining the amount of a
2565 fine, if any, to be waived. Any such request shall be made
2566 within 20 days after receipt of the notice of payment due. In
2567 such case, the reporting individual must, within 20 days after
2568 receipt of the notice, notify the supervisor in writing of his
2569 or her intention to bring the matter before the commission.

2570 Section 44. Paragraph (a) of subsection (1) and paragraph
2571 (c) of subsection (7) of section 106.0703, Florida Statutes, are
2572 amended to read:

2573 106.0703 Electioneering communications organizations;
2574 reporting requirements; certification and filing; penalties.—

2575 (1) (a) Each electioneering communications organization
2576 shall file regular reports of all contributions received and all
2577 expenditures made by or on behalf of the organization. Except
2578 for the third calendar quarter immediately preceding a general
2579 election as provided in paragraphs (b) and (c), reports must be
2580 filed on the 10th day following the end of each calendar quarter



880856

594-03953-23

2581 ~~month~~ from the time the organization is registered. However, if
2582 the 10th day following the end of a calendar quarter ~~month~~
2583 occurs on a Saturday, Sunday, or legal holiday, the report must
2584 be filed on the next following day that is not a Saturday,
2585 Sunday, or legal holiday. Quarterly ~~Monthly~~ reports must include
2586 all contributions received and expenditures made during the
2587 calendar quarter ~~month~~ that have not otherwise been reported
2588 pursuant to this section.

2589 (7)

2590 (c) The treasurer of an electioneering communications
2591 organization may appeal or dispute the fine, based upon, but not
2592 limited to, unusual circumstances surrounding the failure to
2593 file on the designated due date, and may request and shall be
2594 entitled to a hearing before the Florida Elections Commission,
2595 which shall have the authority to waive the fine in whole or in
2596 part. The Florida Elections Commission must consider the
2597 mitigating and aggravating circumstances contained in s.
2598 106.265(3) ~~s. 106.265(2)~~ when determining the amount of a fine,
2599 if any, to be waived. Any such request shall be made within 20
2600 days after receipt of the notice of payment due. In such case,
2601 the treasurer of the electioneering communications organization
2602 shall, within the 20-day period, notify the filing officer in
2603 writing of his or her intention to bring the matter before the
2604 commission.

2605 Section 45. Paragraph (b) of subsection (2) of section
2606 106.08, Florida Statutes, is amended to read:

2607 106.08 Contributions; limitations on.—

2608 (2)

2609 (b) A candidate for statewide office may not accept



880856

594-03953-23

2610 contributions from national, state, or county executive
2611 committees of a political party, including any subordinate
2612 committee of the political party, or affiliated party
2613 committees, which contributions in the aggregate exceed
2614 \$250,000. Polling services, research services, costs for
2615 campaign staff, professional consulting services, ~~and~~ telephone
2616 calls, and text messages are not contributions to be counted
2617 toward the contribution limits of paragraph (a) or this
2618 paragraph. Any item not expressly identified in this paragraph
2619 as nonallocable is a contribution in an amount equal to the fair
2620 market value of the item and must be counted as allocable toward
2621 the contribution limits of paragraph (a) or this paragraph.
2622 Nonallocable, in-kind contributions must be reported by the
2623 candidate under s. 106.07 and by the political party or
2624 affiliated party committee under s. 106.29.

2625 Section 46. Section 106.1436, Florida Statutes, is created
2626 to read:

2627 106.1436 Voter guide; disclaimers; violations.-

2628 (1) As used in this section, the term "voter guide" means
2629 direct mail that is either an electioneering communication or a
2630 political advertisement sent for the purpose of advocating for
2631 or endorsing particular issues or candidates by recommending
2632 specific electoral choices to the voter or by indicating issue
2633 or candidate selections on an unofficial ballot. The term does
2634 not apply to direct mail or publications made by governmental
2635 entities or government officials in their official capacity.

2636 (2) A person may not, directly or indirectly, represent
2637 that a voter guide is an official publication of a political
2638 party unless such person is given written permission pursuant to



880856

594-03953-23

2639 s. 103.081.

2640 (3) A voter guide circulated before, or on the day of, an
2641 election must, in bold font with a font size of at least 12
2642 point, prominently:

2643 (a) Display the following disclaimer at the top of the
2644 first page of the voter guide:

2645 1. If the voter guide is an electioneering communication,
2646 the disclaimer required under s. 106.1439; or

2647 2. If the voter guide is a political advertisement, the
2648 disclaimer required under s. 106.143.

2649 (b) Be marked "Voter Guide" with such text appearing
2650 immediately below the disclaimer required in paragraph (a).

2651 (4) (a) In addition to any other penalties provided by law,
2652 a person who fails to comply with this section commits a
2653 misdemeanor of the first degree, punishable as provided in s.
2654 775.082 or by a fine of not less than \$25 for each individual
2655 voter guide distributed.

2656 (b) Any fine imposed pursuant to paragraph (a) may not
2657 exceed \$2,500 in the aggregate in any calendar month.

2658 Section 47. Present subsections (2) through (6) of section
2659 106.265, Florida Statutes, are redesignated as subsections (3)
2660 through (7), respectively, subsection (1) of that section is
2661 amended, and a new subsection (2) is added to that section, to
2662 read:

2663 106.265 Civil penalties.-

2664 (1)(a) The commission or, in cases referred to the Division
2665 of Administrative Hearings pursuant to s. 106.25(5), the
2666 administrative law judge is authorized upon the finding of a
2667 violation of this chapter or chapter 104 to impose civil



880856

594-03953-23

2668 penalties in the form of fines not to exceed ~~\$2,500~~ ~~\$1,000~~ per
2669 count. The fine must be multiplied by a factor of 3, not to
2670 exceed \$7,500, for each subsequent count of the same category,
2671 beginning with the fourth offense.~~or,~~

2672 (b) If applicable, the commission or the administrative law
2673 judge may instead ~~to~~ impose a civil penalty as provided in s.
2674 104.271 or s. 106.19.

2675 (2) A fine imposed against a political committee jointly
2676 and severally attaches to the chair of the political committee,
2677 the treasurer of the political committee, and any other person
2678 with control over the political committee. Collection of the
2679 fine from individuals may occur only if the political committee
2680 does not pay the fine within 30 days.

2681 Section 48. Paragraph (e) of subsection (4) of section
2682 322.142, Florida Statutes, is amended to read:

2683 322.142 Color photographic or digital imaged licenses.—

2684 (4) The department may maintain a film negative or print
2685 file. The department shall maintain a record of the digital
2686 image and signature of the licensees, together with other data
2687 required by the department for identification and retrieval.
2688 Reproductions from the file or digital record are exempt from
2689 the provisions of s. 119.07(1) and may be made and issued only:

2690 (e) To the Department of State or a supervisor of elections
2691 pursuant to an interagency agreement to facilitate
2692 determinations of eligibility of voter registration applicants
2693 and registered voters in accordance with ss. 98.045 and 98.075;

2694 Section 49. This act shall take effect July 1, 2023.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 7050

INTRODUCER: Fiscal Policy Committee

SUBJECT: Elections

DATE: April 24, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>		EE Submitted as Committee Bill
2.	<u>Biehl</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7050 makes the following changes to election laws:

- Enhances an existing requirement for signature matching training and requires the Department of State to promulgate related rules.
- Revises registration requirements, procedures, deadlines, prohibitions, and fines for third-party voter registration organizations.
- Requires additional information to be included on voter information cards.
- Revises processes to be used by supervisors of elections and the Department of State in voter registration list maintenance activities and enhances information other governmental entities must provide for that purpose.
- Reenacts a public records exemption for certain voter registration information received from another state or the District of Columbia.
- Clarifies and modernizes requirements for providing voter signature update information and for the process of signature verification.
- Updates and enhances requirements for post-election reports.
- Creates a new candidate disclosure requirement for certain outstanding fines and fees.
- Prescribes requirements for use of a candidate nickname on a ballot.
- Specifies how candidates with the same surname running for the same office in a general election may be distinguished on the ballot.
- Clarifies costs that supervisors of elections may charge for verification of signatures on petitions.

- Modernizes notice requirements by authorizing notice to be made on specified websites instead of in a local newspaper.
- Modernizes requirements for precinct boundary data maintained by supervisors.
- Clarifies situations in which a provisional ballot must be voted.
- Implements some of the recommendations from the Department of State’s vote-by-mail report.
- Clarifies the number of alternate members to be appointed to county canvassing boards.
- Modifies timeframes for meetings of the Elections Canvassing Commission, submission of returns by county canvassing boards, and certification of presidential electors.
- Requires submission of specified information for presidential electors, revises qualifications for presidential electors, and addresses “faithless electors.”
- Allows state committeemen and state committeewomen to prequalify.
- Clarifies the existing felony for casting more than one ballot.
- Revises required frequency for campaign finance reports and preempts local governments from enacting reporting schedules that differ from those provided in statute.
- Adds text messages to the types of services and costs that do not constitute contributions that count toward specified limits.
- Creates new framework regulating use of voter guides.
- Adjust fines that may be imposed and the collection of fines for violations of specified election laws.

The bill takes effect July 1, 2023.

II. Present Situation:

Please see “Effect of Proposed Changes.”

III. Effect of Proposed Changes:

Voter Signature Matching Training (Section 1)

Present Situation

Applicants registering to vote in Florida must provide their signature as part of their voter registration application, which then becomes part of the voter registration record.¹ Thereafter, voters can update their signatures by using a voter registration application and submitting it to a voter registration official.²

Current law requires the Secretary of State to provide formal signature matching training to supervisors of elections (supervisors) and county canvassing board members.³ Canvassing boards may count vote-by-mail and provisional ballots only if the signature on the voter’s certificate or in the cure affidavit matches the elector’s signature in the registration books or precinct register.⁴

¹ Section 97.052(2)(q), F.S.

² Section 98.077(1), F.S.

³ Section 97.012(17), F.S.

⁴ See ss. 101.048(2)(b) and 101.68, F.S.

Effect of Proposed Changes

The bill specifies that the signature matching training provided by the Secretary of State is mandatory and that any person whose duties require verification of signatures must undergo the training.

The bill also requires the Department of State (department) to adopt rules governing signature matching procedures and training.

Disclaimer on Voter Registration Application (Section 2)

Present Situation

Current law prescribes information that must be included on the uniform statewide voter registration application, including, but not limited to, a statement informing the applicant that if the application is being collected by a third-party voter registration organization, the organization might not deliver the application in less than 14 days or before the next ensuing election.⁵

Effect of Proposed Changes

The bill revises 14 days to 10 to conform to substantive changes made to third-party voter registration organizations in Section 4 of the bill.

Third-Party Voter Registration Organizations (Section 4)

Present Situation

A third-party voter registration organization is any person, entity, or organization soliciting or collecting voter registration applications, but does not include:

- A person who seeks only to register to vote or collect a voter registration application from that person's spouse, child, or parent; or
- A person engaged in registering to vote or collecting voter registration applications as an employee or agent of the Division of Elections (division), supervisor, Department of Highway Safety and Motor Vehicles, or a voter registration agency^{6,7}

Before engaging in any voter registration activities, an organization must register and provide to the division specified information related to the organization's officers, the organization's registered agent, and each registration agent registering persons to vote on behalf of the organization.⁸ The registration of an organization does not automatically expire at any point; the organization must affirmatively request cancellation.

An organization that collects voter registration applications must deliver each application to the division or the supervisor of elections in the county in which the applicant resides within 14 days

⁵ Section 97.052(3)(g), F.S.

⁶ A voter registration agency is any office that provides public assistance, any office that serves persons with disabilities, any center for independent living, or any public library (s. 97.021(44), F.S.).

⁷ Section 97.021(40), F.S.

⁸ Section 97.0575(1), F.S.

after the application was completed by the applicant, but not after registration closes for the next ensuing election.⁹ If an organization fails to meet the deadline, it is liable for the following fines:

- \$50 for each application delivered to the division or supervisor more than 14 days after it was submitted to the organization, and \$250 for each such application if the organization or person acting on its behalf acted willfully.
- \$100 for each application delivered to the division or supervisor after the book-closing deadline, and \$500 for each such application if the organization or person acting on its behalf acted willfully.
- \$500 for each application not delivered at all, and \$1,000 for each such application if the organization or person acting on its behalf acted willfully.¹⁰

The aggregate fine which may be assessed against an organization, including affiliate organizations, for violations committed in a calendar year is \$50,000.

If a person collecting applications on behalf of an organization alters an application without the applicant's knowledge and consent and is criminally convicted, the organization is liable for a fine in the amount of \$1,000 for each application altered.¹¹

Effect of Proposed Changes

The bill provides that beginning January 1, 2025, organizations must register for each specific general election cycle for which the organization will engage in voter registration activities. The registration of an organization will automatically expire at the end of each general election cycle for which it registers.

The remainder of the changes in this bill section will take effect 90 days after the department provides notice of the requirements to registered organizations.¹²

The bill requires an organization to affirm that each person collecting or handling voter registrations on its behalf:

- Has not been convicted of a felony violation of the Election Code or of a specified felony related to identity theft; and
- Is a citizen of the United States.

The bill provides that an organization is liable for a fine of \$50,000 for each person convicted of a disqualifying felony or noncitizen who collects or handles voter registration applications on the organization's behalf.

The bill creates a new requirement that organizations provide a receipt to each applicant upon accepting the application. The bill requires the division to adopt by rule by October 1, 2023, a

⁹ Section 97.0575(3)(a), F.S.

¹⁰ *Id.*

¹¹ Section 97.0575(4), F.S.

¹² Section 97.0575(8), F.S., currently provides, "The requirements of this section are retroactive for any third-party voter registration organization registered with the department on the effective date of this act, and must be complied with within 90 days after the department provides notice to the third-party voter registration organization of the requirements contained in this section." This bill replaces "the effective date of this act" with "July 1, 2023."

uniform format for the receipt that must include, but need not be limited to, the name of the applicant, the date received, the name of the organization, the name of the registration agent, the applicant's political party affiliation, and the county in which the applicant resides.

The bill reduces the number of days an organization has to deliver an application to 10¹³ from 14.

The bill increases fines for late-delivered applications as follows:

- For each application delivered more than 10 days after it was submitted – to \$50 *per each day late*, up to a maximum of \$2,500, and to \$2,500 if the organization or person acting on its behalf acted willfully.
- For each application delivered after the book-closing deadline – to \$100 *per each day late*, up to a maximum of \$5,000, and to \$5,000 if the organization or person acting on its behalf acted willfully.
- For each application not delivered at all – to \$5,000 if the organization or person acting on its behalf acted willfully.

The bill increases the aggregate fine which may be assessed an organization, including affiliate organizations, for violations committed in a calendar year to \$250,000.

The bill provides that it is a third-degree felony for a person collecting applications on behalf of an organization to copy the application or retain personal information from the application for any reason other than to provide such application or information to the organization.

The bill creates a new prohibition against an organization mailing or otherwise providing an application upon which any information about an applicant has been filled in before it is provided to the applicant. The bill provides that an organization that violates this prohibition is liable for a \$50 fine for each such application.

Voter Information Cards (Sections 5 and 6)

Present Situation

Current law requires each supervisor to provide a voter information card with specified information to all registered voters in the supervisor's county.¹⁴ A supervisor must issue a new card in the case of a change of name, address of legal residence, polling place address, or party affiliation.¹⁵

Effect of Proposed Changes

The bill adds to the information that must be included on voter information cards:

- A link to the supervisor's website to provide the most current polling place locations; and
- A specified statement that the card is proof of registration but is not legal verification of eligibility to vote.

¹³ A federal district court order in 2012 specified that 10 is the minimum number of days the Legislature may allow third-party voter registration organizations to deliver voter registration applications (*League of Women Voters of Florida v. Browning*, 863 F.Supp.2d 1155, United States District Court, N.D. Florida).

¹⁴ Section 97.071(1), F.S.

¹⁵ Section 97.071(3), F.S.

The bill also clarifies that a supervisor does not have to issue a new card if a temporary change is made to a polling location due to a state of emergency.

The bill specifies that its changes to requirements for voter information cards only apply to cards issued on or after July 1, 2023.

Voter Address List Maintenance (Sections 7 and 8)

Present Situation

Current law requires each supervisor to conduct an address registration list maintenance program (program) to ensure accurate and current voter registration records.¹⁶ Each program must be conducted, at a minimum, once each year and must be completed no later than 90 days prior to the date of any federal election,¹⁷ as required by the National Voter Registration Act. Specifically, a supervisor must incorporate one or more of the following procedures in an annual list maintenance program:

- Use change-of-address information supplied by the United States Postal Service (U.S.P.S.) through its licensees to identify registered voters whose addresses might have changed. Additionally, in odd-numbered years (unless using the second option below), the supervisor must identify change-of-address information from returned nonforwardable return-if-undeliverable address confirmation requests mailed to all voters who have not voted in the preceding two election cycles and who have not requested a registration update during that time.
- Identify change-of-address information from returned nonforwardable return-if-undeliverable mail sent to all registered voters in the county.

Address confirmation requests sent pursuant to the first list maintenance option must be addressed to the voter's address of legal residence. If a request is returned as undeliverable, any other notification must be sent to the voter's mailing address on file. In addition, a voter must respond to an address confirmation request within 30 days.

If a supervisor fails to conduct required list maintenance activities, the department must conduct the activities.

Current law also requires the department to promulgate forms for the following forms used in address list maintenance processes:

- Address confirmation requests.
- Address change notices.
- Address confirmation final notices.¹⁸

¹⁶ Section 98.065(1), F.S.

¹⁷ Section 98.065(4), F.S.

¹⁸ Section 98.0655, F.S.

Effect of Proposed Changes

The bill:

- Deletes the requirement that address confirmation requests be first sent to the voter's address of legal residence.
- Requires each annual list maintenance program to begin by April 1.
- Deletes the requirement that voters respond to an address confirmation request within 30 days.
- Requires each supervisor to conduct at least an annual review of voter registration records to identify any in which a voter may be registered at an address that may not be a legal residential address for the voter, and initiate list maintenance for such records.
- Provides that if a supervisor does not conduct required address list maintenance activities, the department must coordinate with the supervisor instead of taking over the activities.

Registration Records Maintenance Activities; Ineligibility Determinations (Sections 9 and 48)

Present Situation

In addition to address list maintenance procedures conducted by the supervisors, current law requires the department to engage in list maintenance activities to ensure the maintenance of accurate and current voter registration records.¹⁹ The specified list maintenance activities address duplicate registrations, deceased persons, persons adjudicated mentally incapacitated, persons convicted of a felony, persons who do not meet the age requirement for voting, persons who are not U.S. citizens, and persons who have listed a residence that is not their legal residence. Current law also prescribes procedures for removing such persons from the voter rolls.

Supervisors must certify to the department the list of maintenance and ineligibility activities conducted every six months. If the department determines a supervisor has not satisfied statutory requirements, the department must satisfy the requirements for that county.²⁰

Current law authorizes the department to obtain driver license data from the Department of Highway Safety and Motor Vehicles pursuant to an interagency agreement to facilitate determinations of ineligibility of voter registration applicants and registered voters.²¹

Current law also provides a public records exemption for confidential voter registration information from another state or the District of Columbia that is received by the department pursuant to its participation in a multi-state program to exchange information for the purpose of verifying voter registration information.²² The exemption is scheduled to repeal on October 2, 2023, pursuant to the Open Government Sunset Review Act, unless reenacted by the Legislature.

¹⁹ Section 98.075(1), F.S.

²⁰ Section 98.075(8)(a), F.S.

²¹ Section 322.142(4)(e), F.S.

²² Section 98.075(2)(c), F.S.

Effect of Proposed Changes

The bill:

- Authorizes the department to identify deceased voters using information from just one of the following entities, instead of from all three as is required by current law – the Department of Health, U.S. Social Security Administration, or Department of Highway Safety and Motor Vehicles.
- Creates a deadline of 7 days for a supervisor to remove the name of a deceased voter from the voter registration system, and adds Department of Highway Safety and Motor Vehicles information to the types of information upon which removal can be based.
- Requires supervisors to coordinate with clerks of court to identify voters convicted of a felony during the preceding week.
- Creates a deadline of 14 days for a supervisor to publish public notice after receiving a returned mailed notice, and adds publication of notice on the county's or the supervisor's website as an alternative to publication in a newspaper.
- Specifies additional information to be included in required notices.
- Creates deadlines for supervisors to make determinations of eligibility and to remove voters from the voter registration system.
- Removes the requirement for the department to take over list maintenance requirements if a supervisor does not complete them and instead requires the department to coordinate with the supervisor to ensure completion of the activities.
- Deletes the repeal date of the public records exemption for certain voter registration information received from other states or the District of Columbia, thereby reenacting the exemption.

The bill also adds supervisors to the entities authorized to get driver license data for purposes of verifying applicant and voter eligibility.

Update of Voter Signature (Section 10)

Present Situation

Current law prescribes the following requirements for information that must be provided to voters on how to update a signature:

- The department and supervisors must include signature update information in specified correspondence sent to voters.
- At least once during each general election year, a supervisor must publish in a local newspaper specified signature update information.²³

Current law also specifies the following provisions regarding use of voter signature for verification:

- All signature updates for use in verifying vote-by-mail (VBM) and provisional ballots must be received by the supervisor before the VBM ballot is received or the provisional ballot is cast.
- The signature on file at the time the VBM ballot is received or the provisional ballot is cast is the signature that must be used for verification.

²³ Section 98.077(2)-(3), F.S.

Effect of Proposed Changes

The bill revises requirement for provision of signature update information by:

- Removing the department from the requirement to include specified information in certain correspondence sent to voters.
- Specifying that the notice a supervisor must publish each general election year must occur before the presidential preference primary or the primary election, whichever occurs first.
- Authorizing a supervisor to publish signature update information on the county's website or the supervisor's website instead of in a local newspaper.

The bill revises requirements for use of voter signature for verification by:

- Specifying that they apply to voter signatures on petitions in addition to those on VBM or provisional ballot voter certificates.
- Authorizing older signatures from previous registration updates to be used for voter signatures requiring secondary or tertiary review.

Duty of Governmental Entities to Provide Information to Department and Supervisors (Section 11)

Present Situation

Current law requires specified governmental entities to provide information to the department on persons who may not be included in the voter rolls due to death, adjudication of mental incapacity, felony conviction, or lack of U.S. citizenship.²⁴ Specifically, the law requires, in part:

- The Department of Health to furnish monthly to the department a list containing the name, address, date of birth, date of death, social security number, race, and sex of each deceased person 17 years of age or older.
- Each clerk of court to furnish monthly to the department specified information on persons adjudicated mentally incapacitated with respect to voting, persons whose mental capacity with respect to voting has been restored, persons who have returned signed jury notices indicating a change of address, and terms of sentence and personal information of persons convicted of a felony.
- The Department of Law Enforcement to identify persons who have been convicted of a felony who appear in the voter registration records supplied by the statewide voter registration system, in a time and manner that enables the department to meet its obligations under state and federal law.
- The Florida Commission on Offender Review to furnish at least bimonthly to the department specified data on persons granted clemency or any updates to prior records.
- The Department of Corrections to identify persons convicted of a felony and committed to its custody or placed on community supervision and provide the information to the department in a time and manner that enables the department to meet its obligations under state and federal law.
- The Department of Highway Safety to furnish monthly to the department a list of persons who have been licensed in another state and a list of and specified information related to

²⁴ Section 98.093, F.S.

persons who presented evidence of non-U.S. citizenship upon being issued a new or renewed Florida driver license or identification card.

Effect of Proposed Changes

The bill makes the following changes to information reporting requirements for specified governmental entities:

- Standardizes frequency of reporting to weekly for the Department of Health, clerks of court, Department of Law Enforcement, Florida Commission on Offender Review, Department of Corrections, and Department of Highway Safety and Motor Vehicles.
- Where current law requires provision of a person's social security number, clarifies that only the last four digits of the number are required.
- Requires clerks to report information to the supervisors in addition to the department.
- Specifies the required information clerks must report for each person adjudicated mentally incapacitated.
- Requires the Department of Highway Safety and Motor Vehicles to provide additional information for persons who have been licensed in another state and creates a new requirement that the Department of Highway Safety and Motor Vehicles provide specified information about persons it has received indication are deceased.

Election Reports (Section 12)

Present Situation

Current law requires the department and supervisors to submit specified post-election reports, which include, but are not limited to:

- Voting history and statewide voter registration information – Within 30 days after certification of election results, supervisors must submit to the department updated voting history information for each qualified voter who voted. The department must then compile and submit required information to the Legislature no later than 45 days after certification of the election results.
- Precinct-level election results – Within 30 days after certification of election results, supervisors must submit to the department precinct-level election results. The department must make the reported information available on a searchable database.
- Precinct-level book closing statistics – For specified elections, after the date of book closing but before the date of the election, the department must compile specified precinct-level statistical data for each county.²⁵

Effect of Proposed Changes

The bill revises reporting requirements for voting history and statewide voter registration information by:

- Creating a new report for reconciliation of total ballots cast in each precinct to the total number of voters with voter history and the precinct-level election results.

²⁵ Section 98.0981, F.S.

- Requiring voter history to include the unique identifier assigned to each qualified voter in the statewide voter registration system, each qualified voter's unique precinct identifier at the time of voting, and specifics of voting history.
- Creating a new report for the geographical information system map of precinct boundaries.
- Requiring each supervisor to submit the above-specified reports to the department no later than 20 days after certification of election results.

The bill revises information the department must report to the Legislature by:

- Requiring inclusion of both voting history and the precinct boundaries the bill requires the supervisors to report.
- Specifying additional elected office districts that must be included for each voter.
- Extending the deadline by which the report must be submitted to 60 from 45 days after certification of election results.

The bill revises reporting requirements for precinct-level election results by:

- Reducing to 10 from 30 the number of days after certification of election results within which supervisors must report required information to the department.
- Requiring a supervisor to research and address any questions or issues identified by the department pertaining to the results. If the originally changed information is changed or correct, the supervisor must provide an amended report no later than 10 business days after the request from the department.
- Creating a deadline of 60 days after certification of election results for the department to make the information publicly available in a website specifically rather than in a "database."

The bill revises the precinct-level book closing statistics report by:

- Revising the deadline to no later than 10 days after book closing.
- Defining "unique precinct identifier number."

Candidate Oaths/Disclosures (Sections 13 and 41)

Present Situation

Each candidate for office must take and subscribe to in writing a specified oath or affirmation regarding his or her eligibility to run for the office.²⁶

In addition, each candidate for an office other than judicial or school board office must, at the time of subscribing to the oath or affirmation, also state in writing certain information about his or her party or no-party affiliation.²⁷

²⁶ Sections 99.021(1)(a) and 105.031(4), F.S.

²⁷ Section 99.021(1)(b) and (c), F.S.

Effect of Proposed Changes

The bill additionally requires each candidate to, at the time of subscribing to the oath or affirmation, state in writing:

- Whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed \$250 for any violations of state or local ethics laws or of state campaign financing laws, and, if so;
- The amount owed and each entity that levied such fine, fee, or penalty.

The new requirement applies to candidates for all offices.

Candidate Names on Ballot (Sections 14 and 21)***Present Situation***

Current law requires each candidate to print in the written oath or affirmation his or her name as he or she wishes it to appear on the ballot.²⁸ It does not prescribe a framework for use of a candidate nickname.

Current law provides that when two or more candidates running for the same office on a primary election ballot have the same or a similar surname, the word “incumbent” shall appear next to the incumbent’s name.

Effect of Proposed Changes

The bill creates requirements for use of a candidate nickname on a ballot.

The bill also specifies that “incumbent” shall appear next to the incumbent’s name in *any* election in which two or more candidates running for the same office have the same or a similar surname.

Cost for Verification of Signatures on Petitions (Section 15)***Present Situation***

Current law requires voter signatures on petitions to be verified by supervisors and specifies the cost per signature that the supervisor shall be paid.²⁹

Effect of Proposed Changes

The bill clarifies that supervisors are entitled to 10 cents or the actual cost, whichever is less, for each signature checked for a local issue, and that for statewide issues each supervisor may charge the actual cost.

²⁸ Sections 99.021(1)(a) and 105.031(4)(b), F.S.

²⁹ Sections 99.067 and 100.371, F.S.

Publication of Notice (Sections 16, 17, 18, 22, 30, 31, and 34)

Present Situation

The Election Code requires notice of specified events to be made in a local newspaper of general circulation, including notice of:

- A general election.³⁰
- A special election to fill any vacancy in office.³¹
- Any special election or referendum.³²
- The time and place of testing automatic tabulating equipment.³³
- Polling place locations.³⁴
- An election rescheduled due to emergency.³⁵
- County canvassing board members and meetings.³⁶

Effect of Proposed Changes

The bill modernizes and conforms the Election Code's notice requirements by authorizing publication to be made on the county's website, the municipality's website, or the supervisor's website, as applicable, in lieu of publication in a local newspaper.

Precinct Boundary Data (Section 19)

Present Situation

Current law requires supervisors to maintain specified data related to precincts and districts. In part, supervisors must maintain a map showing major features and district boundaries in the county and must report to the department data on all precincts in the county associated with the most recent decennial census blocks within each precinct.³⁷

Within 10 days after any change in the division, number, or boundaries of precincts, or the location of polling places, a supervisor must write an accurate description of any new or altered precincts and identify the location of each new or altered polling place.³⁸

Data maintained by supervisors is used in each redistricting cycle.

Effect of Proposed Changes

The bill:

- Requires supervisors to maintain precinct and district maps in geographical information system format.

³⁰ Section 100.021, F.S.

³¹ Section 100.141(3), F.S.

³² Section 100.342, F.S.

³³ Section 101.5612(2), F.S.

³⁴ Section 101.71(2), F.S.

³⁵ Section 101.733(2), F.S.

³⁶ Section 102.141(2)(b), F.S.

³⁷ Section 101.001(3), F.S.

³⁸ Section 101.001(4)(a), F.S.

- Deletes requirements relating to use of census blocks.
- Removes specified “visible features” and boundaries from the types of boundaries that may be used as a precinct boundary.

Provisional Ballots (Section 20)

Present Situation

Current law entitles the following persons to vote a provisional ballot:

- A voter claiming to be properly registered in the state and eligible to vote at the precinct in the election but whose eligibility cannot be determined.
- A person whom an election official asserts is not eligible.
- Other persons as specified in the Election Code.³⁹

Effect of Proposed Change

The bill specifies that the category of “a person whom an election official asserts is not eligible” includes a person to whom notice of eligibility review has been sent but for whom a final determination of eligibility has not been made.

Requests for and Delivery of Vote-by-Mail Ballots (Section 24)

Present Situation

Florida law allows an elector to request a VBM ballot to be used in lieu of voting at the polls during early voting or on Election Day. An elector does not need to provide a reason for a VBM ballot request.

An elector can request a VBM ballot in person, in writing, or by telephone.⁴⁰ In addition, if directly instructed by the elector, a request for a VBM ballot can be made by a member of the elector’s immediate family⁴¹ or the elector’s legal guardian. The person making the request must disclose:

- The name of the elector for whom the ballot is requested.
- The elector’s address.
- The elector’s date of birth.
- The elector’s Florida driver license number, Florida identification card number, or last four digits of the elector’s social security number, whichever may be verified in the supervisor’s records.
- The requester’s name.
- The requester’s address.
- The requester’s driver license number, identification number, or last four digits of the requester’s social security number, if available.
- The requester’s relationship to the elector.
- The requester’s signature, if the request is made in writing.⁴²

³⁹ Section 101.048, F.S.

⁴⁰ Sections 101.62(1)(a)-(b), F.S.

⁴¹ “Immediate family” is defined to mean a spouse, parent, child, grandparent, or sibling (s. 101.62(4)(c)4., F.S.).

⁴² Section 101.62(1)(b), F.S.

If an elector requests a VBM ballot to be sent to an address not on file in the Florida Voter Registration System, the request must be made in writing and signed by the elector, unless the elector is an absent uniformed service voter or overseas voter.⁴³

A request for a VBM ballot may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

A request for a VBM ballot to be mailed to a voter must be received by the supervisor no later than 5 p.m. on the 10th day before the election. The supervisor shall mail VBM ballots to voters requesting ballots by such deadline no later than 8 days before the election.

Generally, VBM ballots must be mailed via nonforwardable, return-if-undeliverable mail. Overseas and military voters are allowed to get VBM ballots via forwardable mail.⁴⁴

Effect of Proposed Changes

The bill:

- Clarifies that the only persons from whom a supervisor may accept a VBM ballot request are the voter or his or her immediate family member or legal guardian, and that VBM requests may be made through a supervisor's website.
- Requires the division to, by October 1, 2023, prescribe a statewide uniform application form to request a VBM ballot.
- Clarifies that supervisors must verify the personal identifying number in a VBM ballot request against their records and/or the Department of Highway Safety and Motor Vehicles, and must add the number to the voter's registration record if not already included.
- Requires, instead of authorizes, a VBM ballot request to be canceled when any first-class mail is returned as undeliverable, and requires the voter to provide or confirm his or her current residential address if he or she requests a VBM ballot in the future.
- Moves back by two days each the deadlines for mailing of a VBM ballot (to no later than 10 days before the election and for submitting a VBM ballot request (to 5 p.m. on the 12th day before the election).
- Requires VBM ballot mailing envelopes to be clearly marked "Do Not Forward."

Picking Up a VBM Ballot in Person (Section 24)

Present Situation

Current law authorizes in-person provision of a VBM ballot:

- To the requesting voter, upon presentation of identification, up to 7 p.m. on Election Day.
- To the designee of the requesting voter, if specified requirements are met, on Election Day or up to 9 days before the day of the election.

However, a VBM ballot may be provided in person on Election Day only if there is an emergency to the extent that the voter will be unable to go to his or her assigned polling place,

⁴³ Section 101.62(1)(b), F.S.

⁴⁴ Section 101.62(4)(c), F.S.

in which case the voter or his or her designee must execute an affidavit affirming to the facts which allow for provision of the VBM ballot.⁴⁵

Effect of Proposed Changes

The bill adds mandatory early voting days to the time period during which a voter must affirm that he or she has an emergency such that he or she is unable to go to an early voting location or to his or her assigned polling place on election day.

VBM Ballots of Persons Undergoing Eligibility Review (Section 25)

Present Situation

Current law requires each supervisor to safely keep in his or her office any envelopes received containing marked ballots of absent electors.⁴⁶

Effect of Proposed Changes

The bill requires each supervisor to segregate any VBM ballots received from persons undergoing eligibility review and to treat them as provisional ballots for individual review by the county canvassing board.

The bill also requires each supervisor to attempt to contact each voter in the same manner as if he or she had voted a provisional ballot.

Canvassing of VBM Ballots (Section 26)

Present Situation

Generally, the county canvassing board decides how to handle outlier situations in which, for example, VBM ballots are returned in the wrong envelope or multiple ballots are returned in one envelope.

Effect of Proposed Changes

The bill specifies that if two or more VBM ballots are returned in one mailing envelope for the same election, none shall be counted.

Special Requirements for Certain First-Time Voters (Sections 27 and 28)

Present Situation

Current law requires first-time Florida voters who registered by mail and have never been issued a current and valid Florida driver license, Florida identification card, or social security number to include a copy of a specified form of identification with a returned vote-by-mail ballot, unless a federally mandated exception applies.⁴⁷

⁴⁵ Section 101.62(4)(c)3.-5., F.S.

⁴⁶ Section 101.67(1), F.S.

⁴⁷ Sections 97.0535, F.S.

Current law also specifies vote-by-mail ballot instructions for these certain first-time voters.⁴⁸

If such a special VBM ballot has a signature deficiency, it may be cured until 7 p.m. on Election Day.⁴⁹

Effect of Proposed Changes

The bill extends the cure period for a signature deficiency until 5 p.m. on the 2nd day after the election to conform the timeframe to that for other VBM ballots.

The bill also conforms vote-by-mail ballot instructions accordingly.

Meeting Time of Elections Canvassing Commission (Section 32)

Present Situation

Current law specifies that the Elections Canvassing Commission shall meet at 9 a.m. on the 9th day after a primary election and at 9 a.m. on the 14th day after a general election to certify the results of the election for each federal, state, and multicounty office.⁵⁰

Effect of Proposed Changes

The bill moves up the meeting time for both meetings of the commission to 8 a.m.

County Canvassing Boards (Sections 33 and 34)

Present Situation

Current law provides that a county canvassing board is composed of the supervisor, a county court judge, and the chair of the board of county commissioners. Alternate canvassing board members may be appointed pursuant to statutory specifications.⁵¹ The exact number of allowable alternates is not specified.

Current law also specifies deadlines for submission of county returns by county canvassing boards.⁵² Further, at the same time that the official results of an election are certified to the department, the county canvassing board must file a report with the division on the conduct of the election that includes specified information.⁵³

Effect of Proposed Changes

The bill:

- Clarifies that at least two alternate canvassing board members shall be appointed and that any alternate may serve in any seat.
- Extends the deadline for submission of county returns to the department by half a day.

⁴⁸ Section 101.6923, F.S.

⁴⁹ Section 101.6925, F.S.

⁵⁰ Section 102.111(2), F.S.

⁵¹ Section 102.141(1), F.S.

⁵² Section 102.112(2), F.S.

⁵³ Section 102.141(10), F.S.

- Provides that supervisors, instead of county canvassing boards, shall certify official results to the department; specifies a deadline; and revises a reporting requirement for ballot printing errors.

Presidential Electors and Write-In Candidates for President (Sections 35 and 36)

Present Situation

Current law specifies timeframes for certification of presidential electors and requires each presidential elector to be a qualified elector of the party he or she represents.⁵⁴

Current law also provides requirements for write-in candidates for President and Vice President.⁵⁵

Effect of Proposed Changes

The bill:

- Moves up certification deadlines.
- Requires presidential electors to be registered Florida voters and requires political parties to provide voter registration numbers and contact information for their electors.
- Requires write-in candidates for President and Vice President to provide the Florida voter registration number and contact information for each presidential elector and requires each presidential elector to be a qualified registered voter of the state.

The bill also addresses “faithless electors” by specifying that a presidential elector’s refusal or failure to vote for the candidates for President and Vice President of the party the presidential elector was nominated to represent constitutes a resignation of the position, that his or her vote may not be recorded, and that his or her position as a presidential elector must be filled as provided by law.

Prequalifying of State Committeemen and Committeewomen (Section 37)

Present Situation

Current law provides that electors seeking to qualify for the office of state committeeman or state committeewoman must qualify with the department or supervisor between the 71st and 67nd days preceding the primary election.⁵⁶

Candidates are subject to the same timeframe, but may submit their qualifying papers 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.⁵⁷

⁵⁴ Section 103.021, F.S.

⁵⁵ Section 103.022, F.S.

⁵⁶ Section 103.091(4), F.S.

⁵⁷ Section 99.061(8), F.S.

Effect of Proposed Changes

The bill allows state committeemen and state committeewomen to submit qualifying papers during the 14 days prior to the qualifying period.

Voting a Fraudulent Ballot (Section 38)***Present Situation***

Current law makes it a third-degree felony for a person to knowingly vote or attempt to vote a fraudulent ballot.⁵⁸

Effect of Proposed Changes

The bill specifies that a person who is undergoing eligibility review and who votes a provisional ballot or VBM ballot before a final determination of eligibility is made is not subject to the criminal penalty.

Casting More Than One Ballot (Section 39)***Present Situation***

Current law provides that it is a third-degree felony to willfully vote more than one ballot at any election.⁵⁹

Effect of Proposed Changes

The bill defines “votes more than one ballot at any election” and authorizes prosecution of the violation to proceed in any county in which one of the ballots was willfully cast.

Reporting of Fraudulent Registrations and Illegal Voting (Section 40)***Present Situation***

Current law provides that supervisors are authorized to investigate fraudulent registrations and illegal voting and report findings to the local state attorney and the Florida Elections Commission.⁶⁰

Effect of Proposed Changes

The bill substitutes the Office of Election Crimes and Security for the Florida Elections Commission.

⁵⁸ Section 104.16, F.S.

⁵⁹ Section 104.18, F.S.

⁶⁰ Section 104.42(1), F.S.

Campaign Finance Reports (Sections 42 and 44)

Present Situation

Current law requires submission of the following reports by statewide candidates and political committees that file campaign finance reports with the division:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends).
- Weekly contribution and expenditure reports beginning on the 60th day before the primary, with the last weekly report due on the 4th day before the general election.
- Daily contribution reports beginning on the 10th day before the general election, with the last report due on the 5th day before the general election.⁶¹

Current law requires submission of the following reports by electioneering communications organizations that filed campaign finance reports with the division:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends).
- Weekly contribution and expenditure reports beginning on the 60th day before the primary, with the last weekly report due on the 4th day before the general election.
- Daily contribution reports beginning on the 10th day before the general election through the 5th day before the general election, and the 3rd day of the general election with the last report due on the day before the general election.⁶²

All daily reports required above must contain contributions received, but not expenditures made.

Current law requires submission of the following reports by all non-statewide candidates, regardless of the candidate's filing officer, and political committees or electioneering communications organizations that file reports with a supervisor or a municipal clerk:

- Monthly contribution and expenditure reports until the 60th day before the primary (7 days after qualifying ends).
- Biweekly contribution and expenditure reports during the 60th-32nd days before the primary, and the 74th-32nd days before the general election.
- Weekly contribution and expenditure reports beginning on the 32nd day before the primary and general elections, with the last weekly report due on the 4th day before the primary and general elections.⁶³

Effect of Proposed Changes

The bill:

- Reduces required reporting frequency from monthly to quarterly until qualifying, at which time the current reporting requirements resume.
- Preempts local governments from enacting a reporting schedule that differs from that provided in statute.

⁶¹ Section 106.07(1)(a), F.S.

⁶² Section 106.0703(1)(a)-(b), F.S.

⁶³ Sections 106.07(1)(b) and 106.0703(1)(c), F.S.

Campaign Contributions/Text Messages (Section 45)

Present Situation

Current law provides that a candidate may not accept contributions from a county executive committee of a political party whose contributions in the aggregate exceed \$50,000, or from the national or state executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, whose contributions in the aggregate exceed \$50,000.⁶⁴ A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of the political party, or affiliated party committees, which contributions in the aggregate exceed \$250,000.⁶⁵

Polling services, research services, costs for campaign staff, professional consulting services, and telephone calls are not contributions to be counted toward the above contribution limits.

Effect of Proposed Changes

The bill adds text messages to the list of services and costs that do not constitute contributions that count toward the specified contribution limits.

Voter Guides (Section 46)

Present Situation

Current law defines and provides requirements, including disclaimers, for political advertisements⁶⁶ and electioneering communications⁶⁷.⁶⁸ It does not address voter guides.

Effect of Proposed Changes

The bill creates new requirements for voter guides, defined to mean direct mail that is either an electioneering communication or a political advertisement sent for the purpose of advocating for or endorsing particular issues or candidates by recommending specific electoral choices to the voter or by indicating issue or candidate selections on an unofficial ballot.

⁶⁴ Section 106.08(2)(a), F.S.

⁶⁵ Section 106.08(2)(b), F.S.

⁶⁶ "Political advertisement" means a paid expression in a prescribed communications medium, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue. However, the term does not include: (a) A statement by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, in support of or in opposition to a candidate or issue, in that organization's newsletter, which newsletter is distributed only to the members of that organization; or (b) Editorial endorsements by a newspaper, a radio or television station, or any other recognized news medium. Section 106.011(15), F.S.

⁶⁷ "Electioneering communication" means a text message or communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone which: 1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; 2. Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and 3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected. Section 106.011(8)(a), F.S. The statutory definition also excludes specified types of communications from the definition.

⁶⁸ Chapter 106, F.S.

The bill specifies a required disclaimer for voter guides and prohibits a person from representing that a voter guide is an official publication of a political party unless such person is given specified written permission.

Fines for Election Law Violations (Section 47)

Present Situation

Current law provides for fines to be automatically assessed against political committees for late-filing of required reports.⁶⁹ Current law also provides for almost 100 additional, separate violations in ch. 106, F.S., as well as numerous violations in ch. 104, F.S.

The Florida Elections Commission or an administrative law judge may impose a fine or up to \$1,000 per count for a violation of ch. 104 or 106, F.S.

Current law does not authorize increased fines for repeat offenders.

Effect of Proposed Changes

The bill provides that a fine imposed against a political committee for a violation of ch. 106, F.S., jointly and severally attaches to the chair of the political committee, the treasurer of the political committee, and any other person with control over the political committee. However, collection from these individuals may occur only if the political committee does not pay the fine within 30 days.

The bill also increases to \$2,500 the allowable fine per count that may be imposed by the Florida Elections Commission or an administrative law judge for violations of ch. 104 or 106, F.S. The bill provides for a 3x fine multiplier, not to exceed \$7,500, after a person commits three counts of the same category of offense.

Conforming Cross-References (Sections 3, 23, 29, and 43)

The bill conforms statutory cross-references to substantive changes made by the bill.

Effective Date (Section 49)

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Not applicable. Bills that affect state or local elections are exempt from the requirements of Art. VII, section 18 of the Florida Constitution.

⁶⁹ Section 106.07(8)(a), F.S.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

Increasing the amount of fines that may be assessed against a third-party voter registration organization will financially impact those organizations that fail to comply with statutory requirements.

Increasing fines for certain election law violations will financially impact persons who fail to comply with statutory requirements.

C. Government Sector Impact:

The following provisions of the bill may have a fiscal or workload impact on supervisors:

- The addition of new content on voter information cards.
- Revisions to list maintenance processes and requirements.
- Modernization of requirements for precinct boundary data collection and maintenance.
- The requirement that “Do Not Forward” be printed on VBM mailing envelopes.

Authorizing certain notices to be published on specified websites instead of in newspapers may reduce costs to supervisors.

The increased frequency and required information for reporting of information to the department or supervisors for use in list maintenance activities may increase workload and costs of reporting governmental entities.

Prohibiting the counting of two or more VBM ballots for the same election that are returned in one mailing envelope may reduce the workload of county canvassing boards by an insignificant amount.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 97.012, 97.022, 97.0535, 97.057, 97.0575, 97.071, 98.065, 98.0655, 98.075, 98.077, 98.093, 98.0981, 99.021, 99.097, 100.342, 101.001, 101.048, 101.151, 101.6103, 101.62, 101.657, 101.68, 101.6921, 101.6923, 101.6925, 101.694, 102.111, 102.112, 102.141, 103.021, 103.022, 103.091, 104.18, 104.42, 104.47, 106.07, 106.0702, 106.0703, 106.08, 106.1436, and 106.265.

This bill creates the following section of the Florida Statutes: 99.0215.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

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

CS by Fiscal Policy on April 20, 2023:

- Deletes from the original bill provisions clarifying the authority of the Office of Election Crimes and Security and the duties of the statewide prosecutor; requiring all new voters who have never been issued a specified identification or social security number to vote in person the first time; revising discretionary early voting days; and creating a criminal penalty for threats and harassment of election workers.
- Revises the original bill’s third-party voter registration organization provisions to clarify effective dates; eliminate an exception to the reregistration requirement for political parties; revise the maximum aggregate annual fine; and add a prohibition against voter registration application collecting or handling by a person convicted of certain felonies or by a noncitizen.
- Revises the original bill’s list maintenance requirements to instead remove a current-law requirement that address confirmation requests be first sent to the voter’s address of legal residence; require each annual list maintenance program to begin by April 1; and delete a current-law requirement that voters respond to an address confirmation request within 30 days.
- Clarifies the definition of “voting more than one ballot;” the number of alternate canvassing board members; provisions governing voting by persons undergoing eligibility review; that a voter may request a VBM ballot through a supervisor’s website; that the new disclosure requirement for certain unpaid fines applies to judicial candidates; and that collection of certain fines imposed on political

committees may occur against officers of the committee only if the committee fails to pay.

- Modernizes and conforms required notice provisions throughout the Election Code by authorizing publication on specified websites in lieu of in a local newspaper.
- Authorizes supervisors to obtain driver license data for the purpose of verifying applicant or voter eligibility.
- Addresses “faithless” presidential electors.

B. Amendments:

None.

By the Committee on Ethics and Elections

582-03551-23

20237050__

1 A bill to be entitled
 2 An act relating to elections; amending s. 97.012,
 3 F.S.; requiring the Secretary of State to provide
 4 mandatory formal signature matching training to
 5 specified persons; requiring the Department of State
 6 to adopt specified rules; amending s. 97.022, F.S.;
 7 authorizing the Office of Election Crimes and Security
 8 to review complaints and conduct preliminary
 9 investigations relating to any alleged election
 10 irregularity involving the Florida Election Code;
 11 authorizing the office to make referrals to specified
 12 entities based on the findings of its reviews and
 13 investigations; requiring the statewide prosecutor to
 14 promptly investigate complaints and undertake any
 15 related criminal actions; requiring the Office of the
 16 Statewide Prosecutor to report to the Office of
 17 Election Crimes and Security the result of any
 18 investigation, action taken, and final disposition;
 19 providing construction; amending s. 97.0535, F.S.;
 20 requiring first-time applicants registering to vote in
 21 this state to comply with specified identification
 22 requirements; requiring voter registration officials
 23 to issue a certain notice to applicants under
 24 specified conditions; requiring certain applicants who
 25 register to vote for the first time in this state to
 26 vote in person; providing exceptions; conforming
 27 provisions to changes made by the act; amending s.
 28 97.057, F.S.; conforming a cross-reference; amending
 29 s. 97.0575, F.S.; requiring third-party voter

Page 1 of 98

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582-03551-23

20237050__

30 registration organizations to inform the Division of
 31 Elections as to the general election cycle for which
 32 they are registering persons to vote; providing
 33 applicability; providing that the registration of such
 34 organizations expires at the conclusion of the
 35 organizations' lawful responsibilities following such
 36 election cycle; providing applicability; requiring
 37 such organizations to provide applicants with a
 38 specified receipt; requiring the division to adopt a
 39 certain rule; revising the timeframe within which such
 40 organizations must deliver applications to the
 41 division or the supervisor of elections in each
 42 county; revising the fines for failure to submit
 43 applications to the division or the supervisor within
 44 the specified timeframe; prohibiting a person
 45 collecting applications on behalf of a third-party
 46 voter registration organization from copying specified
 47 information from the application for reasons other
 48 than complying with specified requirements; providing
 49 criminal penalties; prohibiting organizations from
 50 providing prefilled voter registration applications to
 51 applicants; providing for civil penalties; amending s.
 52 97.071, F.S.; revising the contents of voter
 53 information cards; providing construction; amending s.
 54 98.065, F.S.; revising the frequency of and the
 55 procedures a supervisor must incorporate as part of
 56 his or her registration list maintenance program;
 57 requiring a supervisor to record all list maintenance
 58 actions in the statewide voter registration system;

Page 2 of 98

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582-03551-23

20237050__

59 requiring the supervisor to send an address
 60 confirmation request if the supervisor receives
 61 certain change of address information; requiring the
 62 supervisor to place a voter's name on the inactive
 63 list if certain information is received; revising a
 64 provision that required address confirmation final
 65 notices be sent to all addresses on file for a voter;
 66 revising the actions an inactive voter may take to
 67 have his or her name restored to the active voter
 68 list; revising the criteria that would allow an
 69 inactive voter to be removed from the voter
 70 registration system; prohibiting list maintenance
 71 programs from being initiated within a specified
 72 timeframe; requiring supervisors to conduct periodic
 73 reviews of voter registration records to identify
 74 illegal residential addresses; requiring supervisors
 75 to initiate list maintenance under certain conditions;
 76 requiring supervisors to certify to the Department of
 77 State, by specified dates, that address list
 78 maintenance activities were conducted; requiring the
 79 department to coordinate with supervisors to ensure
 80 that the appropriate list maintenance activities are
 81 conducted; amending s. 98.0655, F.S.; revising the
 82 registration list maintenance forms and the address
 83 confirmation requests prescribed by the department for
 84 use by supervisors; revising the locations to which an
 85 address confirmation request must be mailed; requiring
 86 that the request be sent by forwardable mail and
 87 include a postage prepaid, preaddressed return form

Page 3 of 98

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582-03551-23

20237050__

88 and a specified statement; requiring the voter to
 89 respond and provide certain information within a
 90 specified timeframe; requiring confirmation of the
 91 voter's address of legal residence before the voter
 92 may vote in an election; conforming provisions to
 93 changes made by the act; amending s. 98.075, F.S.;
 94 deleting the scheduled repeal of a public records
 95 exemption for certain voter registration information
 96 from another state or the District of Columbia;
 97 requiring the supervisor to remove the name of a
 98 registered voter from the statewide voter registration
 99 system within a specified timeframe if certain
 100 conditions exist; requiring the supervisor to
 101 coordinate with his or her respective clerk of the
 102 court to obtain information of those registered voters
 103 convicted of a felony who have not had their voting
 104 rights restored; requiring a supervisor to adhere to
 105 specified procedures before the removal of a
 106 registered voter from the statewide voter registration
 107 system; providing construction; revising the notice
 108 that the supervisor provides to a potentially
 109 ineligible voter to include that he or she may be
 110 required to vote using a provisional ballot until a
 111 final determination of eligibility is made;
 112 authorizing a supervisor to post a specified notice on
 113 the county's website or the supervisor's website;
 114 revising criteria for the notice; requiring the
 115 supervisor to make a final determination of the
 116 voter's eligibility within a specified timeframe and

Page 4 of 98

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582-03551-23

20237050__

117 remove the name of a registered voter within a
 118 specified timeframe if the registered voter fails to
 119 respond to certain notices; requiring the supervisor
 120 to immediately make a final determination of
 121 eligibility and remove the name of a registered voter
 122 if the voter responds and admits the accuracy of the
 123 information related to his or her ineligibility;
 124 requiring the supervisor to review evidence and make a
 125 determination of eligibility within a specified
 126 timeframe if the voter responds and denies the
 127 accuracy of the information related to his or her
 128 ineligibility; requiring the supervisor to remove an
 129 ineligible voter within a specified timeframe and
 130 notify the voter that he or she has the right to
 131 appeal the determination of ineligibility; requiring
 132 the supervisor to schedule and issue notice of a
 133 hearing within a specified timeframe after receiving
 134 the voter's hearing request; requiring that the
 135 hearing be held within a specified timeframe;
 136 requiring the department to coordinate with the
 137 supervisor to ensure that such actions and activities
 138 are conducted; conforming provisions to changes made
 139 by the act; amending s. 98.077, F.S.; deleting a
 140 reference to the department from a provision requiring
 141 correspondence to include certain information;
 142 requiring a supervisor to publish a specified notice
 143 in a newspaper, on the county's website, or on the
 144 supervisor's website; requiring that signature updates
 145 used to verify signatures on ballot certificates or

582-03551-23

20237050__

146 petitions be received by the supervisor before the
 147 voter's ballot is received, his or her provisional
 148 ballot is cast, or the petition is submitted for
 149 signature verification; requiring the supervisor to
 150 use the signature on file at the time the vote-by-mail
 151 ballot is received, the provisional ballot is cast, or
 152 the petition is reviewed; providing an exception;
 153 amending s. 98.093, F.S.; requiring the Department of
 154 Health to weekly furnish a specified list to the
 155 Department of State; requiring clerks of the circuit
 156 court to weekly furnish specified information to the
 157 supervisors; requiring the Department of Law
 158 Enforcement to identify and report specified persons
 159 to the Department of State on a weekly basis;
 160 requiring the Florida Commission on Offender Review to
 161 furnish data on clemency to the Department of State on
 162 a weekly basis; requiring the Department of
 163 Corrections to identify persons convicted of a felony
 164 and committed to its custody, and to provide such
 165 information to the Department of State, on a weekly
 166 basis; requiring the Department of Highway Safety and
 167 Motor Vehicles to provide specified information to the
 168 Department of State on a weekly basis; revising
 169 construction; making technical changes; amending s.
 170 98.0981, F.S.; requiring supervisors to submit
 171 specified reports to the department within a specified
 172 timeframe; requiring supervisors to prepare a
 173 reconciliation report and submit such report to the
 174 department; providing requirements for, and the

582-03551-23

20237050__

175 required format of, the report; revising the
 176 requirement that supervisors transmit to the
 177 department, in a specified format, the completely
 178 updated voting history information for each qualified
 179 voter who voted; defining the term "unique precinct
 180 identifier"; requiring supervisors to submit a
 181 specified geographical information system map to the
 182 department; requiring the department to submit a
 183 specified election summary report to the Legislature
 184 following the certification by the Elections
 185 Canvassing Commission of specified elections; deleting
 186 a provision detailing the file specifications;
 187 revising the timeframe for a supervisor to collect and
 188 submit to the department precinct-level election
 189 results after certification by the commission of
 190 specified elections; revising the procedures to
 191 compile such results; requiring the supervisor to
 192 research and address questions or issues identified by
 193 the department in such results; requiring submittal of
 194 amended precinct-level election results within a
 195 specified timeframe, if certain conditions exist;
 196 requiring the department to publish such results
 197 online within a specified timeframe; specifying
 198 requirements for the website; requiring that specified
 199 precinct-level statistical data contain unique
 200 precinct identifier numbers; requiring the department
 201 to adopt specified rules; amending s. 99.021, F.S.;
 202 revising the form of the candidate oath to require
 203 that candidates acknowledge certain outstanding fines,

582-03551-23

20237050__

204 fees, or penalties related to ethics or campaign
 205 finance violations; creating s. 99.0215, F.S.;
 206 requiring a candidate to specify in the candidate's
 207 oath the name he or she would like to have printed on
 208 the ballot, subject to specified conditions; requiring
 209 a candidate to file a specified affidavit
 210 simultaneously with the oath if the candidate wishes
 211 to use a nickname, which is subject to certain
 212 conditions; defining the term "political slogan";
 213 prohibiting the use of a professional title or degree
 214 except in specified circumstances; amending s. 99.097,
 215 F.S.; requiring the person or organization that
 216 submits signatures for a local or statewide issue to
 217 pay the supervisor in advance for checking the
 218 signatures; making technical changes; amending s.
 219 100.342, F.S.; specifying that the notice for a
 220 special election or referendum may be published on the
 221 county's website, the municipality's website, or the
 222 supervisor's website, as applicable; amending s.
 223 101.001, F.S.; revising requirements for specified
 224 maps maintained by supervisors of elections; deleting
 225 a provision requiring supervisors to provide the
 226 department certain data on precincts in the county;
 227 deleting a provision requiring the department to
 228 maintain a certain database; requiring supervisors of
 229 elections to include changes in the name of a precinct
 230 in a certain document; amending s. 101.048, F.S.;
 231 providing that specified persons are entitled to vote
 232 a provisional ballot; amending s. 101.151, F.S.;

582-03551-23

20237050__

233 requiring that on an election ballot, under specified
 234 conditions, the word "incumbent" appear next to a
 235 candidate's name; amending s. 101.6103, F.S.;
 236 conforming a cross-reference; making technical
 237 changes; amending s. 101.62, F.S.; specifying that a
 238 supervisor must accept requests for vote-by-mail
 239 ballots only from specified persons; requiring the
 240 department to adopt a specified rule; requiring a
 241 supervisor to cancel a request for a vote-by-mail
 242 ballot if certain mail sent by the supervisor to the
 243 voter is returned to the supervisor as undeliverable;
 244 requiring a voter who subsequently requests a vote-by-
 245 mail ballot to provide or confirm his or her current
 246 residential address; requiring the supervisor to add
 247 missing information to the voter's registration record
 248 if such information is provided in the vote-by-mail
 249 request; revising the definition of the term
 250 "immediate family"; deleting a provision requiring
 251 vote-by-mail ballot requests to be received by a
 252 specified time before the supervisor mails a vote-by-
 253 mail ballot; providing the deadline for submitting a
 254 vote-by-mail ballot request; revising the means a
 255 supervisor must use to send a vote-by-mail ballot to a
 256 voter; prohibiting a supervisor from personally
 257 delivering a vote-by-mail ballot to certain voters or
 258 delivering a vote-by-mail ballot to certain voter's
 259 designees during the mandatory early voting period or
 260 on election day, unless certain conditions exist;
 261 making technical changes; amending s. 101.657, F.S.;

Page 9 of 98

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582-03551-23

20237050__

262 revising when early voting may be offered by a
 263 supervisor; amending s. 101.68, F.S.; prohibiting
 264 vote-by-mail ballots from being counted if two or more
 265 ballots arrive in one mailing envelope; conforming
 266 provisions to changes made by the act; amending s.
 267 101.6921, F.S.; revising applicability; conforming
 268 provisions to changes made by the act; amending s.
 269 101.6923, F.S.; revising applicability; requiring that
 270 a specified statement be included in a vote-by-mail
 271 ballot provided to certain voters; conforming
 272 provisions to changes made by the act; amending s.
 273 101.6925, F.S.; revising the deadline for a voter to
 274 make specified information available to the supervisor
 275 before a vote-by-mail ballot can be canvassed;
 276 amending s. 101.694, F.S.; conforming a cross-
 277 reference; amending s. 102.111, F.S.; revising the
 278 time that the Elections Canvassing Commission meets to
 279 certify returns; amending s. 102.112, F.S.; revising
 280 the timeframe in which county returns are filed with
 281 the department; amending s. 102.141, F.S.; specifying
 282 the allowable number of certain alternate canvassing
 283 board members; requiring the supervisor to file a
 284 report with the Division of Elections within a
 285 specified timeframe; revising the requirements for the
 286 report; requiring the division to review the report
 287 and offer specified training to supervisors based on
 288 the report; requiring the department to submit an
 289 analysis of specified reports to the Governor and the
 290 Legislature by a specified date; amending s. 103.021,

Page 10 of 98

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582-03551-23

20237050__

291 F.S.; revising the timeframe within which a political
 292 party executive committee must submit its presidential
 293 electors to the Governor for nomination; requiring the
 294 state executive committee of each party to include the
 295 voter registration number and contact information of
 296 such electors; requiring that electors be qualified
 297 registered voters and members of the political party
 298 for which they are named as electors; specifying that
 299 a required oath be made in writing; revising the
 300 timeframe within which the Governor must certify the
 301 electors to the department; revising the timeframe
 302 within which a minor political party must submit its
 303 list of presidential electors to the department;
 304 amending s. 103.022, F.S.; requiring certain write-in
 305 candidates to file specified information with the
 306 department; amending s. 103.091, F.S.; allowing
 307 candidates for a state or county political party
 308 executive committee to submit qualifying papers within
 309 a specified timeframe before the qualifying period;
 310 amending s. 104.18, F.S.; authorizing that a
 311 prosecution for voting more than one ballot proceed in
 312 any jurisdiction in which a ballot was willfully cast;
 313 providing that it is not necessary to prove which
 314 ballot was cast first; defining the term "willfully
 315 votes more than one ballot at any election"; amending
 316 s. 104.42, F.S.; authorizing the supervisors to report
 317 his or her findings of specified investigations to the
 318 Office of Election Crimes and Security rather than the
 319 Florida Elections Commission; creating s. 104.47,

Page 11 of 98

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582-03551-23

20237050__

320 F.S.; defining the term "election worker"; prohibiting
 321 a person from intimidating, threatening, coercing,
 322 harassing, or attempting to intimidate, threaten,
 323 coerce, or harass an election worker with specified
 324 intent; providing criminal penalties; amending s.
 325 106.07, F.S.; revising reporting intervals for
 326 candidates and political committees from monthly to
 327 quarterly; preempting local governments from
 328 establishing reporting schedules that differ from
 329 those established in that section; conforming a cross
 330 reference; amending s. 106.0702, F.S.; conforming a
 331 cross-reference; amending s. 106.0703, F.S.; revising
 332 reporting intervals for electioneering communications
 333 organizations from monthly to quarterly; conforming a
 334 cross-reference; amending s. 106.08, F.S.; adding text
 335 messages to the items that do not constitute
 336 contributions to be counted toward contribution
 337 limits; creating s. 106.1436, F.S.; defining the term
 338 "voter guide"; prohibiting a person from representing
 339 that a voter guide is an official publication of a
 340 political party; providing an exception; providing
 341 disclosure requirements for such voter guides;
 342 providing criminal penalties and fines; amending s.
 343 106.265, F.S.; increasing the maximum civil fines that
 344 may be imposed for specified violations; providing
 345 that fines assessed against a political committee also
 346 attach jointly and severally to persons with control
 347 over the political committee; providing an effective
 348 date.

Page 12 of 98

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582-03551-23

20237050__

349
350 Be It Enacted by the Legislature of the State of Florida:

351
352 Section 1. Subsection (17) of section 97.012, Florida
353 Statutes, is amended to read:

354 97.012 Secretary of State as chief election officer.—The
355 Secretary of State is the chief election officer of the state,
356 and it is his or her responsibility to:

357 (17) Provide mandatory formal signature matching training
358 to supervisors of elections and county canvassing board members.
359 Any person whose duties require verification of signatures must
360 undergo signature matching training. The department shall adopt
361 rules governing signature matching procedures and training.

362 Section 2. Subsection (2) of section 97.022, Florida
363 Statutes, is amended to read:

364 97.022 Office of Election Crimes and Security; creation;
365 purpose and duties.—

366 (2) The office may review complaints and conduct
367 preliminary investigations into alleged violations of, or any
368 alleged election irregularity involving, the Florida Election
369 Code or any rule adopted pursuant thereto ~~and any election~~
370 ~~irregularities.~~

371 (a) Based on the findings of its reviews and
372 investigations, the office may make referrals for further legal
373 action to:

374 1. The Department of Law Enforcement, pursuant to s.
375 102.091;

376 2. The Office of Statewide Prosecution, pursuant to s.
377 16.56(1)(c); or

582-03551-23

20237050__

378 3. The state attorney with jurisdiction over the matter,
379 pursuant to s. 27.02.

380 (b) The statewide prosecutor receiving a complaint referred
381 by the office shall investigate the complaint promptly and
382 thoroughly, undertake any related criminal action as justified
383 by law, and report to the office the results of any such
384 investigation, any related action taken, and the final
385 disposition of the complaint. The failure or refusal of the
386 statewide prosecutor to prosecute or initiate action on a
387 complaint or referral by the office or the Department of Law
388 Enforcement does not bar further action by any other law
389 enforcement entity with jurisdiction. This section does not
390 limit the jurisdiction of any other unit of government from
391 exercising its statutory or constitutional authority in the
392 investigation or prosecution of alleged violations of the law.

393 Section 3. Section 97.0535, Florida Statutes, is amended to
394 read:

395 97.0535 Special requirements for certain first-time
396 applicants and voters ~~certain applicants.~~—

397 (1) Each applicant who registers for the first time in this
398 state, by mail and who has never previously voted in this the
399 state, and who the department has verified has not been issued a
400 social security number, a current and valid Florida driver
401 license, or a Florida identification card must, ~~or social~~
402 ~~security number shall be required to~~ provide a copy of a current
403 and valid identification, as provided in paragraph (c) or
404 paragraph (d), as applicable ~~subsection (3),~~ or indicate that he
405 or she is exempt pursuant to paragraph (e) from the
406 identification requirements ~~prior to voting.~~ Such identification

582-03551-23

20237050__

407 or indication must ~~may~~ be provided at the time of registering,
 408 or at any time before ~~prior to~~ voting for the first time in this
 409 ~~the~~ state.

410 (a) If the voter registration application clearly provides
 411 information from which a voter registration official can
 412 determine that the applicant meets at least one of the
 413 exemptions in paragraph (e) ~~subsection (4)~~, the voter
 414 registration official must ~~shall~~ make the notation on the
 415 registration records of the statewide voter registration system
 416 and the applicant may ~~shall~~ not be required to provide the
 417 identification required by this section.

418 (b)(2) If the voter registration application does not
 419 provide information from which a voter registration official can
 420 determine that the applicant is exempt from the identification
 421 requirements of this section, the voter registration official
 422 must shall, upon accepting the voter registration application
 423 submitted pursuant to subsection (1), determine if the applicant
 424 provided the required identification at the time of registering.
 425 If the required identification was not provided, the supervisor
 426 shall notify the applicant that he or she must provide the
 427 identification before ~~prior to~~ voting the first time in this ~~the~~
 428 state or otherwise vote provisionally.

429 (c)(3)(a) The following forms of identification are shall
 430 ~~be~~ considered current and valid if they contain the name and
 431 photograph of the applicant and have not expired:

- 432 1. United States passport.
- 433 2. Debit or credit card.
- 434 3. Military identification.
- 435 4. Student identification.

Page 15 of 98

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582-03551-23

20237050__

- 436 5. Retirement center identification.
- 437 6. Neighborhood association identification.
- 438 7. Public assistance identification.
- 439 8. Veteran health identification card issued by the United
 440 States Department of Veterans Affairs.
- 441 9. A license to carry a concealed weapon or firearm issued
 442 pursuant to s. 790.06.
- 443 10. Employee identification card issued by any branch,
 444 department, agency, or entity of the Federal Government, the
 445 state, a county, or a municipality.
- 446 (d)(b) The following forms of identification are shall be
 447 considered current and valid if they contain the name and
 448 current residence address of the applicant:
 - 449 1. Utility bill.
 - 450 2. Bank statement.
 - 451 3. Government check.
 - 452 4. Paycheck.
 - 453 5. Other government document (excluding a voter information
 454 identification card).
- 455 (e)(4) The following persons are exempt from the
 456 identification requirements of this section:
 - 457 1. (a) Persons 65 years of age or older.
 - 458 2. (b) Persons with a temporary or permanent physical
 459 disability.
 - 460 3. (c) Members of the uniformed service on active duty who,
 461 by reason of such active duty, are absent from the county on
 462 election day.
 - 463 4. (d) Members of the Merchant Marine who, by reason of
 464 service in the Merchant Marine, are absent from the county on

Page 16 of 98

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582-03551-23 20237050__

465 election day.

466 5.(e) The spouse or dependent of a member referred to in
 467 subparagraph 3. or subparagraph 4. paragraph (c) or paragraph
 468 ~~(d)~~ who, by reason of the active duty or service of the member,
 469 is absent from the county on election day.

470 6.(f) Persons currently residing outside the United States
 471 who are eligible to vote in Florida.

472 (2) Each applicant who registers for the first time in this
 473 state, who has not previously voted in this state, and who the
 474 department has verified has not been issued a social security
 475 number, a current and valid Florida driver license, or a current
 476 and valid Florida identification card is required to vote in
 477 person the first time the person votes in this state. This
 478 subsection does not apply in the case of a registered voter if
 479 any of the following applies:

480 (a) The registered voter is entitled to vote by absentee
 481 ballot under the federal Uniformed and Overseas Citizens
 482 Absentee Voting Act, Pub. L. No. 99-410.

483 (b) The registered voter is provided the right to vote
 484 otherwise than in person under the Voting Accessibility for the
 485 Elderly and Handicapped Act, 52 U.S.C. s. 20102(b)(2)(B)(ii).

486 (c) The registered voter is entitled to vote otherwise than
 487 in person under any other federal law.

488 Section 4. Subsection (13) of section 97.057, Florida
 489 Statutes, is amended to read:

490 97.057 Voter registration by the Department of Highway
 491 Safety and Motor Vehicles.—

492 (13) The Department of Highway Safety and Motor Vehicles
 493 must assist the Department of State in regularly identifying

582-03551-23 20237050__

494 changes in residence address on the driver license or
 495 identification card of a voter. The Department of State must
 496 report each such change to the appropriate supervisor of
 497 elections who must change the voter's registration records in
 498 accordance with s. 98.065(4) ~~s. 98.065(5)~~.

499 Section 5. Section 97.0575, Florida Statutes, is amended to
 500 read:

501 97.0575 Third-party voter registration organizations
 502 registrations.—

503 (1) Before engaging in any voter registration activities, a
 504 third-party voter registration organization must register and
 505 provide to the division, in an electronic format, the following
 506 information:

507 (a) The names of the officers of the organization and the
 508 name and permanent address of the organization.

509 (b) The name and address of the organization's registered
 510 agent in the state.

511 (c) The names, permanent addresses, and temporary
 512 addresses, if any, of each registration agent registering
 513 persons to vote in this state on behalf of the organization.
 514 This paragraph does not apply to persons who only solicit
 515 applications and do not collect or handle voter registration
 516 applications.

517 (d) The specific general election cycle for which the
 518 third-party voter registration organization is registering
 519 persons to vote. This paragraph does not apply to third-party
 520 voter registration organizations that are a state or local
 521 subsidiary of a registered political party.

522 (2) The registration of a third-party voter registration

582-03551-23 20237050__

523 organization automatically expires at the conclusion of the
 524 specific general election cycle for which the third-party voter
 525 registration organization is registered. This subsection does
 526 not apply to third-party voter registration organizations that
 527 are a state or local subsidiary of a registered political party.

528 (3) The division or the supervisor of elections shall make
 529 voter registration forms available to third-party voter
 530 registration organizations. All such forms must contain
 531 information identifying the organization to which the forms are
 532 provided. The division shall maintain a database of all third-
 533 party voter registration organizations and the voter
 534 registration forms assigned to the third-party voter
 535 registration organization. Each supervisor of elections shall
 536 provide to the division information on voter registration forms
 537 assigned to and received from third-party voter registration
 538 organizations. The information must be provided in a format and
 539 at times as required by the division by rule. The division shall
 540 ~~must~~ update information on third-party voter registrations daily
 541 and make the information publicly available.

542 (4) A third-party voter registration organization that
 543 collects voter registration applications must provide a receipt
 544 to each applicant upon accepting possession of the application.
 545 The division shall adopt by rule a uniform format for the
 546 receipt. The format must include, but need not be limited to,
 547 the name of the applicant, the date received, the name of the
 548 third-party voter registration organization, the name of the
 549 registration agent, the applicant's political party affiliation,
 550 and the county in which the applicant resides.

551 (5) (a) ~~(3)~~ (a) A third-party voter registration organization

582-03551-23 20237050__

552 that collects voter registration applications serves as a
 553 fiduciary to the applicant and must ensure, ~~ensuring~~ that any
 554 voter registration application entrusted to the organization,
 555 irrespective of party affiliation, race, ethnicity, or gender,
 556 ~~is must be~~ promptly delivered to the division or the supervisor
 557 of elections in the county in which the applicant resides within
 558 10 14 days after the application ~~is was~~ completed by the
 559 applicant, but not after registration closes for the next
 560 ensuing election. If a voter registration application collected
 561 by any third-party voter registration organization is not
 562 promptly delivered to the division or supervisor of elections in
 563 the county in which the applicant resides, the third-party voter
 564 registration organization is liable for the following fines:

565 1. A fine in the amount of \$50 per each day late, up to
 566 \$2,500, for each application received by the division or the
 567 supervisor of elections in the county in which the applicant
 568 resides more than 10 14 days after the applicant delivered the
 569 completed voter registration application to the third-party
 570 voter registration organization or any person, entity, or agent
 571 acting on its behalf. A fine in the amount of \$2,500 ~~\$250~~ for
 572 each application received if the third-party voter registration
 573 organization or person, entity, or agency acting on its behalf
 574 acted willfully.

575 2. A fine in the amount of \$100 per each day late, up to
 576 \$5,000, for each application collected by a third-party voter
 577 registration organization or any person, entity, or agent acting
 578 on its behalf, before book closing for any given election for
 579 federal or state office and received by the division or the
 580 supervisor of elections in the county in which the applicant

582-03551-23 20237050__
 581 resides after the book-closing deadline for such election. A
 582 fine in the amount of \$5,000 ~~\$500~~ for each application received
 583 if the third-party voter registration organization or any
 584 person, entity, or agency acting on its behalf acted willfully.

585 3. A fine in the amount of \$500 for each application
 586 collected by a third-party voter registration organization or
 587 any person, entity, or agent acting on its behalf, which is not
 588 submitted to the division or supervisor of elections in the
 589 county in which the applicant resides. A fine in the amount of
 590 \$5,000 ~~\$1,000~~ for any application not submitted if the third-
 591 party voter registration organization or person, entity, or
 592 agency acting on its behalf acted willfully.

593
 594 The aggregate fine which may be assessed pursuant to this
 595 paragraph ~~which may be assessed~~ against a third-party voter
 596 registration organization, including affiliate organizations,
 597 for violations committed in a calendar year is \$100,000 ~~\$50,000~~.

598 (b) A showing by the third-party voter registration
 599 organization that the failure to deliver the voter registration
 600 application within the required timeframe is based upon force
 601 majeure or impossibility of performance shall be an affirmative
 602 defense to a violation of this subsection. The secretary may
 603 waive the fines described in this subsection upon a showing that
 604 the failure to deliver the voter registration application
 605 promptly is based upon force majeure or impossibility of
 606 performance.

607 (6) ~~(4)~~ If a person collecting voter registration
 608 applications on behalf of a third-party voter registration
 609 organization alters the voter registration application of any

582-03551-23 20237050__
 610 other person, without the other person's knowledge and consent,
 611 in violation of s. 104.012(4) and is subsequently convicted of
 612 such offense, the applicable third-party voter registration
 613 organization is liable for a fine in the amount of \$5,000 ~~\$1,000~~
 614 for each application altered.

615 (7) If a person collecting voter registration applications
 616 on behalf of a third-party voter registration organization
 617 copies the voter's application or retains such personal
 618 information as the voter's Florida driver license number,
 619 Florida identification card number, social security number, or
 620 signature for any reason other than to provide such application
 621 or information to the third-party voter registration
 622 organization, as necessary for the sole purpose of compliance
 623 with this section, the person commits a felony of the third
 624 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 625 775.084.

626 (8) ~~(5)~~ If the Secretary of State reasonably believes that a
 627 person has committed a violation of this section, the secretary
 628 may refer the matter to the Attorney General for enforcement.
 629 The Attorney General may institute a civil action for a
 630 violation of this section or to prevent a violation of this
 631 section. An action for relief may include a permanent or
 632 temporary injunction, a restraining order, or any other
 633 appropriate order.

634 (9) ~~(6)~~ The division shall adopt by rule a form to elicit
 635 specific information concerning the facts and circumstances from
 636 a person who claims to have been registered to vote by a third-
 637 party voter registration organization but who does not appear as
 638 an active voter on the voter registration rolls. The division

582-03551-23

20237050__

639 shall also adopt rules to ensure the integrity of the
640 registration process, including controls to ensure that all
641 completed forms are promptly delivered to the division or a
642 supervisor in the county in which the applicant resides.

643 ~~(10)(7)~~ The date on which an applicant signs a voter
644 registration application is presumed to be the date on which the
645 third-party voter registration organization received or
646 collected the voter registration application.

647 ~~(11)(8)~~ The requirements of this section are retroactive
648 for any third-party voter registration organization registered
649 with the department on the effective date of this act, and must
650 be complied with within 90 days after the department provides
651 notice to the third-party voter registration organization of the
652 requirements contained in this section. Failure of the third-
653 party voter registration organization to comply with the
654 requirements within 90 days after receipt of the notice shall
655 automatically result in the cancellation of the third-party
656 voter registration organization's registration.

657 (12) A third-party voter registration organization may not
658 mail or otherwise provide a voter registration application upon
659 which any information about an applicant has been filled in
660 before it is provided to the applicant. A third-party voter
661 registration organization that violates this section is liable
662 for a fine in the amount of \$50 for each such application.

663 Section 6. Subsections (1) and (3) of section 97.071,
664 Florida Statutes, are amended to read:

665 97.071 Voter information card.—

666 (1) A voter information card must ~~shall~~ be furnished by the
667 supervisor to all registered voters residing in the supervisor's

Page 23 of 98

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582-03551-23

20237050__

668 county. The card must contain:

669 (a) Voter's registration number.

670 (b) Date of registration.

671 (c) Full name.

672 (d) Party affiliation.

673 (e) Date of birth.

674 (f) Address of legal residence.

675 (g) Precinct number.

676 (h) Polling place address and a link to the supervisor's
677 website to provide the most current polling place locations.

678 (i) Name of supervisor and contact information of
679 supervisor.

680 (j) The following statement: "This card is for information
681 purposes only. This card is proof of registration but is not
682 legal verification of the eligibility to vote. It is the
683 responsibility of a voter to keep his or her eligibility status
684 current."

685 (k) Other information deemed necessary by the supervisor.

686 (3) In the case of a change of name, address of legal
687 residence, polling place address, or party affiliation, the
688 supervisor shall issue the voter a new voter information card. A
689 temporary change made to a polling location pursuant to ss.
690 101.71 and 101.74 does not require the issuance of a new voter
691 information card.

692 Section 7. Subsections (2) through (7) of section 98.065,
693 Florida Statutes, are amended to read:

694 98.065 Registration list maintenance programs.—

695 (2) A supervisor must incorporate ~~one or more of~~ the
696 following procedures in the supervisor's annual registration

Page 24 of 98

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582-03551-23

20237050__

697 list maintenance program under which the supervisor shall:

698 (a) Use change-of-address information supplied by the

699 United States Postal Service through its licensees or as may be

700 provided through the Department of State, and change of address

701 information from any official election mailing, to identify

702 registered voters whose addresses might have changed.

703 ~~Additionally, in odd-numbered years, unless the supervisor is~~

704 ~~conducting the procedure specified in paragraph (b), the~~

705 ~~supervisor must identify change-of-address information from~~

706 ~~returned nonforwardable return-if-undeliverable address~~

707 ~~confirmation requests mailed to all registered voters who have~~

708 ~~not voted in the preceding two general elections or any~~

709 ~~intervening election and who have not made a request that their~~

710 ~~registration records be updated during that time; or~~

711 (b) In an odd-numbered year, identify change-of-address

712 information from returned nonforwardable return-if-undeliverable

713 mail sent to all registered voters in the county or identify

714 change-of-address information from returned nonforwardable

715 return-if-undeliverable address confirmation final notices

716 mailed to all registered voters who have not voted in the two

717 preceding general elections or in any intervening election and

718 who have not requested that their registration records be

719 updated or confirmed, including their current address, or

720 through voter activities, such as requesting a vote-by-mail

721 ballot or signing a candidate or state or local petition during

722 that time.

723 (3) ~~Address confirmation requests sent pursuant to~~

724 ~~paragraph (2)(a) and mail sent pursuant to paragraph (b) must be~~

725 ~~addressed to the voter's address of legal residence, not~~

Page 25 of 98

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582-03551-23

20237050__

726 ~~including voters temporarily residing outside the county and~~

727 ~~registered in the precinct designated by the supervisor pursuant~~

728 ~~to s. 101.045(1). If a request is returned as undeliverable, any~~

729 ~~other notification sent to the voter pursuant to subsection (5)~~

730 ~~or s. 98.0655 must be addressed to the voter's mailing address~~

731 ~~on file, if any.~~

732 ~~(4)~~ A registration list maintenance program must be

733 conducted by each supervisor, at a minimum, once each year and

734 must be completed not later than 90 days before the date of any

735 federal election. All list maintenance actions associated with

736 each voter must be entered, tracked, recorded, and maintained in

737 the statewide voter registration system.

738 (4) (a) (5) (a) If the supervisor receives change-of-address

739 information pursuant to the activities conducted in subsection

740 (2), from clerks of the court reporting responses to jury

741 notices signed by the voter and returned to the courts, from the

742 Department of Highway Safety and Motor Vehicles, or from other

743 official sources which indicate ~~indicates~~ that a registered

744 voter's legal residence might have changed to another location

745 within this ~~the~~ state, the supervisor must change the

746 registration records to reflect the new address and must send

747 the voter an address confirmation request ~~change notice~~ as

748 provided in s. 98.0655(2) (a) ~~s. 98.0655(2)~~.

749 (b) If the supervisor of elections receives change-of-

750 address information pursuant to the activities conducted in

751 subsection (2), from the clerks of the court reporting responses

752 to jury notices signed by the voter and returned to the courts,

753 from the Department of Highway Safety and Motor Vehicles based

754 on removal of persons from its Florida driver license and state

Page 26 of 98

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582-03551-23 20237050__
 754 identification card system pursuant to s. 98.093(2), or from
 755 other official sources which indicates that a registered voter's
 756 legal residence might have changed to a location outside this
 757 the state, the supervisor of elections must shall send an
 758 address confirmation request final notice to the voter as
 759 provided in s. 98.0655(2) (a) ~~s. 98.0655(3)~~. If the out-of-state
 760 address information is received from a returned address
 761 confirmation final notice already sent pursuant to subsection
 762 (2), further notice is not required and the voter's name must be
 763 placed in inactive status pursuant to paragraph (d).

(c) If an address confirmation request required by
 765 subsection (2) paragraph (2)(a) is returned as undeliverable
 766 without indication of an address change, or there is no response
 767 from the voter within 30 days, or if any other nonforwardable
 768 return-if-undeliverable mail is returned as undeliverable with
 769 no indication of an address change, the supervisor must shall
 770 send an address confirmation final notice to all addresses on
 771 file for the voter, unless an address confirmation final notice
 772 has already been sent to the same address.

(d) The supervisor must designate as inactive all voters
 774 who have been sent an address confirmation final notice and who
 775 have not returned the postage prepaid, preaddressed return form
 776 within 30 days or for which the final notice has been returned
 777 as undeliverable without an indication of an in-state address
 778 change. Names on the inactive list may not be used to calculate
 779 the number of signatures needed on any petition. A voter on the
 780 inactive list may be restored to the active list of voters upon
 781 certain voter activity, including the voter updating his or her
 782 registration record or confirming or updating and confirming his
 783

582-03551-23 20237050__
 784 or her current address of legal residence by, requesting a vote-
 785 by-mail ballot, by and ~~confirming his or her current address of~~
 786 ~~legal residence, or~~ appearing to vote, or by signing a candidate
 787 or state or local petition and confirming his or her current
 788 ~~address of legal residence~~. However, if the voter does not
 789 update his or her voter registration information, request a
 790 vote-by-mail ballot, ~~or~~ vote, or sign a candidate or state or
 791 local petition by the second general election after being placed
 792 on the inactive list, the voter's name must shall be removed
 793 from the statewide voter registration system no later than
 794 December 31 of that year, and the voter must shall be required
 795 to reregister to have his or her name restored to the statewide
 796 voter registration system.

~~(5)(6)~~ An address list maintenance program under this
 797 section may not be initiated, and A notice may not be issued
 798 pursuant to this section and a voter's name may not be removed
 799 from the statewide voter registration system during the later
 800 than 90 days before prior to the date of a federal election.
 801 However, this section does not preclude the correction or update
 802 of registration records based on information submitted by the
 803 voter, including a response to a notice, including a jury
 804 notice, or removal of the name of a voter from the statewide
 805 voter registration system at any time upon the voter's written
 806 request, upon information received pursuant to s. 98.045(2) (b)
 807 or from an out-of-state election official that a voter has
 808 registered to vote out of state, by reason of the voter's death,
 809 or upon a determination of the voter's ineligibility as provided
 810 in s. 98.075(7).
 811

(6) The supervisor shall conduct at least an annual review
 812

582-03551-23 20237050__
 813 of voter registration records to identify registration records
 814 in which a voter may be registered at an address that may not be
 815 an address of legal residence for the voter. For those
 816 registration records with such addresses that the supervisor has
 817 reasonable belief are not legal residential addresses, the
 818 supervisor shall initiate list maintenance pursuant to s.
 819 98.075(6) and (7).

820 (7) (a) No later than July 31 and January 31 of each year,
 821 the supervisor must certify to the department the address list
 822 maintenance activities conducted during the first 6 months and
 823 the second 6 months of the year, respectively, including the
 824 number of address confirmation requests sent, the number of
 825 voters designated as inactive, and the number of voters removed
 826 from the statewide voter registration system.

827 (b) If, based on the certification provided pursuant to
 828 paragraph (a), the department determines that a supervisor has
 829 not conducted the list maintenance activities required by this
 830 section, the department must coordinate with the supervisor to
 831 ensure that shall conduct the appropriate list maintenance
 832 activities for that county are conducted. Failure to conduct
 833 list maintenance activities as required in this section
 834 constitutes a violation of s. 104.051.

835 Section 8. Section 98.0655, Florida Statutes, is amended to
 836 read:

837 98.0655 Registration list maintenance forms.—The department
 838 shall prescribe registration list maintenance forms to be used
 839 by the supervisors which must include:

840 (1) An address confirmation request by forwardable mail,
 841 including a postage prepaid, preaddressed return form, which

582-03551-23 20237050__
 842 ~~that~~ must contain:
 843 (a) The voter's name and address of legal residence as
 844 shown on the voter registration record;
 845 (b) A request that the voter notify the supervisor if
 846 either the voter's name or address of legal residence is
 847 incorrect;
 848 (c) If the address confirmation request is required by s.
 849 98.065(2) ~~s. 98.065(2)(a)~~, a statement that if the voter has not
 850 changed his or her legal residence or has changed his or her
 851 legal residence within this ~~the~~ state, the voter should return
 852 the form within 30 days after the date on which the notice was
 853 sent to the voter; and
 854 (d) Information about updating voter information through
 855 the online voter registration system.
 856 (2) (a) ~~An address change notice that must be sent to the~~
 857 ~~newly recorded address of legal residence by forwardable mail,~~
 858 ~~including a postage prepaid, preaddressed return form with which~~
 859 ~~the voter may verify or correct the voter's new address~~
 860 ~~information.~~
 861 ~~(3)~~ An address confirmation request required pursuant to s.
 862 98.065(2) ~~final notice that~~ must be sent to the newly recorded
 863 address of legal residence, or to the most current address all
 864 ~~addresses~~ on file for the voter if no indication of new address
 865 has been received. The request must be sent, by forwardable mail
 866 and must contain a postage prepaid, preaddressed return form and
 867 a statement that the voter must respond within 30 days after the
 868 date on which the request was sent and confirm on the return
 869 form that the voter:
 870 1. Has not changed his or her legal residence and is

582-03551-23

20237050__

871 reconfirming the address on record;

872 2. Has changed his or her legal residence within this state
873 and is providing the updated address on the return form or
874 through the online voter registration system; or

875 3. Has changed his or her legal residence to a location
876 outside this state and that he or she requests removal pursuant
877 to s. 98.045(2)

878 ~~(a) If the voter has not changed his or her legal residence~~
879 ~~or has changed his or her legal residence within the state, the~~
880 ~~voter should return the form within 30 days after the date on~~
881 ~~which the notice was sent to the voter.~~

882 (b) If the voter has changed his or her legal residence to
883 a location outside the state:

884 1. The voter shall return the form, which serves as a
885 request to be removed from the registration books; and

886 2. The voter must shall be provided with information on how
887 to register in the new jurisdiction in order to be eligible to
888 vote.

889 (c) If the return form is not returned, the voter's name
890 must shall be designated as inactive in the statewide voter
891 registration system pursuant to s. 98.065, and confirmation of
892 the voter's address of legal residence is may be required before
893 the voter is authorized to vote in an election.

894 Section 9. Paragraph (c) of subsection (2) and subsections
895 (3) through (8) of section 98.075, Florida Statutes, are amended
896 to read:

897 98.075 Registration records maintenance activities;
898 ineligibility determinations.-

899 (2) DUPLICATE REGISTRATION.-

582-03551-23

20237050__

900 (c) Information received by the department from another
901 state or the District of Columbia upon the department becoming a
902 member of a nongovernmental entity as provided in subparagraph
903 (b)1., which is confidential or exempt pursuant to the laws of
904 that state or the District of Columbia, is exempt from s.
905 119.07(1) and s. 24(a), Art. I of the State Constitution. The
906 department shall provide such information to the supervisors to
907 conduct registration list maintenance activities. ~~This paragraph~~
908 ~~is subject to the Open Government Sunset Review Act in~~
909 ~~accordance with s. 119.15 and shall stand repealed on October 2,~~
910 ~~2023, unless reviewed and saved from repeal through reenactment~~
911 ~~by the Legislature.~~

912 (3) DECEASED PERSONS.-

913 (a)1. The department shall identify those registered voters
914 who are deceased by comparing information received from:

915 a. The Department of Health as provided in s. 98.093;

916 b. The United States Social Security Administration,
917 including, but not limited to, any master death file or index
918 compiled by the United States Social Security Administration; or
919 and

920 c. The Department of Highway Safety and Motor Vehicles.

921 2. Within 7 days after receipt of such information through
922 the statewide voter registration system, the supervisor shall
923 remove the name of the registered voter.

924 (b) The supervisor shall remove the name of a deceased
925 registered voter from the statewide voter registration system
926 within 7 days after receipt of:

927 1. upon receipt of A copy of a death certificate issued by
928 a governmental agency authorized to issue death certificates;

582-03551-23

20237050__

929 ~~or-~~

930 2. Information on the death of the registered voter
 931 received from the Department of Highway Safety and Motor
 932 Vehicles.

933 (4) ADJUDICATION OF MENTAL INCAPACITY.—The department shall
 934 identify those registered voters who have been adjudicated
 935 mentally incapacitated with respect to voting and who have not
 936 had their voting rights restored by comparing information
 937 received from the clerk of the circuit court as provided in s.
 938 98.093. The department shall review such information and make an
 939 initial determination as to whether the information is credible
 940 and reliable. If the department determines that the information
 941 is credible and reliable, the department ~~must shall~~ notify the
 942 supervisor and provide a copy of the supporting documentation
 943 indicating the potential ineligibility of the voter to be
 944 registered. Upon receipt of the notice that the department has
 945 made a determination of initial credibility and reliability, the
 946 supervisor shall adhere to the procedures set forth in
 947 subsection (7) ~~before prior to~~ the removal of a registered voter
 948 from the statewide voter registration system.

949 (5) FELONY CONVICTION.—

950 (a) The department shall identify those registered voters
 951 who have been convicted of a felony and whose voting rights have
 952 not been restored by comparing information received from, but
 953 not limited to, a clerk of the circuit court, the Board of
 954 Executive Clemency, the Department of Corrections, the
 955 Department of Law Enforcement, or a United States Attorney's
 956 Office, as provided in s. 98.093. The department shall review
 957 such information and make an initial determination as to whether

Page 33 of 98

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582-03551-23

20237050__

958 the information is credible and reliable. If the department
 959 determines that the information is credible and reliable, the
 960 department ~~shall~~ notify the supervisor and provide a copy
 961 of the supporting documentation indicating the potential
 962 ineligibility of the voter to be registered. Upon receipt of the
 963 notice that the department has made a determination of initial
 964 credibility and reliability, the supervisor shall adhere to the
 965 procedures set forth in subsection (7) ~~before prior to~~ the
 966 removal of a registered voter's name from the statewide voter
 967 registration system.

968 (b) The supervisors shall coordinate with their respective
 969 clerks of the court to obtain information pursuant to s. 98.093
 970 to identify registered voters within their respective
 971 jurisdictions who have been convicted of a felony during the
 972 preceding week and whose right to vote has not been restored.
 973 The supervisor shall adhere to the procedures set forth in
 974 subsection (7) before the removal of a registered voter's name
 975 from the statewide voter registration system.

976 (6) OTHER BASES FOR INELIGIBILITY.—Subsections (2)-(5) do
 977 not limit or restrict the department or the supervisor in his or
 978 her duty to act upon direct receipt of, access to, or knowledge
 979 of any official information from any source that identifies a
 980 registered voter as potentially ineligible. If the department or
 981 supervisor receives official information from sources other than
 982 those identified in subsections (2)-(5) that a registered voter
 983 is ineligible because the voter ~~he or she~~ is deceased,
 984 adjudicated a convicted felon without having had his or her
 985 voting rights restored, adjudicated mentally incapacitated
 986 without having had his or her voting rights restored, does not

Page 34 of 98

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582-03551-23

20237050__

987 meet the age requirement pursuant to s. 97.041, is not a United
 988 States citizen, is a fictitious person, or has listed an address
 989 ~~a residence~~ that is not his or her legal residence or an address
 990 of legal residence, the supervisor must adhere to the procedures
 991 set forth in subsection (7) ~~before~~ prior to the removal of a
 992 registered voter's name who is determined to be ineligible from
 993 the statewide voter registration system.

994 (7) PROCEDURES FOR REMOVAL.—

995 (a) If the supervisor receives notice or information
 996 pursuant to subsections (4)-(6), the supervisor of the county in
 997 which the voter is registered must ~~shall~~:

998 1. Notify the registered voter of his or her potential
 999 ineligibility by mail within 7 days after receipt of notice or
 1000 information. The notice must ~~shall~~ include:

1001 a. A statement of the basis for the registered voter's
 1002 potential ineligibility and a copy of any documentation upon
 1003 which the potential ineligibility is based. Such documentation
 1004 must include any conviction from another jurisdiction determined
 1005 to be a similar offense to murder or a felony sexual offense, as
 1006 those terms are defined in s. 98.0751.

1007 b. A statement that failure to respond within 30 days after
 1008 receipt of the notice may result in a determination of
 1009 ineligibility and in removal of the registered voter's name from
 1010 the statewide voter registration system.

1011 c. A return form that requires the registered voter to
 1012 admit or deny the accuracy of the information underlying the
 1013 potential ineligibility for purposes of a final determination by
 1014 the supervisor.

1015 d. A statement that, if the voter is denying the accuracy

582-03551-23

20237050__

1016 of the information underlying the potential ineligibility, the
 1017 voter has a right to request a hearing for the purpose of
 1018 determining eligibility.

1019 e. Instructions for the registered voter to contact the
 1020 supervisor of elections of the county in which the voter is
 1021 registered if assistance is needed in resolving the matter.

1022 f. Instructions for seeking restoration of civil rights
 1023 pursuant to s. 8, Art. IV of the State Constitution and
 1024 information explaining voting rights restoration pursuant to s.
 1025 4, Art. VI of the State Constitution following a felony
 1026 conviction, if applicable.

1027 g. A statement that the voter may be required to vote a
 1028 provisional ballot until a final determination of eligibility is
 1029 made.

1030 2. If the mailed notice is returned as undeliverable, the
 1031 supervisor must, within 7 days after receiving the returned
 1032 notice, either publish ~~shall publish~~ notice once in a newspaper
 1033 of general circulation in the county in which the voter was last
 1034 registered or publish notice on the county's website as may be
 1035 allowed pursuant to s. 50.0311, or on the supervisor's website,
 1036 as deemed appropriate by the supervisor. The notice must ~~shall~~
 1037 contain the following:

1038 a. The voter's name and address.

1039 b. A statement that the voter is potentially ineligible to
 1040 be registered to vote.

1041 c. A statement that failure to respond within 30 days after
 1042 the notice is published may result in a determination of
 1043 ineligibility by the supervisor and removal of the registered
 1044 voter's name from the statewide voter registration system.

582-03551-23

20237050__

1045 d. An instruction for the voter to contact the supervisor
 1046 no later than 30 days after the date of the published notice to
 1047 receive information regarding the basis for the potential
 1048 ineligibility and the procedure to resolve the matter.

1049 e. An instruction to the voter that, if further assistance
 1050 is needed, the voter should contact the supervisor of elections
 1051 of the county in which the voter is registered.

1052 f. A statement that, if the voter denies the accuracy of
 1053 the information underlying the potential ineligibility, the
 1054 voter has a right to request a hearing for the purpose of
 1055 determining eligibility.

1056 g. A statement that the voter may be required to vote a
 1057 provisional ballot until a final determination of eligibility is
 1058 made.

1059 3. If a registered voter fails to respond to a notice
 1060 pursuant to subparagraph 1. or subparagraph 2., the supervisor
 1061 must ~~shall~~ make a final determination of the voter's eligibility
 1062 within 7 days. If the supervisor determines that the voter is
 1063 ineligible, the supervisor must ~~shall~~ remove the name of the
 1064 registered voter from the statewide voter registration system
 1065 within 7 days. The supervisor shall notify the registered voter
 1066 of the supervisor's determination and action.

1067 4. If a registered voter responds to the notice pursuant to
 1068 subparagraph 1. or subparagraph 2. and admits the accuracy of
 1069 the information underlying the potential ineligibility, the
 1070 supervisor must immediately ~~shall~~ make a final determination of
 1071 ineligibility and ~~shall~~ remove the voter's name from the
 1072 statewide voter registration system. The supervisor shall notify
 1073 the registered voter of the supervisor's determination and

Page 37 of 98

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582-03551-23

20237050__

1074 action.

1075 5. If a registered voter responds to the notice issued
 1076 pursuant to subparagraph 1. or subparagraph 2. and denies the
 1077 accuracy of the information underlying the potential
 1078 ineligibility but does not request a hearing, the supervisor
 1079 must ~~shall~~ review the evidence and make a ~~final~~ determination of
 1080 eligibility no later than 30 days after receiving the response
 1081 from the voter. If the supervisor determines that the registered
 1082 voter is ineligible, the supervisor must remove the voter's name
 1083 from the statewide voter registration system upon such
 1084 determination and notify the registered voter of the
 1085 supervisor's determination and action and that the removed voter
 1086 has a right to appeal a determination of ineligibility pursuant
 1087 to s. 98.0755. If such registered voter requests a hearing, the
 1088 supervisor must ~~shall~~ send notice to the registered voter to
 1089 attend a hearing at a time and place specified in the notice.
 1090 The supervisor shall schedule and issue notice for the hearing
 1091 within 7 days after receiving the voter's request for a hearing
 1092 and shall hold the hearing no later than 30 days after issuing
 1093 the notice of the hearing. Upon hearing all evidence presented
 1094 at the hearing, the supervisor shall make a determination of
 1095 eligibility within 7 days. If the supervisor determines that the
 1096 registered voter is ineligible, the supervisor must ~~shall~~ remove
 1097 the voter's name from the statewide voter registration system
 1098 and notify the registered voter of the supervisor's
 1099 determination and action and that the removed voter has a right
 1100 to appeal a determination of ineligibility pursuant to s.
 1101 98.0755.

1102 (b) The following ~~shall~~ apply to this subsection:

Page 38 of 98

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582-03551-23

20237050__

1103 1. All determinations of eligibility must ~~shall~~ be based on
1104 a preponderance of the evidence.

1105 2. All proceedings are exempt from ~~the provisions of~~
1106 chapter 120.

1107 3. Any notice must ~~shall~~ be sent to the registered voter by
1108 certified mail, return receipt requested, or other means that
1109 provides a verification of receipt or must ~~shall~~ be published in
1110 a newspaper of general circulation where the voter was last
1111 registered, whichever is applicable.

1112 4. The supervisor shall remove the name of any registered
1113 voter from the statewide voter registration system only after
1114 the supervisor makes a final determination that the voter is
1115 ineligible to vote.

1116 5. Any voter whose name has been removed from the statewide
1117 voter registration system pursuant to a determination of
1118 ineligibility may appeal that determination under ~~the provisions~~
1119 ~~of~~ s. 98.0755.

1120 6. Any voter whose name was removed from the statewide
1121 voter registration system on the basis of a determination of
1122 ineligibility who subsequently becomes eligible to vote must
1123 reregister in order to have his or her name restored to the
1124 statewide voter registration system.

1125 (8) CERTIFICATION.—

1126 (a) No later than July 31 and January 31 of each year, the
1127 supervisor shall certify to the department that the supervisor
1128 has the activities ~~conducted~~ the activities required pursuant to
1129 this section during the first 6 months and the second 6 months
1130 of the year, respectively. The certification must ~~shall~~ include
1131 the number of persons to whom notices were sent pursuant to

582-03551-23

20237050__

1132 subsection (7), the number of persons who responded to the
1133 notices, the number of notices returned as undeliverable, the
1134 number of notices published in the newspaper, the number of
1135 hearings conducted, and the number of persons removed from the
1136 statewide voter registration system ~~systems~~ and the reasons for
1137 such removals.

1138 (b) If, based on the certification provided pursuant to
1139 paragraph (a), the department determines that a supervisor has
1140 not satisfied the requirements of this section, the department
1141 must coordinate with the supervisor to ensure that ~~shall satisfy~~
1142 the appropriate list maintenance activities ~~requirements~~ for
1143 that county are ~~conducted~~. Failure to satisfy the requirements
1144 of this section constitutes ~~shall constitute~~ a violation of s.
1145 104.051.

1146 Section 10. Subsections (2), (3), and (4) of section
1147 98.077, Florida Statutes, are amended to read:

1148 98.077 Update of voter signature.—

1149 (2) The ~~department and~~ supervisors of elections shall
1150 include in any correspondence, other than postcard notifications
1151 and notices relating to eligibility, sent to a registered voter
1152 information regarding when, where, and how to update the voter's
1153 signature and shall provide the voter information on how to
1154 obtain a voter registration application from a voter
1155 registration official which can be returned to update the
1156 signature.

1157 (3) At least once during each general election year before
1158 the presidential preference primary or the primary election,
1159 whichever occurs first, the supervisor shall publish in a
1160 newspaper of general circulation or other newspaper in the

582-03551-23 20237050__

1161 county or on the county's website as may be allowed pursuant to
 1162 s. 50.0311 or on the supervisor's website, as deemed appropriate
 1163 by the supervisor, a notice specifying when, where, or how a
 1164 voter can update his or her signature that is on file and how a
 1165 voter can obtain a voter registration application from a voter
 1166 registration official.

1167 (4) Except as authorized in ss. 101.048 and 101.68:

1168 (a) All signature updates for use in verifying vote-by-mail
 1169 voter certificates, and provisional ballot voter certificates,
 1170 or petitions ballots must be received by the appropriate
 1171 supervisor before the voter's elector's ballot is received by
 1172 the supervisor or, in the case of provisional ballots, before
 1173 the voter's elector's ballot is cast or, in the case of a
 1174 petition, before the petition is submitted for signature
 1175 verification.

1176 (b) The signature on file at the time the vote-by-mail
 1177 ballot is received, ~~or~~ at the time the provisional ballot is
 1178 cast, or at the time a petition is reviewed is the signature
 1179 that must shall be used in verifying the signature on the vote-
 1180 by-mail voter certificates, and provisional ballot voter
 1181 certificates, or petitions, respectively. For signatures
 1182 requiring secondary or tertiary review, older signatures from
 1183 previous registration updates may be used.

1184 Section 11. Section 98.093, Florida Statutes, is amended to
 1185 read:

1186 98.093 Duty of officials to furnish information relating to
 1187 deceased persons, persons adjudicated mentally incapacitated,
 1188 persons convicted of a felony, and persons who are not United
 1189 States citizens.—

582-03551-23 20237050__

1190 (1) DUTIES.—In order to identify ineligible registered
 1191 voters and maintain accurate and current voter registration
 1192 records in the statewide voter registration system pursuant to
 1193 procedures in s. 98.065 or s. 98.075, it is necessary for the
 1194 department and supervisors of elections to receive or access
 1195 certain information from state and federal officials and
 1196 entities in the format prescribed.

1197 ~~(2)~~ To the maximum extent feasible, state and local
 1198 government agencies shall facilitate provision of information
 1199 and access to data to the department, including, but not limited
 1200 to, databases that contain reliable criminal records and records
 1201 of deceased persons. State and local government agencies that
 1202 provide such data must shall do so without charge if the direct
 1203 cost incurred by those agencies is not significant.

1204 ~~(2)(a)~~ DEPARTMENT OF HEALTH.—The Department of Health shall
 1205 furnish weekly monthly to the department a list containing the
 1206 name, address, date of birth, date of death, social security
 1207 number, race, and sex of each deceased person 17 years of age or
 1208 older whose death was reported during the preceding week.

1209 ~~(3)(b)~~ CLERK OF THE CIRCUIT COURT.—Each clerk of the
 1210 circuit court shall furnish on a weekly basis to the supervisors
 1211 in their respective jurisdiction the following information
 1212 monthly to the department:

1213 ~~(a)1-~~ Information identifying ~~A list of~~ those persons who
 1214 have been adjudicated mentally incapacitated with respect to
 1215 voting during the preceding week and calendar month, ~~a list of~~
 1216 those persons whose mental capacity with respect to voting has
 1217 been restored during the preceding week. The information must
 1218 include each person's name; address; date of birth; race; sex;

582-03551-23 20237050__
 1219 and, if available, his or her Florida driver license number or
 1220 Florida identification card number or the last four digits of
 1221 his or her social security number. The clerk shall provide the
 1222 information to the department to assist a supervisor in
 1223 identifying registered voters in his or her county who are
 1224 adjudicated mentally incapacitated outside of his or her county
 1225 pursuant to s. 98.075(4).

1226 (b) Information identifying calendar month, and a list of
 1227 those persons who have responded to returned signed jury notices
 1228 during the preceding week from months to the clerk of the
 1229 circuit court whose response indicated indicating a change of
 1230 address. The information must Each list shall include each
 1231 person's the name, address, date of birth, race, sex, and,
 1232 if whichever is available, the Florida driver license number or,
 1233 Florida identification card number, or the last four digits of
 1234 his or her social security number of each such person.

1235 (c) 2- Information on the terms of sentence for felony
 1236 convictions, including any financial obligations for court
 1237 costs, fees, and fines, of all persons listed in the clerk's
 1238 records whose last known address in the clerk's records is
 1239 within this state and who have been convicted of a felony during
 1240 the preceding week month. The information may be provided to the
 1241 supervisor directly by individual clerks of the circuit court or
 1242 may be provided on their behalf through the Comprehensive Case
 1243 Information System. For each felony conviction reported, the
 1244 information must include:

1245 1. a- The full name, last known address, date of birth,
 1246 race, sex, and, if available, the Florida driver license
 1247 number or Florida identification card number, as applicable,

582-03551-23 20237050__
 1248 and the last four digits of the social security number of the
 1249 person convicted.

1250 2. b- The amounts of all financial obligations, including
 1251 restitution and court costs, fees, and fines, and, if known, the
 1252 amount of financial obligations not yet satisfied.

1253 3. e- The county in which the conviction occurred.

1254 4. d- The statute number violated, statute table text, date
 1255 of conviction, and case number.

1256 (4) (e) UNITED STATES ATTORNEYS.-Upon receipt of information
 1257 from the United States Attorney, listing persons convicted of a
 1258 felony in federal court, the department shall use such
 1259 information to identify registered voters or applicants for
 1260 voter registration who may be potentially ineligible based on
 1261 information provided in accordance with s. 98.075.

1262 (5) (d) DEPARTMENT OF LAW ENFORCEMENT.-The Department of Law
 1263 Enforcement shall identify and report to the department at least
 1264 weekly those persons who have been convicted of a felony during
 1265 the preceding week who appear in the voter registration records
 1266 supplied by the statewide voter registration system, in a time
 1267 and manner that enables the department to meet its obligations
 1268 under state and federal law.

1269 (6) (e) FLORIDA COMMISSION ON OFFENDER REVIEW.-The Florida
 1270 Commission on Offender Review shall furnish at least weekly
 1271 bimonthly to the department data, including the identity of
 1272 those persons granted clemency in the preceding month or any
 1273 updates to prior records which have occurred in the preceding
 1274 month. The data must shall contain the commission's case number
 1275 and the person's name, address, date of birth, race, gender,
 1276 Florida driver license number, Florida identification card

582-03551-23 20237050__

1277 number, or the last four digits of the social security number,
 1278 if available, and references to record identifiers assigned by
 1279 the Department of Corrections and the Department of Law
 1280 Enforcement, a unique identifier of each clemency case, and the
 1281 effective date of clemency of each person.

1282 (7)(f) DEPARTMENT OF CORRECTIONS.—The Department of
 1283 Corrections shall identify and report to the department at least
 1284 weekly those persons who have been convicted of a felony and
 1285 committed to its custody or placed on community supervision
 1286 during the preceding week. The information must be provided to
 1287 the department at a time and in a manner that enables the
 1288 department to identify registered voters who are convicted
 1289 felons and to meet its obligations under state and federal law.

1290 (8)(g) DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.—The
 1291 Department of Highway Safety and Motor Vehicles shall furnish
 1292 weekly ~~monthly~~ to the department:

1293 (a)1- Information identifying A list of those persons whose
 1294 names have been removed from the Florida driver license or
 1295 Florida identification card database during the preceding week
 1296 because they have been licensed or been issued an identification
 1297 card in another state. The information list must contain the
 1298 person's name, last known Florida address, out-of-state address,
 1299 date of birth, sex, last four digits of his or her social
 1300 security number, and Florida driver license number or Florida
 1301 identification card number and, if available, the address and
 1302 the state in which the person is now licensed of each such
 1303 person.

1304 (b)2- Information identifying A list of those persons who
 1305 during the preceding week presented evidence of non-United

582-03551-23 20237050__

1306 States citizenship upon being issued a new or renewed Florida
 1307 driver license or Florida identification card. The information
 1308 ~~list~~ must contain the person's name; address; date of birth;
 1309 last four digits of the; social security number, if applicable;
 1310 and Florida driver license number or Florida identification card
 1311 number, as available applicable; and alien registration number
 1312 or other legal status identifier, of each such person.

1313 (c) Information identifying those persons for which it has
 1314 received official information during the preceding week that the
 1315 person is deceased. The information must contain the name,
 1316 address, date of birth, last four digits of the social security
 1317 number, Florida driver license number or Florida identification
 1318 card number, source containing information on the deceased, and
 1319 date of death of each such person.

1320 (9)(3) CONSTRUCTION.—This section does not limit or
 1321 restrict the supervisor in his or her duty to act upon direct
 1322 receipt of, access to, or knowledge of credible and reliable
 1323 information from these and other official sources that identify
 1324 a registered voter as potentially ineligible and to initiate
 1325 removal of remove the name of the registered voter who is
 1326 determined to be ineligible names of persons from the statewide
 1327 voter registration system pursuant to s. 98.075(7) ~~based upon~~
 1328 ~~information received from other sources.~~

1329 Section 12. Section 98.0981, Florida Statutes, is amended
 1330 to read:

1331 98.0981 Reports; voting history; statewide voter
 1332 registration system information; precinct-level election
 1333 results; book closing statistics; live turnout data.—

1334 (1) VOTING HISTORY AND STATEWIDE VOTER REGISTRATION SYSTEM

582-03551-23 20237050__

1335 INFORMATION.—Each supervisor shall submit the reports required
 1336 by this subsection to the department no later than 20 days after
 1337 the Elections Canvassing Commission certifies the results of an
 1338 election.

1339 (a) Reconciliation.—For each presidential preference
 1340 primary election, special primary election, special election,
 1341 primary election, and general election, the supervisor shall
 1342 reconcile the aggregate total of ballots cast in each precinct
 1343 to the aggregate number of voters with voter history pursuant to
 1344 paragraph (b) and the precinct-level election results pursuant
 1345 to subsection (3) and submit a reconciliation report. The report
 1346 must be submitted to the department in an electronic format
 1347 pursuant to file format and specifications set forth in rule.
 1348 The report must include a written explanation if the
 1349 reconciliation results in a discrepancy between the voter
 1350 history and the election results.

1351 (b) Voting history.—For each ~~Within 30 days after~~
 1352 ~~certification by the Elections Canvassing Commission of a~~
 1353 ~~presidential preference primary, special election, special~~
 1354 ~~primary election, primary election, or general election, as~~
 1355 ~~applicable,~~ supervisors of elections shall transmit completely
 1356 updated voting history information for each qualified voter to
 1357 the department. Such information must be provided, in a uniform
 1358 electronic format pursuant to file specifications adopted by the
 1359 department by rule. The voting history information must include:
 1360 ~~specified in paragraph (d), completely updated voting history~~
 1361 ~~information for each qualified voter who voted~~

1362 1. The unique identifier assigned to each qualified voter
 1363 within the statewide voter registration system;

582-03551-23 20237050__

1364 2. Each qualified voter's unique precinct identifier at the
 1365 time of voting. For purposes of this subparagraph, the term
 1366 "unique precinct identifier" means an alphanumeric code
 1367 containing no more than six characters representing the precinct
 1368 name or number; and

1369 3. Specifics as to voting history, including whether the
 1370 qualified voter voted a regular ballot at a precinct location,
 1371 voted at a precinct location using a provisional ballot that was
 1372 subsequently counted, voted by vote-by-mail ballot, attempted to
 1373 vote by a timely received vote-by-mail ballot that was not
 1374 counted, attempted to vote by a vote-by-mail ballot that was
 1375 received untimely, attempted to vote by provisional ballot that
 1376 was not counted, or did not vote.

1377 (c) Precinct boundaries.—For each presidential preference
 1378 primary election, special primary election, special election,
 1379 primary election, and general election, the supervisor shall
 1380 submit to the department the geographical information system map
 1381 of precinct boundaries created and maintained pursuant to s.
 1382 101.001 for the applicable election.

1383 ~~(2) (b) LEGISLATIVE REPORT.—~~

1384 (a) Specifications.—~~After receipt of the information in~~
 1385 ~~paragraph (a),~~ The department shall prepare an election summary
 1386 compiled for a presidential preference primary election, special
 1387 primary election, special election, primary election, or general
 1388 election, as applicable, a report in an electronic format which
 1389 contains the following information, ~~separately compiled for the~~
 1390 ~~primary and general election for all voters qualified to vote in~~
 1391 ~~either election:~~

1392 1. The voting history information as transmitted under

582-03551-23

20237050__

1393 paragraph (1) (b) and the precinct boundaries as transmitted
 1394 under paragraph (1) (c) unique identifier assigned to each
 1395 qualified voter within the statewide voter registration system;

1396 2. All information provided by each qualified voter on his
 1397 or her voter registration application pursuant to s. 97.052(2),
 1398 except that which is confidential or exempt from public records
 1399 requirements;

1400 3. Each qualified voter's date of registration; and

1401 4. Each qualified voter's ~~current~~ state representative
 1402 district, state senatorial district, and congressional district,
 1403 county commission district, and school board district at the
 1404 time of voting, assigned by the supervisor of elections;

1405 5. Each qualified voter's ~~current precinct;~~ and

1406 6. ~~Voting history as transmitted under paragraph (a) to~~
 1407 ~~include whether the qualified voter voted at a precinct~~
 1408 ~~location, voted during the early voting period, voted by vote-~~
 1409 ~~by-mail ballot, attempted to vote by vote-by-mail ballot that~~
 1410 ~~was not counted, attempted to vote by provisional ballot that~~
 1411 ~~was not counted, or did not vote.~~

1412 (b)(e) Submission.—Within 60 business ~~45~~ days after
 1413 ~~certification by~~ the Elections Canvassing Commission certifies
 1414 ~~of~~ a presidential preference primary, special election, primary
 1415 election, or general election, the department shall submit ~~send~~
 1416 to the President of the Senate, the Speaker of the House of
 1417 Representatives, the Senate Minority Leader, and the House
 1418 Minority Leader an election summary ~~a~~ report in electronic
 1419 format that includes all information set forth in paragraph (a)
 1420 ~~(b)~~.

1421 ~~(d) File specifications are as follows:~~

582-03551-23

20237050__

1422 1. ~~The file shall contain records designated by the~~
 1423 ~~categories below for all qualified voters who, regardless of the~~
 1424 ~~voter's county of residence or active or inactive registration~~
 1425 ~~status at the book closing for the corresponding election that~~
 1426 ~~the file is being created for:~~

1427 a. ~~Voted a regular ballot at a precinct location.~~

1428 b. ~~Voted at a precinct location using a provisional ballot~~
 1429 ~~that was subsequently counted.~~

1430 c. ~~Voted a regular ballot during the early voting period.~~

1431 d. ~~Voted during the early voting period using a provisional~~
 1432 ~~ballot that was subsequently counted.~~

1433 e. ~~Voted by vote by mail ballot.~~

1434 f. ~~Attempted to vote by vote-by-mail ballot, but the ballot~~
 1435 ~~was not counted.~~

1436 g. ~~Attempted to vote by provisional ballot, but the ballot~~
 1437 ~~was not counted in that election.~~

1438 2. ~~Each file shall be created or converted into a tab-~~
 1439 ~~delimited format.~~

1440 3. ~~File names shall adhere to the following convention:~~

1441 a. ~~Three-character county identifier as established by the~~
 1442 ~~department followed by an underscore.~~

1443 b. ~~Followed by four-character file type identifier of~~
 1444 ~~"VH03" followed by an underscore.~~

1445 c. ~~Followed by FVRS election ID followed by an underscore.~~

1446 d. ~~Followed by Date Created followed by an underscore.~~

1447 e. ~~Date format is YYYYMMDD.~~

1448 f. ~~Followed by Time Created —HHMMSS.~~

1449 g. ~~Followed by ".txt".~~

1450 4. ~~Each record shall contain the following columns: Record~~

582-03551-23 20237050__
 1451 Identifier, FVRS Voter ID Number, FVRS Election ID Number, Vote
 1452 Date, Vote History Code, Precinct, Congressional District, House
 1453 District, Senate District, County Commission District, and
 1454 School Board District.

1455 ~~(e) Each supervisor of elections shall reconcile, before~~
 1456 ~~submission, the aggregate total of ballots cast in each precinct~~
 1457 ~~as reported in the precinct-level election results to the~~
 1458 ~~aggregate total number of voters with voter history for the~~
 1459 ~~election for each district.~~

1460 ~~(f) Each supervisor of elections shall submit the results~~
 1461 ~~of the data reconciliation as described in paragraph (c) to the~~
 1462 ~~department in an electronic format and give a written~~
 1463 ~~explanation for any precincts where the reconciliation as~~
 1464 ~~described in paragraph (c) results in a discrepancy between the~~
 1465 ~~voter history and the election results.~~

1466 (3)(2) PRECINCT-LEVEL ELECTION RESULTS.-

1467 (a)1. Within 10 business 30 days after certification by the
 1468 Elections Canvassing Commission certifies of a presidential
 1469 preference primary election, special election, special primary
 1470 election, primary election, or general election, as applicable,
 1471 the supervisors of elections shall collect and submit to the
 1472 department precinct-level election results for the election in a
 1473 uniform electronic format specified by paragraph (c). The
 1474 precinct-level election results shall be compiled separately for
 1475 the primary or special primary election that preceded the
 1476 general or special general election, respectively. The results
 1477 must shall specifically include for each precinct the total of
 1478 all ballots cast for each candidate or nominee to fill a
 1479 national, state, county, or district office or proposed

582-03551-23 20237050__
 1480 constitutional amendment, with subtotals for each candidate and
 1481 ballot type. When one or more ballot types, alternatively known
 1482 as counting groups, in a race or issue have fewer than 30 voters
 1483 voting on the ballot, the ballot type must be reported as zero
 1484 except for the "total votes" counting group for that precinct.
 1485 Ballot types or counting groups include election day, early
 1486 voting, vote-by-mail, provisional voting, and total votes
 1487 ~~However, ballot type or precinct subtotals in a race or question~~
 1488 ~~having fewer than 30 voters voting on the ballot type or in the~~
 1489 ~~precinct may not be reported in precinct results. For purposes~~
 1490 ~~of this paragraph, the term "all ballots cast" means ballots~~
 1491 ~~cast by voters who cast a ballot, whether at a precinct~~
 1492 ~~location;7 by vote-by-mail ballot, including overseas vote-by-~~
 1493 ~~mail ballots;7 during the early voting period;7 or by~~
 1494 ~~provisional ballot.~~

1495 2. Upon request from the department, a supervisor must
 1496 research and address as appropriate any questions or issues
 1497 identified by the department pertaining to the precinct-level
 1498 election results. If the information as originally submitted is
 1499 changed or corrected, the supervisor must respond and provide an
 1500 amended precinct-level election results file no later than 10
 1501 business days after the request from the department.

1502 (b) The department shall make such information available
 1503 online no later than 60 business days after the Elections
 1504 Canvassing Commission certifies the presidential preference
 1505 primary election, special primary election, special election,
 1506 primary election, or general election, as applicable. The
 1507 website containing the information must include on-a-searchable,
 1508 ~~sortable, and downloadable database via its website that also~~

582-03551-23

20237050__

1509 ~~includes~~ the file layout and codes. The information must
 1510 ~~database shall~~ be searchable and sortable by county, precinct,
 1511 and candidate; ~~The must database shall~~ be downloadable in a
 1512 tab-delimited format; and must. ~~The database shall~~ be available
 1513 for download county-by-county and also as a statewide file. ~~Such~~
 1514 ~~report shall also be made available upon request.~~

1515 (c) The files containing the precinct-level election
 1516 results must ~~shall~~ be created in accordance with the applicable
 1517 file specification as set forth in rule. The rule must provide,
 1518 at a minimum, that:-

1519 1. ~~The precinct-level results file shall be created or~~
 1520 ~~converted into a tab delimited text file.~~

1521 2. ~~The row immediately before the first data record shall~~
 1522 ~~contain the column names of the data elements that make up the~~
 1523 ~~data records. There shall be one header record followed by~~
 1524 ~~multiple data records.~~

1525 3. ~~the data records shall~~ include the following columns:
 1526 County Name, Election Number, Election Date, Unique Precinct
 1527 Identifier, Precinct Polling Location, Total Registered Voters,
 1528 Total Registered Republicans, Total Registered Democrats, Total
 1529 Registered All Other Parties, Contest Name,
 1530 Candidate/Retention/Issue Name, Candidate Florida Voter
 1531 Registration System ID Number, Division of Elections Unique
 1532 Candidate Identifying Number, Candidate Party, District,
 1533 Undervote Total, Overvote Total, Write-in Total, and Vote Total.
 1534 For purposes of this paragraph, the term "unique precinct
 1535 identifier" means an alphanumeric code containing no more than
 1536 six characters representing the precinct name or number.

1537 (4)-(3) PRECINCT-LEVEL BOOK CLOSING STATISTICS.-No later

582-03551-23

20237050__

1538 than 10 days after the date of book closing for ~~but before the~~
 1539 ~~date of~~ an election as defined in s. 97.021 to fill a national,
 1540 state, county, or district office, or to vote on a proposed
 1541 constitutional amendment, the department shall compile and make
 1542 available the following precinct-level statistical data for each
 1543 county:

1544 (a) Unique precinct identifier numbers. For purposes of
 1545 this subsection, the term "unique precinct identifier" means an
 1546 alphanumeric code containing no more than six characters
 1547 representing the precinct name or number.

1548 (b) Total number of active registered voters by party for
 1549 each precinct.

1550 (5)-(4) LIVE TURNOUT DATA.-On election day, each supervisor
 1551 of elections shall make live voter turnout data, updated at
 1552 least once per hour, available on his or her website. Each
 1553 supervisor shall transmit the live voter turnout data to the
 1554 division, which must create and maintain a real-time statewide
 1555 turnout dashboard that is available for viewing by the public on
 1556 the division's website as the data becomes available.

1557 (6)-(5) REPORTS PUBLICLY AVAILABLE.-The department shall
 1558 also make publicly available the reports and results required in
 1559 subsections (1)-(4) ~~(1)-(3)~~.

1560 (7)-(6) RULEMAKING.-The department shall adopt rules and
 1561 prescribe forms to carry out the purposes of this section.

1562 Section 13. Present paragraph (d) of subsection (1) of
 1563 section 99.021, Florida Statutes, is redesignated as paragraph
 1564 (e), and a new paragraph (d) is added to that subsection, to
 1565 read:

1566 99.021 Form of candidate oath.-

582-03551-23

20237050__

1567 (1)
 1568 (d) In addition, each candidate, whether a party candidate,
 1569 a candidate with no party affiliation, or a write-in candidate,
 1570 shall, at the time of subscribing to the oath or affirmation,
 1571 state in writing whether he or she owes any outstanding fines,
 1572 fees, or penalties that cumulatively exceed \$250 for any
 1573 violations of s. 8, Art. II of the State Constitution, the Code
 1574 of Ethics for Public Officers and Employees under part III of
 1575 chapter 112, any local ethics ordinance governing standards of
 1576 conduct and disclosure requirements, or chapter 106. If the
 1577 candidate owes any outstanding fines, fees, or penalties
 1578 exceeding the threshold amount specified in this paragraph, he
 1579 or she must also specify the amount owed and each entity that
 1580 levied such fine, fee, or penalty. For purposes of this
 1581 paragraph, any such fines, fees, or penalties that have been
 1582 paid in full at the time of subscribing to the oath or
 1583 affirmation are not deemed to be outstanding.

1584 Section 14. Section 99.0215, Florida Statutes, is created
 1585 to read:

1586 99.0215 Name of candidate.-

1587 (1) Each candidate shall designate in the oath or
 1588 affirmation specified in s. 99.021 the name that he or she
 1589 wishes to have printed on the ballot, or in the case of a write-
 1590 in candidate, the name that he or she wishes to have voters
 1591 write in on the ballot when voting for him or her. Such
 1592 designation must include the candidate's legal given name or
 1593 names, a shortened form of the candidate's legal given name or
 1594 names, an initial or initials of the candidate's legal given
 1595 name or names, or a bona fide nickname customarily related to

Page 55 of 98

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582-03551-23

20237050__

1596 the candidate and by which the candidate is commonly known,
 1597 immediately followed by the candidate's legal surname. If
 1598 applicable, a candidate may place one of the following
 1599 designations after the legal surname: "Sr.," "Jr.," or a
 1600 numerical designation such as "II."

1601 (2) If a candidate wishes to designate a nickname, the
 1602 candidate must file an affidavit that must be verified under
 1603 oath or affirmation pursuant to s. 92.525(1)(a), attesting that
 1604 the nickname complies with the requirements of this section. The
 1605 affidavit must be filed simultaneously with the oath or
 1606 affirmation specified in s. 99.021. Any nickname designated by a
 1607 candidate may not be used to mislead voters. A candidate may not
 1608 designate a nickname that implies the candidate is some other
 1609 person, that constitutes a political slogan or otherwise
 1610 associates the candidate with a cause or issue, or that is
 1611 obscene or profane. For purposes of this subsection, the term
 1612 "political slogan" means any word or words expressing or
 1613 connoting a position, opinion, or belief that the candidate may
 1614 espouse, including, but not limited to, any word or words
 1615 conveying any meaning other than that of the general identity of
 1616 the candidate.

1617 (3) Unless a candidate has the same name as, or a name
 1618 similar to, one or more candidates for the same office, an
 1619 educational or professional title or degree may not be added to
 1620 his or her name designation.

1621 Section 15. Subsections (4) and (5) of section 99.097,
 1622 Florida Statutes, are amended to read:

1623 99.097 Verification of signatures on petitions.-

1624 (4)(a) The supervisor ~~must shall~~ be paid in advance the sum

Page 56 of 98

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582-03551-23

20237050__

1625 of 10 cents for each signature checked or the actual cost of
 1626 checking such signature, whichever is less, by the candidate or,
 1627 in the case of a petition to have a local ~~an~~ issue placed on the
 1628 ballot, by the person or organization submitting the petition,
 1629 or the actual cost posted by the respective counties pursuant to
 1630 s. 100.371(11) for the actual cost of checking signatures to
 1631 place a statewide issue on the ballot.

1632 (b) However, if a candidate, person, or organization
 1633 seeking to have an issue placed upon the ballot cannot pay such
 1634 charges without imposing an undue burden on personal resources
 1635 or upon the resources otherwise available to such candidate,
 1636 person, or organization, such candidate, person, or organization
 1637 ~~shall~~, upon written certification of such inability given under
 1638 oath to the supervisor, is ~~be~~ entitled to have the signatures
 1639 verified at no charge.

1640 (c) In the event a candidate, person, or organization
 1641 submitting a petition to have an issue placed upon the ballot is
 1642 entitled to have the signatures verified at no charge, the
 1643 supervisor of elections of each county in which the signatures
 1644 are verified at no charge shall submit the total number of such
 1645 signatures checked in the county to the Chief Financial Officer
 1646 no later than December 1 of the general election year, and the
 1647 Chief Financial Officer shall cause such supervisor of elections
 1648 to be reimbursed from the General Revenue Fund in an amount
 1649 equal to 10 cents or the actual cost for each name checked ~~or~~
 1650 ~~the actual cost of checking such signatures~~, whichever is
 1651 applicable as set forth in paragraph (a) less. In no event may
 1652 ~~shall~~ such reimbursement of costs be deemed or applied as extra
 1653 compensation for the supervisor.

Page 57 of 98

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582-03551-23

20237050__

1654 (d) Petitions must ~~shall~~ be retained by the supervisors for
 1655 a period of 1 year following the election for which the
 1656 petitions were circulated.

1657 (5) The results of a verification pursuant to subparagraph
 1658 (1)(a)2. may be contested in the circuit court by the candidate;
 1659 an announced opponent; a representative of a designated
 1660 political committee; or a person, party, or other organization
 1661 submitting the petition. The contestant must ~~shall~~ file a
 1662 complaint, together with the fees prescribed in chapter 28, with
 1663 the clerk of the circuit court in the county in which the
 1664 petition is certified or in Leon County if the petition covers
 1665 more than one county within 10 days after midnight of the date
 1666 the petition is certified; and the complaint must ~~shall~~ set
 1667 forth the grounds on which the contestant intends to establish
 1668 his or her right to require a complete check of the petition
 1669 pursuant to subparagraph (1)(a)1. In the event the court orders
 1670 a complete check of the petition and the result is not changed
 1671 as to the success or lack of success of the petitioner in
 1672 obtaining the requisite number of valid signatures, then such
 1673 candidate, unless the candidate has filed the oath stating that
 1674 he or she is unable to pay such charges; announced opponent;
 1675 representative of a designated political committee; or party,
 1676 person, or organization submitting the petition, unless such
 1677 person or organization has filed the oath stating inability to
 1678 pay such charges, shall pay to the supervisor of elections of
 1679 each affected county for the complete check an amount calculated
 1680 at the rate of 10 cents for each additional signature checked or
 1681 the actual cost of checking such additional signatures, as
 1682 applicable ~~whichever is less~~.

Page 58 of 98

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582-03551-23

20237050__

1683 Section 16. Section 100.342, Florida Statutes, is amended
1684 to read:

1685 100.342 Notice of special election or referendum.—In any
1686 special election or referendum not otherwise provided for, there
1687 ~~must shall~~ be at least 30 days' notice of the election or
1688 referendum by publication in a newspaper of general circulation
1689 in the county, district, or municipality, or published on the
1690 county's website as authorized by s. 50.0311, the municipality's
1691 website, or the supervisor's website, as applicable as the case
1692 ~~may be~~. The publication must shall be made at least twice, once
1693 in the fifth week and once in the third week before prior to the
1694 week in which the election or referendum is to be held. If the
1695 applicable website becomes unavailable or there is no newspaper
1696 of general circulation in the county, district, or municipality,
1697 the notice must shall be posted in no less than five places
1698 within the territorial limits of the county, district, or
1699 municipality.

1700 Section 17. Subsection (3) and paragraph (a) of subsection
1701 (4) of section 101.001, Florida Statutes, are amended to read:

1702 101.001 Precincts and polling places; boundaries.—
1703 (3) (a) Each supervisor of elections shall maintain a
1704 geographical information system suitable map ~~drawn to a scale no~~
1705 ~~smaller than 3 miles to the inch and~~ clearly delineating all
1706 major observable features such as roads, streams, and railway
1707 lines and showing the current geographical boundaries of each
1708 precinct, representative district, and senatorial district, and
1709 other type of district in the county subject to the elections
1710 process in this code.

1711 (b) ~~The supervisor shall provide to the department data on~~

582-03551-23

20237050__

1712 ~~all precincts in the county associated with the most recent~~
1713 ~~decennial census blocks within each precinct.~~

1714 ~~(c) The department shall maintain a searchable database~~
1715 ~~that contains the precincts and the corresponding most recent~~
1716 ~~decennial census blocks within the precincts for each county,~~
1717 ~~including a historical file that allows the census blocks to be~~
1718 ~~traced through the prior decade.~~

1719 ~~(d)~~ The supervisor of elections shall notify the Secretary
1720 of State in writing within 10 days after any reorganization of
1721 precincts and shall furnish a copy of the geographical
1722 information system map showing the current geographical
1723 boundaries and designation of each new precinct. ~~However, if~~
1724 ~~precincts are composed of whole census blocks, the supervisor~~
1725 ~~may furnish, in lieu of a copy of the map, a list, in an~~
1726 ~~electronic format prescribed by the Department of State,~~
1727 ~~associating each census block in the county with its precinct.~~

1728 (c)(e) Any precinct established or altered under the
1729 ~~provisions of this section must shall~~ consist of areas bounded
1730 on all sides only by census block boundaries from the most
1731 recent United States Census. If the census block boundaries
1732 split or conflict with a municipal or other political
1733 subdivision ~~another political~~ boundary listed below, the
1734 boundary listed below may be used as a precinct boundary:

1735 1. Governmental unit boundaries reported in the most recent
1736 Boundary and Annexation Survey published by the United States
1737 Census Bureau; or

1738 2. ~~Visible features that are readily distinguishable upon~~
1739 ~~the ground, such as streets, railroads, tracks, streams, and~~
1740 ~~lakes, and that are indicated upon current census maps, official~~

582-03551-23

20237050__

1741 ~~Department of Transportation maps, official municipal maps,~~
 1742 ~~official county maps, or a combination of such maps,~~

1743 ~~3. Boundaries of public parks, public school grounds, or~~
 1744 ~~churches; or~~

1745 ~~4. Boundaries of counties, incorporated municipalities, or~~
 1746 ~~other political subdivisions that meet criteria established by~~
 1747 ~~the United States Census Bureau for block boundaries.~~

1748 (4) (a) Within 10 days after there is any change in the
 1749 division, name, number, or boundaries of the precincts, or the
 1750 location of the polling places, the supervisor of elections
 1751 shall make in writing an accurate description of any new or
 1752 altered precincts, setting forth the boundary lines and shall
 1753 identify the location of each new or altered polling place. A
 1754 copy of the document describing such changes must shall be
 1755 posted at the supervisor's office.

1756 Section 18. Subsection (1) of section 101.048, Florida
 1757 Statutes, is amended to read:

1758 101.048 Provisional ballots.—

1759 (1) At all elections, a voter claiming to be properly
 1760 registered in the state and eligible to vote at the precinct in
 1761 the election but whose eligibility cannot be determined, a
 1762 person whom an election official asserts is not eligible,
 1763 including, but not limited to, a person for whom an appeal is
 1764 pending pursuant to s. 98.0755, but a final determination of
 1765 eligibility has not been made, and other persons specified in
 1766 the code shall be entitled to vote a provisional ballot. Once
 1767 voted, the provisional ballot must shall be placed in a secrecy
 1768 envelope and thereafter sealed in a provisional ballot envelope.
 1769 The provisional ballot must shall be deposited in a ballot box.

Page 61 of 98

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582-03551-23

20237050__

1770 All provisional ballots must shall remain sealed in their
 1771 envelopes for return to the supervisor of elections. The
 1772 department shall prescribe the form of the provisional ballot
 1773 envelope. A person casting a provisional ballot has shall have
 1774 the right to present written evidence supporting his or her
 1775 eligibility to vote to the supervisor of elections by not later
 1776 than 5 p.m. on the second day following the election.

1777 Section 19. Paragraph (b) of subsection (4) of section
 1778 101.151, Florida Statutes, is amended to read:

1779 101.151 Specifications for ballots.—

1780 (4)

1781 (b) When two or more candidates running for the same office
 1782 on an a primary election ballot have the same or a similar
 1783 surname, the word "incumbent" must shall appear next to the
 1784 incumbent's name.

1785 Section 20. Subsection (1) of section 101.6103, Florida
 1786 Statutes, is amended to read:

1787 101.6103 Mail ballot election procedure.—

1788 (1) Except as otherwise provided in subsection (7), the
 1789 supervisor of elections shall mail all official ballots with a
 1790 secrecy envelope, a return mailing envelope, and instructions
 1791 sufficient to describe the voting process to each elector
 1792 entitled to vote in the election within the timeframes specified
 1793 in s. 101.62(3) s. 101.62(4). All such ballots must shall be
 1794 mailed by first-class mail. Ballots must shall be addressed to
 1795 each elector at the address appearing in the registration
 1796 records and placed in an envelope which is prominently marked
 1797 "Do Not Forward."

1798 Section 21. Section 101.62, Florida Statutes, is amended to

Page 62 of 98

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582-03551-23

20237050__

1799 read:

1800 101.62 Request for vote-by-mail ballots.-

1801 (1) REQUEST.-

1802 (a) The supervisor shall accept a request for a vote-by-
 1803 mail ballot only from a voter or, if directly instructed by the
 1804 voter, a member of the voter's immediate family or the voter's
 1805 legal guardian an elector in person or in writing. A request may
 1806 be made in person, in writing, or by telephone. The department
 1807 shall prescribe by rule a uniform statewide application to make
 1808 a written request for a vote-by-mail ballot which includes
 1809 fields for all information required in this subsection. One
 1810 request is deemed sufficient to receive a vote-by-mail ballot
 1811 for all elections through the end of the calendar year of the
 1812 next regularly scheduled general election, unless the voter
 1813 elector or the voter's elector's designee indicates at the time
 1814 the request is made the elections within such period for which
 1815 the voter elector desires to receive a vote-by-mail ballot. The
 1816 supervisor must cancel a request for a vote-by-mail ballot such
 1817 request may be considered canceled when any first-class mail or
 1818 nonforwardable mail sent by the supervisor to the voter elector
 1819 is returned as undeliverable. If the voter requests a vote-by-
 1820 mail ballot thereafter, the voter must provide or confirm his or
 1821 her current residential address.

1822 (b) The supervisor may accept a ~~written, an in-person, or a~~
 1823 ~~telephonic~~ request for a vote-by-mail ballot to be mailed to a
 1824 voter's an elector's address on file in the Florida Voter
 1825 Registration System from the voter elector, or, if directly
 1826 instructed by the voter elector, a member of the voter's
 1827 elector's immediate family, or the voter's elector's legal

Page 63 of 98

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582-03551-23

20237050__

1828 guardian. If an in-person or a telephonic request is made, the
 1829 voter elector must provide the voter's elector's Florida driver
 1830 license number, the voter's elector's Florida identification
 1831 card number, or the last four digits of the voter's elector's
 1832 social security number, whichever may be verified in the
 1833 supervisor's records. If the ballot is requested to be mailed to
 1834 an address other than the voter's elector's address on file in
 1835 the Florida Voter Registration System, the request must be made
 1836 in writing. A written request must be signed by the voter
 1837 elector and include the voter's elector's Florida driver license
 1838 number, the voter's elector's Florida identification card
 1839 number, or the last four digits of the voter's elector's social
 1840 security number. However, an absent uniformed service voter or
 1841 an overseas voter seeking a vote-by-mail ballot is not required
 1842 to submit a signed, written request for a vote-by-mail ballot
 1843 that is being mailed to an address other than the voter's
 1844 elector's address on file in the Florida Voter Registration
 1845 System. ~~For purposes of this section, the term "immediate~~
 1846 ~~family" has the same meaning as specified in paragraph (4)(c).~~
 1847 The person making the request must disclose:
 1848 1. The name of the voter elector for whom the ballot is
 1849 requested.
 1850 2. The voter's elector's address.
 1851 3. The voter's elector's date of birth.
 1852 4. The voter's elector's Florida driver license number, the
 1853 voter's elector's Florida identification card number, or the
 1854 last four digits of the voter's elector's social security
 1855 number, whichever may be verified in the supervisor's records.
 1856 If the voter's registration record does not already include the

Page 64 of 98

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582-03551-23 20237050__

1857 voter's Florida driver license number or Florida identification
 1858 card number or the last four digits of the voter's social
 1859 security number, the number provided must be recorded in the
 1860 voter's registration record.

1861 5. The requester's name.

1862 6. The requester's address.

1863 7. The requester's driver license number, the requester's
 1864 identification card number, or the last four digits of the
 1865 requester's social security number, if available.

1866 8. The requester's relationship to the voter elector.

1867 9. The requester's signature (written requests only).

1868 (c) Upon receiving a request for a vote-by-mail ballot from
 1869 an absent voter, the supervisor of elections shall notify the
 1870 voter of the free access system that has been designated by the
 1871 department for determining the status of his or her vote-by-mail
 1872 ballot.

1873 (d) For purposes of this section, the term "immediate
 1874 family" refers to the following, as applicable:

1875 1. The voter's spouse, parent, child, grandparent,
 1876 grandchild, or sibling, or the parent, child, grandparent,
 1877 grandchild, or sibling of the voter's spouse.

1878 2. The designee's spouse, parent, child, grandparent,
 1879 grandchild, or sibling, or the parent, child, grandparent,
 1880 grandchild, or sibling of the designee's spouse.

1881 ~~(2) A request for a vote-by-mail ballot to be mailed to a~~
 1882 ~~voter must be received no later than 5 p.m. on the 10th day~~
 1883 ~~before the election by the supervisor. The supervisor shall mail~~
 1884 ~~vote by mail ballots to voters requesting ballots by such~~
 1885 ~~deadline no later than 8 days before the election.~~

582-03551-23 20237050__

1886 ~~(3) ACCESS TO VOTE-BY-MAIL REQUEST INFORMATION.~~For each
 1887 request for a vote-by-mail ballot received, the supervisor shall
 1888 record the following information: the date the request was made;
 1889 the identity of the voter's designee making the request, if any;
 1890 the Florida driver license number, Florida identification card
 1891 number, or last four digits of the social security number of the
 1892 voter elector provided with a written request; the date the
 1893 vote-by-mail ballot was delivered to the voter or the voter's
 1894 designee or the date the vote-by-mail ballot was delivered to
 1895 the post office or other carrier; the address to which the
 1896 ballot was mailed or the identity of the voter's designee to
 1897 whom the ballot was delivered; the date the ballot was received
 1898 by the supervisor; the absence of the voter's signature on the
 1899 voter's certificate, if applicable; whether the voter's
 1900 certificate contains a signature that does not match the voter's
 1901 elector's signature in the registration books or precinct
 1902 register; and such other information he or she may deem
 1903 necessary. This information must ~~shall~~ be provided in electronic
 1904 format as provided by division rule. The information must ~~shall~~
 1905 be updated and made available no later than 8 a.m. of each day,
 1906 including weekends, beginning 60 days before the primary until
 1907 15 days after the general election and shall be
 1908 contemporaneously provided to the division. This information is
 1909 ~~shall be~~ confidential and exempt from s. 119.07(1) and may ~~shall~~
 1910 be made available to or reproduced only for the voter requesting
 1911 the ballot, a canvassing board, an election official, a
 1912 political party or official thereof, a candidate who has filed
 1913 qualification papers and is opposed in an upcoming election, and
 1914 registered political committees for political purposes only.

582-03551-23

20237050__

1915 (3)(4) DELIVERY OF VOTE-BY-MAIL BALLOTS.-

1916 (a) No later than 45 days before each presidential
1917 preference primary election, primary election, and general
1918 election, the supervisor of elections shall send a vote-by-mail
1919 ballot as provided in subparagraph (d)2. ~~(c)2.~~ to each absent
1920 uniformed services voter and to each overseas voter who has
1921 requested a vote-by-mail ballot.

1922 (b) The supervisor shall mail a vote-by-mail ballot to each
1923 absent qualified voter, other than those listed in paragraph
1924 (a), who has requested such a ballot, between the 40th and 33rd
1925 days before the presidential preference primary election,
1926 primary election, and general election.

1927 (c) Except as otherwise provided in paragraph (a) or
1928 paragraph (b) subsection (2) and after the period described in
1929 this paragraph, the supervisor shall mail vote-by-mail ballots
1930 within 2 business days after receiving a request for such a
1931 ballot, but no later than the 9th day before election day. The
1932 deadline to submit a request for a ballot to be mailed is 5 p.m.
1933 local time on the 11th day before an upcoming election.

1934 (d)(e) Upon a request for a vote-by-mail ballot, the
1935 supervisor shall provide a vote-by-mail ballot to each voter
1936 elector by whom a request for that ballot has been made, by one
1937 of the following means:

1938 1. By nonforwardable, return-if-undeliverable mail to the
1939 voter's elector's current mailing address on file with the
1940 supervisor or any other address the voter elector specifies in
1941 the request. The envelopes must be prominently marked "Do Not
1942 Forward."

1943 2. By forwardable mail, e-mail, or facsimile machine

582-03551-23

20237050__

1944 transmission to absent uniformed services voters and overseas
1945 voters. The absent uniformed services voter or overseas voter
1946 may designate in the vote-by-mail ballot request the preferred
1947 method of transmission. If the voter does not designate the
1948 method of transmission, the vote-by-mail ballot must ~~shall~~ be
1949 mailed.

1950 3. By personal delivery ~~before 7 p.m. on election day~~ to
1951 the voter during the mandatory early voting period or on
1952 election day before 7 p.m. and elector, upon presentation of the
1953 identification required in s. 101.043.

1954 4. By delivery to the voter's a designee only during the
1955 mandatory early voting period or on election day ~~or up to 9 days~~
1956 ~~before the day of an election.~~ Any voter elector may designate
1957 in writing a person to pick up the ballot for the voter elector;
1958 however, the person designated may not pick up more than two
1959 vote-by-mail ballots per election, other than the designee's own
1960 ballot, except that additional ballots may be picked up for
1961 members of the designee's immediate family. ~~For purposes of this~~
1962 ~~section, "immediate family" means the designee's spouse or the~~
1963 ~~parent, child, grandparent, grandchild, or sibling of the~~
1964 ~~designee or of the designee's spouse.~~ The designee shall provide
1965 to the supervisor the written authorization by the voter elector
1966 and a picture identification of the designee and must complete
1967 an affidavit. The designee shall state in the affidavit that the
1968 designee is authorized by the voter elector to pick up that
1969 ballot and shall indicate if the voter elector is a member of
1970 the designee's immediate family and, if so, the relationship.
1971 The department shall prescribe the form of the affidavit. If the
1972 supervisor is satisfied that the designee is authorized to pick

582-03551-23

20237050__

1973 up the ballot and that the signature of the voter elector on the
 1974 written authorization matches the signature of the voter elector
 1975 on file, the supervisor ~~must shall~~ give the ballot to that
 1976 designee for delivery to the voter elector.

1977 5. Except as provided in s. 101.655, the supervisor may not
 1978 deliver a vote-by-mail ballot to a voter an elector or a voter's
 1979 designee pursuant to subparagraph 3. or subparagraph 4.,
 1980 respectively, an elector's immediate family member on the day of
 1981 the election unless there is an emergency, to the extent that
 1982 the voter elector will be unable to go to a designated early
 1983 voting site in his or her county or to his or her assigned
 1984 polling place on election day. If a vote-by-mail ballot is
 1985 delivered, the voter elector or his or her designee ~~must shall~~
 1986 execute an affidavit affirming to the facts which allow for
 1987 delivery of the vote-by-mail ballot. The department shall adopt
 1988 a rule providing for the form of the affidavit.

1989 ~~(4)(5)~~ SPECIAL CIRCUMSTANCES.-

1990 (a) If the department is unable to certify candidates for
 1991 an election in time to comply with paragraph (3) (a) ~~(4) (a)~~, the
 1992 Department of State is authorized to prescribe rules for a
 1993 ballot to be sent to absent uniformed services voters and
 1994 overseas voters.

1995 ~~(b)(6)~~ Only the materials necessary to vote by mail may be
 1996 mailed or delivered with any vote-by-mail ballot.

1997 ~~(5)(7)~~ PROHIBITION.-Except as expressly authorized for
 1998 voters having a disability under s. 101.662, for overseas voters
 1999 under s. 101.697, or for local referenda under ss. 101.6102 and
 2000 101.6103, a county, municipality, or state agency may not send a
 2001 vote-by-mail ballot to a voter unless the voter has requested a

582-03551-23

20237050__

2002 vote-by-mail ballot in the manner authorized under this section.

2003 Section 22. Paragraph (d) of subsection (1) of section
 2004 101.657, Florida Statutes, is amended to read:

2005 101.657 Early voting.-

2006 (1)

2007 (d)1. Early voting shall begin on the 10th day before an
 2008 election that contains state or federal races and end on the 3rd
 2009 day before the election, and shall be provided for no less than
 2010 8 hours and no more than 12 hours per day at each site during
 2011 the applicable period.

2012 2. In addition, early voting for an election that contains
 2013 state or federal races may be offered at the discretion of the
 2014 supervisor of elections on the 15th, 14th, 13th, 12th, or 11th
 2015 day before the election. In addition, a supervisor of elections
 2016 may offer early voting on either the 16th, or 2nd day before the
 2017 an election that contains state or federal races for at least 8
 2018 hours per day, but not more than 12 hours per day. Early voting
 2019 offered pursuant to this subparagraph must be offered for at
 2020 least 8 hours per day, but not more than 12 hours per day, on
 2021 each day that early voting is offered.

2022 3. The supervisor of elections may provide early voting for
 2023 elections that are not held in conjunction with a state or
 2024 federal election. However, the supervisor has the discretion to
 2025 determine the hours of operation of early voting sites in those
 2026 elections.

2027 Section 23. Subsections (1) and (2) of section 101.68,
 2028 Florida Statutes, are amended to read:

2029 101.68 Canvassing of vote-by-mail ballot.-

2030 (1)(a) The supervisor of the county where the voter absent

582-03551-23

20237050__

2031 ~~elector~~ resides shall receive the voted ballot, at which time
 2032 the supervisor shall compare the voter's signature ~~of the~~
 2033 ~~elector~~ on the voter's certificate with the signature of the
 2034 voter ~~elector~~ in the registration books or the precinct register
 2035 to determine whether the voter ~~elector~~ is duly registered in the
 2036 county and must record on the voter's ~~elector's~~ registration
 2037 record that the voter ~~elector~~ has voted. During the signature
 2038 comparison process, the supervisor may not use any knowledge of
 2039 the political affiliation of the voter whose signature is
 2040 subject to verification.

2041 (b) A voter ~~An elector~~ who dies after casting a vote-by-
 2042 mail ballot but on or before election day shall remain listed in
 2043 the registration books until the results have been certified for
 2044 the election in which the ballot was cast. The supervisor shall
 2045 safely keep the ballot unopened in his or her office until the
 2046 county canvassing board canvasses the vote pursuant to
 2047 subsection (2).

2048 (c) If two or more vote-by-mail ballots for the same
 2049 election are returned in one mailing envelope, the ballots may
 2050 not be counted.

2051 (d) Except as provided in subsection (4), after a vote-by-
 2052 mail ballot is received by the supervisor, the ballot is deemed
 2053 to have been cast, and changes or additions may not be made to
 2054 the voter's certificate.

2055 (2) (a) The county canvassing board may begin the canvassing
 2056 of vote-by-mail ballots upon the completion of the public
 2057 testing of automatic tabulating equipment pursuant to s.
 2058 101.5612(2), but must begin such canvassing by no later than
 2059 noon on the day following the election. However, notwithstanding

582-03551-23

20237050__

2060 any such authorization to begin canvassing or otherwise
 2061 processing vote-by-mail ballots early, no result may ~~shall~~ be
 2062 released until after the closing of the polls in that county on
 2063 election day. Any supervisor, deputy supervisor, canvassing
 2064 board member, election board member, or election employee who
 2065 releases the results of a canvassing or processing of vote-by-
 2066 mail ballots before ~~prior to~~ the closing of the polls in that
 2067 county on election day commits a felony of the third degree,
 2068 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

2069 (b) To ensure that all vote-by-mail ballots to be counted
 2070 by the canvassing board are accounted for, the canvassing board
 2071 shall compare the number of ballots in its possession with the
 2072 number of requests for ballots received to be counted according
 2073 to the supervisor's file or list.

2074 (c)1. The canvassing board must, if the supervisor has not
 2075 already done so, compare the voter's signature ~~of the elector~~ on
 2076 the voter's certificate or on the vote-by-mail ballot cure
 2077 affidavit as provided in subsection (4) with the voter's
 2078 signature ~~of the elector~~ in the registration books or the
 2079 precinct register to see that the voter ~~elector~~ is duly
 2080 registered in the county and to determine the legality of that
 2081 vote-by-mail ballot. A vote-by-mail ballot may only be counted
 2082 if:

2083 a. The signature on the voter's certificate or the cure
 2084 affidavit matches the voter's ~~elector's~~ signature in the
 2085 registration books or precinct register; however, in the case of
 2086 a cure affidavit, the supporting identification listed in
 2087 subsection (4) must also confirm the voter's identity ~~of the~~
 2088 ~~elector~~; or

582-03551-23

20237050__

2089 b. The cure affidavit contains a signature that does not
 2090 match the voter's ~~elector's~~ signature in the registration books
 2091 or precinct register, but the voter ~~elector~~ has submitted a
 2092 current and valid Tier 1 identification pursuant to subsection
 2093 (4) which confirms the voter's identity ~~of the elector~~.

2094
 2095 For purposes of this subparagraph, any canvassing board finding
 2096 that a voter's ~~an elector's~~ signatures do not match must be by
 2097 majority vote and beyond a reasonable doubt.

2098 2. The ballot of a voter ~~an elector~~ who casts a vote-by-
 2099 mail ballot must ~~shall~~ be counted even if the voter ~~elector~~ dies
 2100 on or before election day, as long as, before the death of the
 2101 voter, the ballot was postmarked by the United States Postal
 2102 Service, date-stamped with a verifiable tracking number by a
 2103 common carrier, or already in the possession of the supervisor.

2104 3. A vote-by-mail ballot is not considered illegal if the
 2105 voter's signature ~~of the elector~~ does not cross the seal of the
 2106 mailing envelope.

2107 4. If any voter ~~elector~~ or candidate present believes that
 2108 a vote-by-mail ballot is illegal due to a defect apparent on the
 2109 voter's certificate or the cure affidavit, he or she may, at any
 2110 time before the ballot is removed from the envelope, file with
 2111 the canvassing board a protest against the canvass of that
 2112 ballot, specifying the precinct, the voter's certificate or the
 2113 cure affidavit, and the reason he or she believes the ballot to
 2114 be illegal. A challenge based upon a defect in the voter's
 2115 certificate or cure affidavit may not be accepted after the
 2116 ballot has been removed from the mailing envelope.

2117 5. If the canvassing board determines that a ballot is

582-03551-23

20237050__

2118 illegal, a member of the board must, without opening the
 2119 envelope, mark across the face of the envelope: "rejected as
 2120 illegal." The cure affidavit, if applicable, the envelope, and
 2121 the ballot therein must ~~shall~~ be preserved in the manner that
 2122 official ballots are preserved.

2123 (d) The canvassing board shall record the ballot upon the
 2124 proper record, unless the ballot has been previously recorded by
 2125 the supervisor. The mailing envelopes must ~~shall~~ be opened and
 2126 the secrecy envelopes must ~~shall~~ be mixed so as to make it
 2127 impossible to determine which secrecy envelope came out of which
 2128 signed mailing envelope; however, in any county in which an
 2129 electronic or electromechanical voting system is used, the
 2130 ballots may be sorted by ballot styles and the mailing envelopes
 2131 may be opened and the secrecy envelopes mixed separately for
 2132 each ballot style. The votes on vote-by-mail ballots must ~~shall~~
 2133 be included in the total vote of the county.

2134 Section 24. Subsections (1), (2), and (4) of section
 2135 101.6921, Florida Statutes, are amended to read:

2136 101.6921 Delivery of special vote-by-mail ballot to certain
 2137 first-time voters.—

2138 (1) This section applies ~~The provisions of this section~~
 2139 ~~apply~~ to voters who are subject to ~~the provisions of~~ s. 97.0535
 2140 and are authorized to use a vote-by-mail ballot but and who have
 2141 not provided the identification or ~~information certification~~
 2142 required by s. 97.0535 by the time the vote-by-mail ballot is
 2143 mailed.

2144 (2) The supervisor shall enclose with each vote-by-mail
 2145 ballot three envelopes: a secrecy envelope, into which the voter
 2146 ~~absent elector~~ will enclose his or her marked ballot; an

582-03551-23

20237050__

2147 envelope containing the Voter's Certificate, into which the
 2148 ~~voter absent elector~~ shall place the secrecy envelope; and a
 2149 mailing envelope, which ~~must shall~~ be addressed to the
 2150 supervisor and into which the ~~voter absent elector~~ will place
 2151 the envelope containing the Voter's Certificate and a copy of
 2152 the required identification.

2153 (4) The certificate ~~must shall~~ be arranged on the back of
 2154 the envelope so that the line for the voter's signature ~~of the~~
 2155 ~~absent elector~~ is across the seal of the envelope.

2156 Section 25. Section 101.6923, Florida Statutes, is amended
 2157 to read:

2158 101.6923 Special vote-by-mail ballot instructions for
 2159 certain first-time voters.—

2160 (1) This section applies ~~The provisions of this section~~
 2161 apply to voters who are subject to ~~the provisions of~~ s. 97.0535
 2162 and are authorized to use a vote-by-mail ballot but ~~and who~~ have
 2163 not provided the identification or information required by s.
 2164 97.0535 by the time the vote-by-mail ballot is mailed.

2165 (2) A voter covered by this section ~~must shall~~ be provided
 2166 with printed instructions with his or her vote-by-mail ballot in
 2167 substantially the following form:

2168
 2169 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
 2170 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
 2171 YOUR BALLOT NOT TO COUNT.
 2172

2173 1. In order to ensure that your vote-by-mail ballot will be
 2174 counted, it should be completed and returned as soon as possible
 2175 so that it can reach the supervisor of elections of the county

582-03551-23

20237050__

2176 in which your precinct is located no later than 7 p.m. on the
 2177 date of the election. However, if you are an overseas voter
 2178 casting a ballot in a presidential preference primary or general
 2179 election, your vote-by-mail ballot must be postmarked or dated
 2180 no later than the date of the election and received by the
 2181 supervisor of elections of the county in which you are
 2182 registered to vote no later than 10 days after the date of the
 2183 election. Note that the later you return your ballot, the less
 2184 time you will have to cure signature deficiencies, which is
 2185 authorized until 5 p.m. local time on the 2nd day after the
 2186 election.

2187 2. Mark your ballot in secret as instructed on the ballot.
 2188 You must mark your own ballot unless you are unable to do so
 2189 because of blindness, disability, or inability to read or write.

2190 3. Mark only the number of candidates or issue choices for
 2191 a race as indicated on the ballot. If you are allowed to "Vote
 2192 for One" candidate and you vote for more than one, your vote in
 2193 that race will not be counted.

2194 4. Place your marked ballot in the enclosed secrecy
 2195 envelope and seal the envelope.

2196 5. Insert the secrecy envelope into the enclosed envelope
 2197 bearing the Voter's Certificate. Seal the envelope and
 2198 completely fill out the Voter's Certificate on the back of the
 2199 envelope.

2200 a. You must sign your name on the line above (Voter's
 2201 Signature).

2202 b. If you are an overseas voter, you must include the date
 2203 you signed the Voter's Certificate on the line above (Date) or
 2204 your ballot may not be counted.

582-03551-23

20237050__

2205 c. A vote-by-mail ballot will be considered illegal and
 2206 will not be counted if the signature on the Voter's Certificate
 2207 does not match the signature on record. The signature on file at
 2208 the start of the canvass of the vote-by-mail ballots is the
 2209 signature that will be used to verify your signature on the
 2210 Voter's Certificate. If you need to update your signature for
 2211 this election, send your signature update on a voter
 2212 registration application to your supervisor of elections so that
 2213 it is received before your vote-by-mail ballot is received.

2214 6. Unless you meet one of the exemptions in Item 7., you
 2215 must make a copy of one of the following forms of
 2216 identification:

2217 a. Identification which must include your name and
 2218 photograph: United States passport; debit or credit card;
 2219 military identification; student identification; retirement
 2220 center identification; neighborhood association identification;
 2221 public assistance identification; veteran health identification
 2222 card issued by the United States Department of Veterans Affairs;
 2223 a Florida license to carry a concealed weapon or firearm; or an
 2224 employee identification card issued by any branch, department,
 2225 agency, or entity of the Federal Government, the state, a
 2226 county, or a municipality; or

2227 b. Identification which shows your name and current
 2228 residence address: current utility bill, bank statement,
 2229 government check, paycheck, or government document (excluding
 2230 voter information card).

2231 7. The identification requirements of Item 6. do not apply
 2232 if you meet one of the following requirements:

2233 a. You are 65 years of age or older.

Page 77 of 98

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582-03551-23

20237050__

2234 b. You have a temporary or permanent physical disability.

2235 c. You are a member of a uniformed service on active duty
 2236 who, by reason of such active duty, will be absent from the
 2237 county on election day.

2238 d. You are a member of the Merchant Marine who, by reason
 2239 of service in the Merchant Marine, will be absent from the
 2240 county on election day.

2241 e. You are the spouse or dependent of a member referred to
 2242 in paragraph c. or paragraph d. who, by reason of the active
 2243 duty or service of the member, will be absent from the county on
 2244 election day.

2245 f. You are currently residing outside the United States.

2246 8. Place the envelope bearing the Voter's Certificate into
 2247 the mailing envelope addressed to the supervisor. Insert a copy
 2248 of your identification in the mailing envelope. DO NOT PUT YOUR
 2249 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
 2250 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
 2251 BALLOT WILL NOT COUNT.

2252 9. Mail, deliver, or have delivered the completed mailing
 2253 envelope. Be sure there is sufficient postage if mailed.

2254 10. FELONY NOTICE. It is a felony under Florida law to
 2255 accept any gift, payment, or gratuity in exchange for your vote
 2256 for a candidate. It is also a felony under Florida law to vote
 2257 in an election using a false identity or false address, or under
 2258 any other circumstances making your ballot false or fraudulent.

2259 Section 26. Subsections (1) and (3) of section 101.6925,
 2260 Florida Statutes, are amended to read:

2261 101.6925 Canvassing special vote-by-mail ballots.—

2262 (1) The supervisor of the county where the voter absent

Page 78 of 98

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582-03551-23

20237050__

2263 ~~elector~~ resides shall receive the voted special vote-by-mail
 2264 ballot, at which time the mailing envelope must ~~shall~~ be opened
 2265 to determine if the voter has enclosed the identification
 2266 required or has indicated on the Voter's Certificate that he or
 2267 she is exempt from the identification requirements.

2268 (3) If the identification is not enclosed in the mailing
 2269 envelope and the voter has not indicated that he or she is
 2270 exempt from the identification requirements, the supervisor must
 2271 ~~shall~~ check the voter registration records to determine if the
 2272 voter's identification was previously received or the voter had
 2273 previously notified the supervisor that he or she was exempt.
 2274 The envelope with the Voter's Certificate may ~~shall~~ not be
 2275 opened unless the identification has been received or the voter
 2276 has indicated that he or she is exempt. The ballot must ~~shall~~ be
 2277 treated as a provisional ballot and may ~~until 7 p.m. on election~~
 2278 ~~day and shall~~ not be canvassed unless the supervisor has
 2279 received the required identification or written indication of
 2280 exemption by 5 7 p.m. local time on the 2nd day following the ~~en~~
 2281 ~~election day~~.

2282 Section 27. Subsection (1) of section 101.694, Florida
 2283 Statutes, is amended to read:

2284 101.694 Mailing of ballots upon receipt of federal postcard
 2285 application.—

2286 (1) Upon receipt of a federal postcard application for a
 2287 vote-by-mail ballot executed by a person whose registration is
 2288 in order or whose application is sufficient to register or
 2289 update the registration of that person, the supervisor shall
 2290 send the ballot in accordance with s. 101.62(3) ~~s. 101.62(4)~~.

2291 Section 28. Subsection (2) of section 102.111, Florida

582-03551-23

20237050__

2292 Statutes, is amended to read:

2293 102.111 Elections Canvassing Commission.—

2294 (2) The Elections Canvassing Commission shall meet at 8 9
 2295 a.m. on the 9th day after a primary election and at 8 9 a.m. on
 2296 the 14th day after a general election to certify the returns of
 2297 the election for each federal, state, and multicounty office. If
 2298 a member of a county canvassing board that was constituted
 2299 pursuant to s. 102.141 determines, within 5 days after the
 2300 certification by the Elections Canvassing Commission, that a
 2301 typographical error occurred in the official returns of the
 2302 county, the correction of which could result in a change in the
 2303 outcome of an election, the county canvassing board must certify
 2304 corrected returns to the Department of State within 24 hours,
 2305 and the Elections Canvassing Commission must correct and
 2306 recertify the election returns as soon as practicable.

2307 Section 29. Subsection (2) of section 102.112, Florida
 2308 Statutes, is amended to read:

2309 102.112 Deadline for submission of county returns to the
 2310 Department of State.—

2311 (2) Returns must be filed no later than noon ~~by 5 p.m.~~ on
 2312 the 8th 7th day following a primary election and no later than
 2313 ~~by~~ noon on the 13th 12th day following the general election.
 2314 However, the Department of State may correct typographical
 2315 errors, including the transposition of numbers, in any returns
 2316 submitted to the Department of State pursuant to s. 102.111(2).

2317 Section 30. Subsections (1) and (10) of section 102.141,
 2318 Florida Statutes, are amended to read:

2319 102.141 County canvassing board; duties.—

2320 (1) The county canvassing board shall be composed of the

582-03551-23

20237050__

2321 supervisor of elections; a county court judge, who shall act as
 2322 chair; and the chair of the board of county commissioners. The
 2323 names of the canvassing board members must be published on the
 2324 supervisor's website upon completion of the logic and accuracy
 2325 test. Two alternate canvassing board members must be appointed
 2326 pursuant to paragraph (e). In the event any member of the county
 2327 canvassing board is unable to serve, is a candidate who has
 2328 opposition in the election being canvassed, or is an active
 2329 participant in the campaign or candidacy of any candidate who
 2330 has opposition in the election being canvassed, such member
 2331 shall be replaced as follows:

2332 (a) If a ~~no~~ county court judge is unable ~~able~~ to serve or
 2333 if all are disqualified, the chief judge of the judicial circuit
 2334 in which the county is located must ~~shall~~ appoint as a
 2335 substitute member a qualified elector of the county who is not a
 2336 candidate with opposition in the election being canvassed and
 2337 who is not an active participant in the campaign or candidacy of
 2338 any candidate with opposition in the election being canvassed.
 2339 In such event, the members of the county canvassing board shall
 2340 meet and elect a chair.

2341 (b) If the supervisor of elections is unable to serve or is
 2342 disqualified, the chair of the board of county commissioners
 2343 must ~~shall~~ appoint as a substitute member a member of the board
 2344 of county commissioners who is not a candidate with opposition
 2345 in the election being canvassed and who is not an active
 2346 participant in the campaign or candidacy of any candidate with
 2347 opposition in the election being canvassed. The supervisor,
 2348 however, shall act in an advisory capacity to the canvassing
 2349 board.

Page 81 of 98

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582-03551-23

20237050__

2350 (c) If the chair of the board of county commissioners is
 2351 unable to serve or is disqualified, the board of county
 2352 commissioners must ~~shall~~ appoint as a substitute member one of
 2353 its members who is not a candidate with opposition in the
 2354 election being canvassed and who is not an active participant in
 2355 the campaign or candidacy of any candidate with opposition in
 2356 the election being canvassed.

2357 (d) If a substitute member or alternate member cannot be
 2358 appointed as provided elsewhere in this subsection, or in the
 2359 event of a vacancy in such office, the chief judge of the
 2360 judicial circuit in which the county is located must ~~shall~~
 2361 appoint as a substitute member or alternate member a qualified
 2362 elector of the county who is not a candidate with opposition in
 2363 the election being canvassed and who is not an active
 2364 participant in the campaign or candidacy of any candidate with
 2365 opposition in the election being canvassed.

2366 (e)1. The chief judge of the judicial circuit in which the
 2367 county is located shall appoint a county court judge as an
 2368 alternate member of the county canvassing board or, if each
 2369 county court judge is unable to serve or is disqualified, shall
 2370 appoint an alternate member who is qualified to serve as a
 2371 substitute member under paragraph (a). Either alternate may
 2372 serve in any seat.

2373 2. The chair of the board of county commissioners shall
 2374 appoint a member of the board of county commissioners as an
 2375 alternate member of the county canvassing board or, if each
 2376 member of the board of county commissioners is unable to serve
 2377 or is disqualified, shall appoint an alternate member who is
 2378 qualified to serve as a substitute member under paragraph (d).

Page 82 of 98

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582-03551-23

20237050__

2379 3. If a member of the county canvassing board is unable to
 2380 participate in a meeting of the board, the chair of the county
 2381 canvassing board or his or her designee ~~must shall~~ designate
 2382 which alternate member will serve as a member of the board in
 2383 the place of the member who is unable to participate at that
 2384 meeting.

2385 4. If not serving as one of the three members of the county
 2386 canvassing board, an alternate member may be present, observe,
 2387 and communicate with the three members constituting the county
 2388 canvassing board, but may not vote in the board's decisions or
 2389 determinations.

2390 (10) (a) The supervisor ~~At the same time that the official~~
 2391 ~~results of an election are certified to the Department of State,~~
 2392 ~~the county canvassing board~~ shall file a report with the
 2393 Division of Elections on the conduct of the election no later
 2394 than 20 business days after the Elections Canvassing Commission
 2395 certifies the election. The report must describe, at a minimum,
 2396 all of the following:

2397 1. All equipment or software malfunctions at the precinct
 2398 level, at a counting location, or within computer and
 2399 telecommunications networks supporting a county location, and
 2400 the steps that were taken to address the malfunctions.~~†~~

2401 2. All election definition errors that were discovered
 2402 after the logic and accuracy test, and the steps that were taken
 2403 to address the errors.~~†~~

2404 3. All ballot printing, including vote-by-mail ballot
 2405 mailing errors or ballot supply problems, and the steps that
 2406 were taken to address the errors or problems.~~†~~

2407 4. All staffing shortages or procedural violations by

582-03551-23

20237050__

2408 employees or precinct workers which were addressed by the
 2409 supervisor of elections or the county canvassing board during
 2410 the conduct of the election, and the steps that were taken to
 2411 correct such issues.~~†~~

2412 5. All instances where needs for staffing or equipment were
 2413 insufficient to meet the needs of the voters.~~†~~ ~~and~~

2414 6. Any additional information regarding material issues or
 2415 problems associated with the conduct of the election.

2416 (b) If a supervisor discovers new or additional information
 2417 on any of the items required to be included in the report
 2418 pursuant to paragraph (a) after the report is filed, the
 2419 supervisor ~~must shall~~ notify the division that new information
 2420 has been discovered no later than the next business day after
 2421 the discovery, and the supervisor ~~must shall~~ file an amended
 2422 report signed by the supervisor of elections on the conduct of
 2423 the election within 10 days after the discovery.

2424 (c) Such reports ~~must shall~~ be maintained on file in the
 2425 Division of Elections and ~~must shall~~ be available for public
 2426 inspection.

2427 (d) The division shall review the conduct of election
 2428 reports ~~utilize the reports submitted by the canvassing boards~~
 2429 to determine what problems may be likely to occur in other
 2430 elections and disseminate such information, along with possible
 2431 solutions and training, to the supervisors of elections.

2432 (e) The department shall submit the analysis of these
 2433 reports for the general election as part of the consolidated
 2434 reports required under ss. 101.591 and 101.595 to the Governor,
 2435 the President of the Senate, and the Speaker of the House of
 2436 Representatives by February 15 of each year following a general

582-03551-23

20237050__

2437 election.

2438 Section 31. Section 103.021, Florida Statutes, is amended
2439 to read:

2440 103.021 Nomination for presidential electors.—Candidates
2441 for presidential electors shall be nominated in the following
2442 manner:

2443 (1) (a) The Governor shall nominate the presidential
2444 electors of each political party. The state executive committee
2445 of each political party shall by resolution recommend candidates
2446 for presidential electors and deliver a certified copy thereof
2447 to the Governor no later than noon on August 31 ~~before September~~
2448 ~~1~~ of each presidential election year. The Governor shall
2449 nominate only the electors recommended by the state executive
2450 committee of the respective political party.

2451 (b) The state executive committee of each political party
2452 shall include the Florida voter registration number of each
2453 presidential elector and contact information. Each such
2454 presidential elector must ~~shall~~ be a qualified registered voter
2455 of this state and member elector of the party he or she
2456 represents who has taken a written ~~an~~ oath that he or she will
2457 vote for the candidates of the party that he or she is nominated
2458 to represent.

2459 (c) The Governor shall certify to the Department of State
2460 no later than 5 p.m. on August 31 ~~or before September 1~~, in each
2461 presidential election year, the names of a number of electors
2462 for each political party equal to the number of senators and
2463 representatives which this state has in Congress.

2464 (2) The names of the presidential electors may ~~shall~~ not be
2465 printed on the general election ballot, but the names of the

Page 85 of 98

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582-03551-23

20237050__

2466 actual candidates for President and Vice President for whom the
2467 presidential electors will vote if elected must ~~shall~~ be printed
2468 on the ballot in the order in which the party of which the
2469 candidate is a nominee polled the highest number of votes for
2470 Governor in the last general election.

2471 (3) Candidates for President and Vice President with no
2472 party affiliation may have their names printed on the general
2473 election ballots if a petition is signed by 1 percent of the
2474 registered voters ~~electors~~ of this state, as shown by the
2475 compilation by the Department of State for the last preceding
2476 general election. A separate petition from each county for which
2477 signatures are solicited shall be submitted to the supervisor of
2478 elections of the respective county no later than noon on July 15
2479 of each presidential election year. The supervisor shall check
2480 the names and, on or before the date of the primary election,
2481 shall certify the number shown as registered voters ~~electors~~ of
2482 the county. The supervisor shall be paid by the person
2483 requesting the certification the cost of checking the petitions
2484 as prescribed in s. 99.097. The supervisor shall then forward
2485 the certificate to the Department of State which shall determine
2486 whether or not the percentage factor required in this section
2487 has been met. When the percentage factor required in this
2488 section has been met, the Department of State shall order the
2489 names of the candidates for whom the petition was circulated to
2490 be included on the ballot and shall allow ~~permit~~ the required
2491 number of persons to be certified as presidential electors in
2492 the same manner as party candidates.

2493 (4) (a) A minor political party that is affiliated with a
2494 national party holding a national convention to nominate

Page 86 of 98

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582-03551-23

20237050__

2495 candidates for President and Vice President of the United States
 2496 may have the names of its candidates for President and Vice
 2497 President of the United States printed on the general election
 2498 ballot by filing with the Department of State a certificate
 2499 naming the candidates for President and Vice President and
 2500 listing the required number of persons to serve as presidential
 2501 electors. Notification to the Department of State under this
 2502 subsection ~~must shall~~ be made no later than 5 p.m. on August 31
 2503 ~~by September 1~~ of the year in which the general election is
 2504 held. When the Department of State has been so notified, it
 2505 shall order the names of the candidates nominated by the minor
 2506 political party to be included on the ballot and shall allow
 2507 ~~permit~~ the required number of persons to be certified as
 2508 presidential electors in the same manner as other party
 2509 candidates. As used in this section, the term "national party"
 2510 means a political party that is registered with and recognized
 2511 as a qualified national committee of a political party by the
 2512 Federal Election Commission.

2513 (b) A minor political party that is not affiliated with a
 2514 national party holding a national convention to nominate
 2515 candidates for President and Vice President of the United States
 2516 may have the names of its candidates for President and Vice
 2517 President printed on the general election ballot if a petition
 2518 is signed by 1 percent of the registered voters electors of this
 2519 state, as shown by the compilation by the Department of State
 2520 for the preceding general election. A separate petition from
 2521 each county for which signatures are solicited ~~must shall~~ be
 2522 submitted to the supervisors of elections of the respective
 2523 county no later than noon on July 15 of each presidential

Page 87 of 98

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582-03551-23

20237050__

2524 election year. The supervisor shall check the names and, on or
 2525 before the date of the primary election, shall certify the
 2526 number shown as registered voters electors of the county. The
 2527 supervisor shall be paid by the person requesting the
 2528 certification the cost of checking the petitions as prescribed
 2529 in s. 99.097. The supervisor shall then forward the certificate
 2530 to the Department of State, which shall determine whether or not
 2531 the percentage factor required in this section has been met.
 2532 When the percentage factor required in this section has been
 2533 met, the Department of State shall order the names of the
 2534 candidates for whom the petition was circulated to be included
 2535 on the ballot and shall allow permit the required number of
 2536 persons to be certified as presidential electors in the same
 2537 manner as other party candidates.

2538 (5) When for any reason a person nominated or elected as a
 2539 presidential elector is unable to serve because of death,
 2540 incapacity, or otherwise, the Governor may appoint a person to
 2541 fill such vacancy who possesses the qualifications required for
 2542 the elector to have been nominated in the first instance. Such
 2543 person shall file with the Governor an oath that he or she will
 2544 support the same candidates for President and Vice President
 2545 that the person who is unable to serve was committed to support.

2546 Section 32. Section 103.022, Florida Statutes, is amended
 2547 to read:

2548 103.022 Write-in candidates for President and Vice
 2549 President.—

2550 (1) Persons seeking to qualify for election as write-in
 2551 candidates for President and Vice President of the United States
 2552 may have a blank space provided on the general election ballot

Page 88 of 98

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582-03551-23 20237050__

2553 for their names to be written in by filing an oath with the
 2554 Department of State at any time after the 57th day, but before
 2555 noon of the 49th day, prior to the date of the primary election
 2556 in the year in which a presidential election is held.

2557 (2) The Department of State shall prescribe the form to be
 2558 used in administering the oath.

2559 (3) The write-in candidates shall file with the department
 2560 a certificate naming the required number of persons to serve as
 2561 electors. The write-in candidates must provide the Florida voter
 2562 registration number and contact information for each
 2563 presidential elector. Each presidential elector must be a
 2564 qualified registered voter of this state. Such write-in
 2565 candidates ~~are shall~~ not be entitled to have their names on the
 2566 ballot.

2567 Section 33. Subsection (4) of section 103.091, Florida
 2568 Statutes, is amended to read:

2569 103.091 Political parties.—

2570 (4) Any political party other than a minor political party
 2571 may by rule provide for the membership of its state or county
 2572 executive committee to be elected for 4-year terms at the
 2573 primary election in each year a presidential election is held.
 2574 The terms ~~shall~~ commence on the first day of the month following
 2575 each presidential general election; but the names of candidates
 2576 for political party offices ~~may shall~~ not be placed on the
 2577 ballot at any other election. The results of such election is
 2578 ~~shall be~~ determined by a plurality of the votes cast. In such
 2579 event, electors seeking to qualify for such office shall do so
 2580 with the Department of State or supervisor of elections not
 2581 earlier than noon of the 71st day, or later than noon of the

582-03551-23 20237050__

2582 67th day, preceding the primary election. A qualifying office
 2583 may accept and hold qualifying papers submitted not earlier than
 2584 14 days before the beginning of the qualifying period, to be
 2585 processed and filed during the qualifying period. The outgoing
 2586 chair of each county executive committee shall, within 30 days
 2587 after the committee members take office, hold an organizational
 2588 meeting of all newly elected members for the purpose of electing
 2589 officers. The chair of each state executive committee shall,
 2590 within 60 days after the committee members take office, hold an
 2591 organizational meeting of all newly elected members for the
 2592 purpose of electing officers.

2593 Section 34. Section 104.18, Florida Statutes, is amended to
 2594 read:

2595 104.18 Casting more than one ballot at any election.—

2596 (1) Except as provided in s. 101.6952, whoever willfully
 2597 votes more than one ballot at any election commits a felony of
 2598 the third degree, punishable as provided in s. 775.082, s.
 2599 775.083, or s. 775.084. In any prosecution under this section,
 2600 the prosecution may proceed in any jurisdiction in which one of
 2601 the ballots was willfully cast, and it is not necessary to prove
 2602 which of the ballots was cast first.

2603 (2) For purposes of this section, the term "willfully votes
 2604 more than one ballot at any election" means an occurrence of any
 2605 of the following:

2606 (a) Voting more than once in the same election within a
 2607 county located within this state.

2608 (b) Voting more than once in the same election by voting in
 2609 two or more counties located in this state.

2610 (c) Voting more than once in the same election by voting in

582-03551-23 20237050__

2611 this state and in one or more other states or territories of the
 2612 United States.

2613 Section 35. Subsection (1) of section 104.42, Florida
 2614 Statutes, is amended to read:

2615 104.42 Fraudulent registration and illegal voting;
 2616 investigation.-

2617 (1) The supervisor of elections is authorized to
 2618 investigate fraudulent registrations and illegal voting and to
 2619 report his or her findings to the local state attorney and the
 2620 Office of Election Crimes and Security Florida Elections
 2621 Commission.

2622 Section 36. Section 104.47, Florida Statutes, is created to
 2623 read:

2624 104.47 Harassment of election workers.-

2625 (1) For purposes of this section, the term "election
 2626 worker" means a member of a county canvassing board or an
 2627 individual who is an election official, poll worker, or election
 2628 volunteer in connection with an election conducted in this
 2629 state.

2630 (2) It is unlawful for any person to intimidate, threaten,
 2631 coerce, harass, or attempt to intimidate, threaten, coerce, or
 2632 harass an election worker with the intent to impede or interfere
 2633 with the performance of the election worker's official duties,
 2634 or with the intent to retaliate against such election worker for
 2635 the performance of official duties.

2636 (3) A person who violates this section commits a felony of
 2637 the third degree, punishable as provided in s. 775.082 or s.
 2638 775.083.

2639 Section 37. Subsection (1) and paragraph (c) of subsection

582-03551-23 20237050__

2640 (8) of section 106.07, Florida Statutes, are amended to read:

2641 106.07 Reports; certification and filing.-

2642 (1) Each campaign treasurer designated by a candidate or
 2643 political committee pursuant to s. 106.021 shall file regular
 2644 reports of all contributions received, and all expenditures
 2645 made, by or on behalf of such candidate or political committee.
 2646 Except for the third calendar quarter immediately preceding a
 2647 general election as provided in paragraphs (a) and (b), reports
 2648 must shall be filed on the 10th day following the end of each
 2649 calendar quarter month from the time the campaign treasurer is
 2650 appointed, except that, if the 10th day following the end of a
 2651 calendar quarter month occurs on a Saturday, Sunday, or legal
 2652 holiday, the report must shall be filed on the next following
 2653 day that is not a Saturday, Sunday, or legal holiday. Quarterly
 2654 Monthly reports must shall include all contributions received
 2655 and expenditures made during the calendar quarter month which
 2656 have not otherwise been reported pursuant to this section.

2657 (a) A statewide candidate or a political committee required
 2658 to file reports with the division must file reports:

2659 1. On the 60th day immediately preceding the primary
 2660 election, and each week thereafter, with the last weekly report
 2661 being filed on the 4th day immediately preceding the general
 2662 election.

2663 2. On the 10th day immediately preceding the general
 2664 election, and each day thereafter, with the last daily report
 2665 being filed the 5th day immediately preceding the general
 2666 election.

2667 (b) Any other candidate or a political committee required
 2668 to file reports with a filing officer other than the division

582-03551-23 20237050__

2669 must file reports on the 60th day immediately preceding the
 2670 primary election, and biweekly on each Friday thereafter through
 2671 and including the 4th day immediately preceding the general
 2672 election, with additional reports due on the 25th and 11th days
 2673 before the primary election and the general election.

2674 (c) Following the last day of qualifying for office, any
 2675 unopposed candidate need only file a report within 90 days after
 2676 the date such candidate became unopposed. Such report shall
 2677 contain all previously unreported contributions and expenditures
 2678 as required by this section and shall reflect disposition of
 2679 funds as required by s. 106.141.

2680 (d)1. When a special election is called to fill a vacancy
 2681 in office, all political committees making contributions or
 2682 expenditures to influence the results of such special election
 2683 or the preceding special primary election shall file campaign
 2684 treasurers' reports with the filing officer on the dates set by
 2685 the Department of State pursuant to s. 100.111.

2686 2. When an election is called for an issue to appear on the
 2687 ballot at a time when no candidates are scheduled to appear on
 2688 the ballot, all political committees making contributions or
 2689 expenditures in support of or in opposition to such issue shall
 2690 file reports on the 18th and 4th days before such election.

2691 (e) The filing officer shall provide each candidate with a
 2692 schedule designating the beginning and end of reporting periods
 2693 as well as the corresponding designated due dates.

2694 (f) A county, a municipality, or any other local
 2695 governmental entity is expressly preempted from enacting or
 2696 adopting a reporting schedule that differs from the requirements
 2697 established in this subsection.

Page 93 of 98

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582-03551-23 20237050__

2698 (8)
 2699 (c) Any candidate or chair of a political committee may
 2700 appeal or dispute the fine, based upon, but not limited to,
 2701 unusual circumstances surrounding the failure to file on the
 2702 designated due date, and may request and shall be entitled to a
 2703 hearing before the Florida Elections Commission, which shall
 2704 have the authority to waive the fine in whole or in part. The
 2705 Florida Elections Commission must consider the mitigating and
 2706 aggravating circumstances contained in s. 106.265(3) ~~s.~~
 2707 ~~106.265(2)~~ when determining the amount of a fine, if any, to be
 2708 waived. Any such request shall be made within 20 days after
 2709 receipt of the notice of payment due. In such case, the
 2710 candidate or chair of the political committee shall, within the
 2711 20-day period, notify the filing officer in writing of his or
 2712 her intention to bring the matter before the commission.

2713 Section 38. Paragraph (c) of subsection (7) of section
 2714 106.0702, Florida Statutes, is amended to read:
 2715 106.0702 Reporting; political party executive committee
 2716 candidates.—

2717 (7)
 2718 (c) A reporting individual may appeal or dispute the fine,
 2719 based upon, but not limited to, unusual circumstances
 2720 surrounding the failure to file on the designated due date, and
 2721 may request and is entitled to a hearing before the Florida
 2722 Elections Commission, which has the authority to waive the fine
 2723 in whole or in part. The Florida Elections Commission must
 2724 consider the mitigating and aggravating circumstances contained
 2725 in s. 106.265(3) ~~s.~~ ~~106.265(2)~~ when determining the amount of a
 2726 fine, if any, to be waived. Any such request shall be made

Page 94 of 98

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582-03551-23

20237050

2727 within 20 days after receipt of the notice of payment due. In
 2728 such case, the reporting individual must, within 20 days after
 2729 receipt of the notice, notify the supervisor in writing of his
 2730 or her intention to bring the matter before the commission.

2731 Section 39. Paragraph (a) of subsection (1) and paragraph
 2732 (c) of subsection (7) of section 106.0703, Florida Statutes, are
 2733 amended to read:

2734 106.0703 Electioneering communications organizations;
 2735 reporting requirements; certification and filing; penalties.—

2736 (1) (a) Each electioneering communications organization
 2737 shall file regular reports of all contributions received and all
 2738 expenditures made by or on behalf of the organization. Except
 2739 for the third calendar quarter immediately preceding a general
 2740 election as provided in paragraphs (b) and (c), reports must be
 2741 filed on the 10th day following the end of each calendar quarter
 2742 ~~month~~ from the time the organization is registered. However, if
 2743 the 10th day following the end of a calendar quarter ~~month~~
 2744 occurs on a Saturday, Sunday, or legal holiday, the report must
 2745 be filed on the next following day that is not a Saturday,
 2746 Sunday, or legal holiday. Quarterly ~~Monthly~~ reports must include
 2747 all contributions received and expenditures made during the
 2748 calendar quarter ~~month~~ that have not otherwise been reported
 2749 pursuant to this section.

2750 (7)

2751 (c) The treasurer of an electioneering communications
 2752 organization may appeal or dispute the fine, based upon, but not
 2753 limited to, unusual circumstances surrounding the failure to
 2754 file on the designated due date, and may request and shall be
 2755 entitled to a hearing before the Florida Elections Commission,

Page 95 of 98

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582-03551-23

20237050

2756 which shall have the authority to waive the fine in whole or in
 2757 part. The Florida Elections Commission must consider the
 2758 mitigating and aggravating circumstances contained in s.
 2759 106.265(3) ~~s. 106.265(2)~~ when determining the amount of a fine,
 2760 if any, to be waived. Any such request shall be made within 20
 2761 days after receipt of the notice of payment due. In such case,
 2762 the treasurer of the electioneering communications organization
 2763 shall, within the 20-day period, notify the filing officer in
 2764 writing of his or her intention to bring the matter before the
 2765 commission.

2766 Section 40. Paragraph (b) of subsection (2) of section
 2767 106.08, Florida Statutes, is amended to read:

2768 106.08 Contributions; limitations on.—

2769 (2)

2770 (b) A candidate for statewide office may not accept
 2771 contributions from national, state, or county executive
 2772 committees of a political party, including any subordinate
 2773 committee of the political party, or affiliated party
 2774 committees, which contributions in the aggregate exceed
 2775 \$250,000. Polling services, research services, costs for
 2776 campaign staff, professional consulting services, ~~and~~ telephone
 2777 calls, and text messages are not contributions to be counted
 2778 toward the contribution limits of paragraph (a) or this
 2779 paragraph. Any item not expressly identified in this paragraph
 2780 as nonallocable is a contribution in an amount equal to the fair
 2781 market value of the item and must be counted as allocable toward
 2782 the contribution limits of paragraph (a) or this paragraph.
 2783 Nonallocable, in-kind contributions must be reported by the
 2784 candidate under s. 106.07 and by the political party or

Page 96 of 98

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582-03551-23 20237050__

2785 affiliated party committee under s. 106.29.

2786 Section 41. Section 106.1436, Florida Statutes, is created
2787 to read:

2788 106.1436 Voter guide; disclaimers; violations.-

2789 (1) As used in this section, the term "voter guide" means
2790 direct mail that is either an electioneering communication or a
2791 political advertisement sent for the purpose of advocating for
2792 or endorsing particular issues or candidates by recommending
2793 specific electoral choices to the voter or by indicating issue
2794 or candidate selections on an unofficial ballot. The term does
2795 not apply to direct mail or publications made by governmental
2796 entities or government officials in their official capacity.

2797 (2) A person may not, directly or indirectly, represent
2798 that a voter guide is an official publication of a political
2799 party unless such person is given written permission pursuant to
2800 s. 103.081.

2801 (3) A voter guide circulated before, or on the day of, an
2802 election must, in bold font with a font size of at least 12
2803 point, prominently:

2804 (a) Display the following disclaimer at the top of the
2805 first page of the voter guide:

2806 1. If the voter guide is an electioneering communication,
2807 the disclaimer required under s. 106.1439; or

2808 2. If the voter guide is a political advertisement, the
2809 disclaimer required under s. 106.143.

2810 (b) Be marked "Voter Guide" with such text appearing
2811 immediately below the disclaimer required in paragraph (a).

2812 (4) (a) In addition to any other penalties provided by law,
2813 a person who fails to comply with this section commits a

582-03551-23 20237050__

2814 misdeemeanor of the first degree, punishable as provided in s.
2815 775.082 or by a fine of not less than \$25 for each individual
2816 voter guide distributed.

2817 (b) Any fine imposed pursuant to paragraph (a) may not
2818 exceed \$2,500 in the aggregate in any calendar month.

2819 Section 42. Present subsections (2) through (6) of section
2820 106.265, Florida Statutes, are redesignated as subsections (3)
2821 through (7), respectively, a new subsection (2) is added to that
2822 section, and subsection (1) of that section is amended, to read:

2823 106.265 Civil penalties.-

2824 (1) (a) The commission or, in cases referred to the Division
2825 of Administrative Hearings pursuant to s. 106.25(5), the
2826 administrative law judge is authorized upon the finding of a
2827 violation of this chapter or chapter 104 to impose civil
2828 penalties in the form of fines not to exceed \$2,500 ~~\$1,000~~ per
2829 count for the first three counts of the same category of
2830 offense. Beginning with the fourth count of the same category of
2831 offense, the fine must be multiplied by a factor of three for
2832 each count.~~7-07,~~

2833 (b) If applicable, the commission may instead ~~to~~ impose a
2834 civil penalty as provided in s. 104.271 or s. 106.19.

2835 (2) A fine imposed against a political committee jointly
2836 and severally attaches to the chair of the political committee,
2837 the treasurer of the political committee, and any other person
2838 with control over the political committee.

2839 Section 43. This act shall take effect July 1, 2023.

896348

The Florida Senate

Amendment to *comm. sub. services*

SB 7050

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

~~896348~~ 896348

Amendment Barcode (if applicable)

Apr 20, 2023

Meeting Date

Fiscal Policy

Committee

Name Cecile Scoon, President LWVFL

Phone 850-319-1975

Address 512 Bankers Cove Rd

Email ~~CScoon~~
cecile@lwvfl.org

Street

Panama City, FL 32401

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

League of Women Voters of Fla.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

7050

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/2023

Meeting Date

Fiscal Policy

Committee

Name Secretary CORB BYRD-DOS

Phone

Address R.A. Gray Bldg
500 South Bronough ST.

Street

Email Katherine.Woodby@dos.myflorida.com
(LAD)

Tallahassee FL 32399

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

April 20, 2023

Meeting Date

7050

Bill Number or Topic

Public Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Lara Watkins

Phone 772 321 1137

Address 1508 Elmhurst Cir SE

Email Larawatkins2013@gmail.com

Street

Palm Bay

City

FL

State

32909

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

#7050

Bill Number or Topic

04/

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

Ken Williams

Phone

813-621-1391

Address

5818 E. Martin

Email

Street

Tampa FL 33619

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

04.20.2023

Meeting Date

7050

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Reginal OBAS

Phone 863-348-2789

Address 580 Irene St

Email reginobas28@gmail.com

Street

Orlando

FL

32805

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

April 20, 2023

Meeting Date

SB 7050

Bill Number or Topic

Fiscal Policy

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Caitlin Walters Phone _____

Address _____ Email _____

Street

City

State

32907

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022JointRules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

K412

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4-20-23

Meeting Date

7050

Bill Number or Topic

FISCAL Policy
Committee

Amendment Barcode (if applicable)

Name LATASHA Henderson

Phone 407-299-4000

Address 508 IRENE STREET
Street

Email Loveddby1@gmail.com

Orlando FL 32805
City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4-20-23

Meeting Date

SB 7050

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Carole Gauronskas

Phone

Address

Email

Street

St. Augustine

FL

State

32095

Zip

City

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [X] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[X] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

K 412

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

7050

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Candace Churchill

Phone 352.281-7454

Address 556 NE 11th St

Email

Street

Gainesville FL 32601

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

United Faculty of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/20/2023
Meeting Date

SB 7050
Bill Number or Topic

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Jamie Merchant

Phone 614-329-1995

Address _____
Street

Email _____

City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

April 20, 2023

Meeting Date

Senate Fiscal Policy

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

SB 7050

Bill Number or Topic

Amendment Barcode (if applicable)

Name Neil Volz

Phone 239.848.5502

Address 4081 LB McLeod Road

Email neil@floridarrc.org

Street

Orlando

FL

32811

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Florida Rights Restoration Coalition

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

SB 7050

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Dr. Ana Ciereszko

Phone 305 321 0016

Address 11420 N. Kendall Dr. #107

Email aciereszko@yahoo.com

Street

Miami

FL

33176

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

But I am speaking for myself

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meet

4/20/23

Meeting Date

SB 7050

Bill Number or Topic

FISCAL Policy

Committee

Amendment Barcode (if applicable)

Name Constance Higginbotham

Phone 803-614-2943

Address 3258 Hammock Cove Ct

Email chiggie1951@gmail.com

Middleburg, FL 32068

Street

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

K 412

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

7050

Bill Number or Topic

4/20/2023

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Karen Woodall

Phone

Address 579 E. Call St.

Street

Email fcfcfd@yahoo.com

Tallahassee, FL 32301

City

State

Zip

Speaking: [] For [] Against [] Information OR Waive Speaking: [] In Support [x] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[x] I am a registered lobbyist, representing: FI Center for Fiscal & Economic Policy

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

April 20, 2023

The Florida Senate APPEARANCE RECORD

7050

Meeting Date

Fiscal Policy

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Pamela Burch Fort

Amendment Barcode (if applicable)

850-425-1344

Name

Phone

Address

104 S. Monroe Street

Email

TcgLobby@aol.com

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

NAACP Florida State Conference

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/20

Meeting Date

Fiscal

Committee

SB 7050

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dr. Rich Templin

Phone

850-224-6920

Address

135 S. Monroe

Email

Street

Tallahassee

FL

32304

City

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida AFL-CIO

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB7050

Bill Number or Topic

4/20/23

Meeting Date

Amendment Barcode (if applicable)

Committee

Name Tara Vanner

Phone 561-602-8858

Address _____
Street

Email Tm vanner@gmail.com

City

State

Zip

Speaking: For Against Information

OR

Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/26/2023
Meeting Date

SB 7050
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Ele Knight

Phone

(561) 460-9075

Address

4313 Althea Way

Email

eleknight@gmail.com

Street

P.B.G., FL. 33410

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

K 412

The Florida Senate

APPEARANCE RECORD

Elections

SB 7050

Deliver both copies of this form to Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

April 20, 2023

Meeting Date

Fiscal Policy

Committee

Name Nancy W. Smith

Phone

Address 700 SW 10th St

Email

Street

Belle Glade, FL 33430

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 7050

Bill Number or Topic

4/20/23

Meeting Date

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Melinda Stanwood

Phone 850-727-1225

Address 4721 Flowerwood Drive

Email FrenchyFrye@hotmail.com

Street

Tallahassee, FL 32303

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

7050

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Amy Keith

Phone

Address 333 3rd Ave N

Street

Email akeith@commoncause.org

City St Petersburg State FL Zip 33701

Speaking: [] For [x] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[x] I am appearing without compensation or sponsorship.

[] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 7050-NO
Bill Number or Topic

4/20/23
Meeting Date

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Mikki Isackson Phone 561-756-1823

Address 1801 Spanish River Rd Email Michaelen87@gmail.com

Boca FL 33432
City State Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

4/20/23

Meeting Date

The Florida Senate APPEARANCE RECORD

No - SB 7050

Bill Number or Topic

Fiscal Policy

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Candace Rojas

Phone 561-573-7831

Address 3006 Waterside Circle

Email candacepalmbeach@gmail.com

Street

Boynton Beach FL 33435

City

State

Zip

Speaking: ~~For~~

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4-20

Meeting Date

Fiscal Policy

Committee

SB 7050

Bill Number or Topic

Amendment Barcode (if applicable)

Name Pastor Marcus McCoy, Jr.

Phone

Address

Street

Email

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

4/20/23

Meeting Date

Fiscal Policy

Committee

The Florida Senate APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

SB 7050- Elections

Bill Number or Topic

Amendment Barcode (if applicable)

Name Teresa Miller

Phone 813-842-3073

Address 3608 W Corona St.

Email protectyourvoteflorida@gmail.com

Street

Tampa

City

FL

State

33629

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without
compensation or sponsorship.

I am a registered lobbyist,
representing:

I am not a lobbyist, but received
something of value for my appearance
(travel, meals, lodging, etc.),
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

5-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB 7050 - Elections

April 20, 2023

Meeting Date

Fiscal Policy

Committee

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jonathan Webber**

Phone **954-593-4449**

Address **400 Washington Ave**

Email **jonathan.webber@splcactionfund.org**

Street

Montgomery

AL

36104

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

SPLC Action Fund

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

April 20, 2023

Meeting Date

7050

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Michael Dobson of The Dream Foundation

Phone (850) 241-5896

Address 310 W. College Ave Suite 208

Street

Email Michael@live.thedreamfoundation.org

Tall

City

FL

State

32304

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by: The Dream Foundation

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to
Senate professional staff conducting the meeting

4/20

Meeting Date

FISCAL POLICY

Committee

7050

Bill Number or Topic

880 856

Amendment Barcode (if applicable)

Name MARK EARLEY Phone 850.606.8683

Address 2990-1 APALACHEE PARKWAY Email mark.earley@iconvotes.gov

Street

TALLAHASSEE

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA SUPERVISORS OF ELE

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

SB7050

Bill Number or Topic

Fiscal Policy
Committee

Amendment Barcode (if applicable)

Name Brad Ashwell

Phone 830-294-1008

Address 1536 Chuli Wene

Email brad@allvotingislocal.org

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

For



Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](https://www.flsenate.gov/2020-2022-Joint-Rules.pdf)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

7050

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name Olivia Babis

Phone 850-617-9718

Address 2473 Care Dr, Suite 200

Email oliviab@drflorida.org

Street

Tallahassee FL 32808

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Disability Rights FL

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4-20-23

Meeting Date

Fiscal Policy

Committee

7050

Bill Number or Topic

Amendment Barcode (if applicable)

Name Abdelilah Skhir (Ab-dee-luh Skeer) Phone 786-303-1660

Address 4343 W Flagler St #400 Email askhir@aclufi.org

Street

Miami

City

FL

State

33134

Zip

Speaking: [] For [X] Against [] Information OR Waive Speaking: [] In Support [] Against

PLEASE CHECK ONE OF THE FOLLOWING:

[] I am appearing without compensation or sponsorship.

[X] I am a registered lobbyist, representing:

[] I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

ACLU of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

20 April 2023
Meeting Date

The Florida Senate
APPEARANCE RECORD

committee substitute
SB 7050

Deliver both copies of this form to
Senate professional staff conducting the meeting

Bill Number or Topic

~~880856~~

Amendment Barcode (if applicable)

Comm on Fiscal Policy
Committee

Name *Cecile M. Scoon*
President LWFL

Phone *850-319-1975*

Address *512 Bunkers Cove Rd*

Email *cecile@lwvfl.org*

Panama City Fla. 32401
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

League of Women Voters, Fla

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: CS/SB 7052

INTRODUCER: Fiscal Policy, Banking and Insurance Committee

SUBJECT: Insurer Accountability

DATE: April 24, 2023

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Thomas</u>	<u>Knudson</u>		BI Submitted as Comm. Bill/Fav.
2. <u>Thomas</u>	<u>Yeatman</u>	<u>FP</u>	Fav/CS

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 7052 contains various provisions intended to increase consumer protection and insurer accountability in this state.

Regarding insurance coverage, the bill:

- Expands current law prohibiting authorized insurers from cancelling a residential property insurance policy until 90 days after repairs are complete. Under the bill, for all other types of losses, authorized insurers are prohibited from cancelling a property insurance policy during any pending claim until the earlier of when the property has been repaired or 1 year after the insurer issues the final claim payment;
- Protects policyholders whose insurance company becomes insolvent by requiring that Citizens Property Insurance Corporation cover property with open claims that are being handled by the Florida Insurance Guaranty Association;
- Requires insurers that violate the insurance code to obtain prior approval of forms from the Office of Insurance Regulation (OIR) for 3 years after the violation;
- Clarifies that if a roof deductible is applied, the prohibition on applying any other deductible under the policy encompasses any other loss to the property caused by the same covered peril;
- Tolls the time period for filing a property insurance claim during an insured's term of deployment to a combat zone or combat support posting; and

- Clarifies legislative intent that Chapter 2022-271, Laws of Florida, passed during Special Session A in December 2022, (SB 2-A [2022] on Property Insurance) shall not be construed to impair any right under an insurance contract in effect on or before the effective date of that chapter law (December 16, 2022).

Regarding rates charged for insurance, the bill:

- Requires that property insurance and motor vehicle rate filings must include, and the OIR must consider in reviewing rates, the combined effect of recent legislative reforms;
 - Appropriates \$500,000 from the Insurance Regulatory Trust Fund for the OIR to obtain an actuarial study to implement this requirement; and
- Requires that property insurance mitigation discounts be updated at least every 5 years and requires insurers to provide consumer-friendly information on their website describing hurricane mitigation discounts available to policyholders.

Regarding insurer claims handling, the bill:

- Requires liability insurers to follow proper claims handling practices on behalf of their insureds and that violations are subject to a 2.0 multiplier of fines;
- Requires residential property insurers to create and use claims-handling manuals that comply with the Insurance Code and comport to industry standards. The OIR may request a claims handling manual at any time and requires that each property insurer attest that their claims manuals comply with Florida law and that the insurer is able to properly implement their manual; and
- Strengthens the Unfair Insurance Trade Practices Act by:
 - Prohibiting altering or amending an adjuster's report without providing a detailed explanation as to why any change that has the effect of reducing the estimate of the loss was made. The insurer must also either create a list of changes and who made the change or retain all versions of the report;
 - Prohibiting officers and directors of impaired or insolvent insurers from receiving a bonus from that insurer or other entity under common ownership with that insurer.

Regarding regulatory oversight of insurers, the bill:

- Specifies factors the OIR may consider in determining whether the continued operation of an insurer may be deemed to be hazardous to its policyholders, creditors, or the general public; specifies actions the OIR may take in determining an insurer's financial condition and actions the OIR may order an insurer to take in an effort to improve the insurer's financial condition.
- Increases maximum administrative fines that may be levied by the OIR on insurers by 250 percent generally, and 500 percent for violations stemming from a state of emergency such as a hurricane;
- Requires insurers to more promptly respond to the Department of Financial Services (DFS) Division of Consumer Services and increases fines for noncompliance;
- Increases staffing for the DFS Division of Consumer Services by appropriating funding for 7 full-time equivalent positions;
- Increases staffing at the OIR by appropriating 18 full-time equivalent positions;

- Specifies objective criteria to be used by the OIR to prioritize necessary financial and market conduct examinations;
- Provides conditions whereby the OIR must initiate a market conduct examination after a hurricane;
- Requires property insurers to report to the OIR any temporary suspension of writing new policies;
- Specifies that insurance fraud referrals may be made to the statewide prosecutor for crimes that impact two or more judicial circuits; and
- Requires additional reporting from regulators regarding their enforcement actions.

See Section V. Fiscal Impact Statement.

The bill is effective July 1, 2023.

II. Present Situation:

Department of Financial Services

The Department of Financial Services (DFS) has broad duties, including licensure and regulation of insurance agents, agencies, and adjusters; insurance consumer assistance and protection; and holding and attempting to return unclaimed property to its rightful owner.¹ The DFS has a number of regulatory responsibilities over the Florida insurance market. The DFS regulates insurance adjusters, which includes public adjusters, independent adjusters, and company employee adjusters under Part VI, ch. 626, F.S. The DFS conducts insurance-related consumer outreach through its Division of Consumer Services. The Division of Workers' Compensation within the DFS administers ch. 440, F.S., through enforcement of coverage requirements,² administration of workers' compensation health care delivery system,³ data collection,⁴ and assisting injured workers, employers, insurers, and providers in fulfilling their responsibilities under ch. 440, F.S.⁵ The DFS also administers insurer rehabilitation and liquidation in Florida under part I of ch. 631, F.S.

DFS Division of Consumer Services

The Division of Consumer Services (Division) provides education, information, and assistance to consumers for all products or services regulated by the DFS or the Financial Services Commission (Commission).⁶ The Division's duties specifically include:

- Receiving consumer questions and complaints;

¹ See, e.g., Department of Financial Services, *What is the Purpose of the Department*, <https://oppaga.fl.gov/> (last accessed April 2, 2023).

² Section 440.107(3), F.S.

³ Section 440.13, F.S.

⁴ Sections 440.185 and 440.593, F.S.

⁵ Section 440.191, F.S.

⁶ DFS, *Department of Financial Services Long Range Program Plan: Fiscal Years 2023-24 through 2027-28*, 15 (Oct. 17, 2022), available at <http://floridafiscalportal.state.fl.us/Document.aspx?ID=24407&DocType=PDF> (last accessed April 2, 2023). See also, DFS, *Consumer Guides*, <https://www.myfloridacfo.com/Division/Consumers/understandingCoverage/Guides/Default.htm> (last visited April 2, 2023).

- Educating the public about insurance-related topics;
- Providing mediation to resolve disputes between a consumer and insurance company; and
- Serving as a conduit for referrals for further legal action by the DFS.⁷

Section 624.307(10)(b), F.S., permits the Division to impose an administrative penalty on a person who holds a license or certificate of authority from the DFS if that person fails to respond to the Division's request for information within 20 days. A licensed individual must produce any requested documents not subject to attorney-client or work product privilege.

Regulation of Insurance in Florida

The Office of Insurance Regulation (OIR) regulates specified insurance products, insurers and other risk bearing entities in Florida.⁸ As part of their regulatory oversight, the OIR may suspend or revoke an insurer's certificate of authority under certain conditions.⁹ The OIR is responsible for examining the affairs, transactions, accounts, records, and assets of each insurer that holds a certificate of authority to transact insurance business in Florida.¹⁰ As part of the examination process, all persons being examined must make available to the OIR the accounts, records, documents, files, information, assets, and matters in their possession or control that relate to the subject of the examination.¹¹ The OIR is also authorized to conduct market conduct examinations to determine compliance with applicable provisions of the Insurance Code.¹²

Financial Examinations

The OIR is responsible for all activities concerning insurers and other risk-bearing entities such as licensing, solvency, rates, and policy forms. Section 624.361, F.S., requires the OIR to conduct financial examinations of insurers. The scope of the financial examination includes a review of the affairs, records, transactions, accounting procedures and financial condition of an insurer. The OIR is charged with conducting an exam once every five years, with the exception of a domestic insurers that have held a certificate of authority for less than three years, which are required to be examined on annual basis. The OIR is required to examine an insurer applying for an initial certificate of authority prior to issuing the certificate of authority.

Market Conduct Exams

The OIR is authorized to perform a market conduct examination of, among other entities, any authorized insurer.¹³ The purpose of the examination is to determine the entity's compliance with

⁷ Section 624.307(10)(a), F.S.

⁸ Section 20.121(3)(a), F.S. The Financial Services Commission, composed of the Governor, the Attorney General, the Chief Financial Officer, and the Commissioner of Agriculture, serves as agency head of the Office of Insurance Regulation for purposes of rulemaking. Further, the Financial Services Commission appoints the commissioner of the Office of Insurance Regulation.

⁹ Section 624.418, F.S.

¹⁰ Section 624.316(1)(a), F.S.

¹¹ Section 624.318(2), F.S.

¹² Section 624.3161, F.S.

¹³ Section 624.3161(1), F.S.

Florida law.¹⁴ The costs of the examination are to be paid by the subject entity.¹⁵ Section 624.3161, F.S., authorizes the OIR to subject any authorized insurer to a market conduct examination after a hurricane if the insurer:

- Is among the top 20 percent of insurers based upon a calculation of the ratio of hurricane-related property insurance claims filed to the number of property insurance policies in force;
- Is among the top 20 percent of insurers based upon a calculation of the ratio of consumer complaints made to the DFS to hurricane-related claims;
- Has made significant payments to its managing general agent since the hurricane; or
- Is identified by the OIR as necessitating a market conduct exam for any other reason.

The relevant criteria under ss. 624.3161 and s. 624.316, F.S., are to be applied to the market conduct examination. The market conduct examination, if any, must be started within 18 months after the landfall of the related hurricane. The insurer's managing general agent must be included in the market conduct examination as if it were the insurer.

If a market conduct examination reveals that the "insurer has exhibited a pattern or practice of willful violations of an unfair insurance trade practice related to claims-handling which caused harm to policyholders," the OIR may order the insurer to file its claims-handling practices and procedures with the OIR for review and inspection.¹⁶ The practices and procedures are to be held by the OIR for 36 months and are considered public records, not trade secrets, during the 36-month period.¹⁷ The term, "claims-handling practices and procedures," is defined as "any policies, guidelines, rules, protocols, standard operating procedures, instructions, or directives that govern or guide how and the manner in which an insured's claims for benefits under any policy will be processed."¹⁸

Annual Report on Insurer Compliance

The OIR is required to submit an annual report to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, the chairs of the legislative committees with jurisdiction over matters of insurance, and the Governor.¹⁹ The report is to cover information from the preceding calendar year, the following:

- Names of the authorized insurers transacting insurance in this state, with abstracts of their financial statements including assets, liabilities, and net worth.
- Names of insurers whose business was closed during the year, the cause thereof, and amounts of assets and liabilities as ascertainable.
- Names of insurers against which delinquency or similar proceedings were instituted and related information.
- The receipts and estimated expenses of the OIR.
- Other pertinent information as the OIR deems to be in the public interest.
- A compilation of the laws passed by the Legislature relating to insurance.

¹⁴ *Id.*

¹⁵ Section 624.3161(4), F.S.

¹⁶ Section 624.3161(6), F.S.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Section 624.315, F.S.

- An analysis and summary report of the state of the insurance industry in Florida.

Administrative Fines

The OIR, through its ongoing oversight and examination process, determines whether insurance companies are operating in compliance with the code. The OIR is authorized to impose administrative fines in lieu of suspension or revocation if the OIR finds that one or more grounds exist for the discretionary revocation or suspension of the certificate of authority.²⁰ The OIR may impose an administrative fine, not to exceed \$5,000, per nonwillful violation, with a limit of \$20,000 for all nonwillful violations arising out of the same action. With respect to any willful violation, the OIR is authorized to assess a fine, not to exceed \$40,000 per violation and \$200,000 in aggregate for all willful violations arising out of the same action. Additionally, if an insurer owes restitution due to a violation, the insurer must provide the restitution and include 12 percent interest from the date of the violation or the inception of the insured's policy.

Authority for Insurers in Unsound Financial Condition

Section 627.7154, F.S., establishes a property insurer stability unit (unit) within the OIR. The purpose of the unit is to detect and prevent insurer insolvencies in the homeowners' and condominium unit owners' insurance market. Specifically, the unit is to identify significant concerns regarding insurer compliance with the insurance code. The unit must, at minimum:

- Conduct target market exams when there is reason to believe that an insurer's claims practices, rate requirements, investment activities, or financial statements suggest said insurer may be in an unsound financial condition.
- Monitor closely all risk-based capital reports, own-risked solvency assessments, reinsurance agreements, and financial statements filed by insurers.
- Have primary responsibility, coordinating with Florida Commission on Hurricane Loss Projection Methodology, to conduct annual catastrophe stress tests of all domestic insurers and insurers that are commercially domiciled in this state.
- Update required wind mitigation credits.
- Review the causes of insolvency and business practices of insurers that have been referred to the Division of Rehabilitation and Liquidation of the DFS, and make recommendations to prevent future occurrences of such insurers.
- File biannual reports on the status of the homeowners' and condominium unit owners' insurance market to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, and the chairs of the legislative committees with jurisdiction over matters of insurance.²¹

The section also specifies events that trigger a referral to the insurer stability unit. Expenses for the unit are to be paid from the Insurance Regulatory Trust Fund, except that, if the unit

²⁰ Section 624.4211, F.S.

²¹ Section 627.7154(3), F.S.

recommends that a market conduct examination or targeted market examination be conducted, the reasonable cost of the examination must be paid by the person examined.²²

National Association of Insurance Commissioners Model Regulation to Define Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition

The National Association of Insurance Commissioners (NAIC) provides expertise, data, and analysis to provide guidance to insurance regulators. Founded in 1871, the organization is governed by the chief insurance regulators from the 50 states, the District of Columbia, and five U.S. territories to coordinate regulation of multistate insurers.²³ The NAIC has adopted numerous model laws on various insurance regulatory topics.²⁴ The NAIC has adopted Model Law MO-385, entitled, Regulation to Define Standards and Commissioner's Authority for Companies Deemed to be in Hazardous Financial Condition.²⁵ The purpose of the model law is to set standards which may be used to identify insurers in such condition as to render the continuance of their business hazardous to their policyholders, creditors or the general public.²⁶

The model law provides the following standards to consider to determine whether the continued operation of any insurer transacting an insurance business might be deemed to be hazardous to its policyholders, creditors or the general public:

- Adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports or summaries;
- The National Association of Insurance Commissioners Insurance Regulatory Information System and its other financial analysis solvency tools and reports;
- Whether the insurer has made adequate provision for the anticipated cash flows required by its obligations and expenses;
- Whether the insurer's reinsurance program provides sufficient protection for the insurer's remaining surplus after taking into account the insurer's cash flow and the classes of business written as well as the financial condition of the assuming reinsurer;
- Whether the insurer's operating loss in the last twelve-month period or any shorter period of time is greater than fifty percent (50%) of the insurer's remaining surplus as regards policyholders in excess of the minimum required;
- Whether the insurer's operating loss in the last twelve-month period or any shorter period of time, excluding net capital gains, is greater than twenty percent (20%) of the insurer's remaining surplus as regards policyholders in excess of the minimum required;
- Whether a reinsurer, obligor or any entity within the insurer's insurance holding company system, is insolvent, threatened with insolvency or delinquent in payment of its monetary or other obligations which in the opinion of the commissioner may affect the insurer's solvency;
- Contingent liabilities, pledges or guaranties which either individually or collectively involve a total amount which in the opinion of the commissioner may affect the solvency of the insurer;

²² Section 627.7154(4), F.S.

²³ National Association of Insurance Commissioners, *Our Story*, <https://content.naic.org/about> (last accessed March 31, 2023).

²⁴ National Association of Insurance Commissioners, *Model Laws*, <https://content.naic.org/model-laws> (last accessed March 31, 2023).

²⁵ <https://content.naic.org/sites/default/files/MO385.pdf> (last accessed March 31, 2023).

²⁶ *Id.*

- Whether any “controlling person” of an insurer is delinquent in the transmitting to, or payment of, net premiums to the insurer;
- The age and collectibility of receivables;
- Whether the management of an insurer fails to possess and demonstrate the competence, fitness and reputation deemed necessary to serve the insurer in such position;
- Whether management of an insurer has failed to respond to inquiries relative to the condition of the insurer or has furnished false and misleading information concerning an inquiry;
- Whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the commissioner;
- Whether management of an insurer either has filed any false or misleading sworn financial statement, or has released false or misleading financial statement to lending institutions or to the general public, or has made a false or misleading entry, or has omitted an entry of material amount in the books of the insurer;
- Whether the insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner;
- Whether the insurer has experienced or will experience in the foreseeable future cash flow or liquidity problems;
- Whether management has established reserves that do not comply with minimum standards established by state insurance laws, regulations, statutory accounting standards, sound actuarial principles and standards of practice;
- Whether management persistently engages in material under reserving that results in adverse development;
- Whether transactions among affiliates, subsidiaries or controlling persons for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity or diversity to assure the insurer's ability to meet its outstanding obligations as they mature;
- The ratio of the annual premium volume to surplus or of its liabilities to surplus in relation to loss experience and/or the kinds of risks insured;
- Whether the insurer's asset portfolio when viewed in light of current economic conditions and indications of financial or operational leverage is of sufficient value, liquidity, or diversity to assure the company's ability to meet its outstanding obligations as they mature;
- Whether the excess of surplus to policyholders over and above an insurer's statutorily required surplus to policyholders has decreased by more than 50 percent in the preceding 12-month period or any shorter period of time.
- Whether residential property insurers have sufficient capital, surplus, and reinsurance to withstand significant weather events, including but not limited to hurricanes;
- The insurer's required surplus, capital, or capital stock is impaired to an extent prohibited by law;
- The insurer continues to write new business when it has not maintained the required surplus or capital;
- The insurer attempts to dissolve or liquidate without first having made provisions, satisfactory to the OIR, for liabilities arising from insurance policies issued by the insurer;
- The insurer meets one or more of the grounds for the appointment of a receiver; and
- Any other finding determined by the commissioner to be hazardous to the insurer's policyholders, creditors or general public.

Financial Services Commission Rule Chapter 69O-141, Florida Administrative Code

The Commission adopted Rule Chapter 69O-141, F.A.C., in 1991 related to the establishment of “standards and procedures for administrative supervision of insurers in unsound condition or which are engaging in methods or practices which render the continuance of business hazardous to the public or insureds.”²⁷ These rules closely track the NAIC model regulation on this subject discussed above. The rule chapter includes the following rules:

- 69O-141.001 Purpose
- 69O-141.002 Standards Regarding Administrative Supervision
- 69O-141.003 Plan of Correction
- 69O-141.004 Period of Supervision
- 69O-141.005 Appointment of Deputy Supervisors
- 69O-141.006 Costs of Administrative Supervision
- 69O-141.020 Procedures for Withdrawal, Surrender of Certificate of Authority, or Discontinuance of Writing Insurance in this State Pursuant to Section 624.430, Florida Statutes

Unfair Insurance Claim Settlement Practices

Florida law prohibits a person from engaging in an unfair or deceptive act or practice involving the business of insurance.²⁸ The definition of unfair or deceptive acts or practices includes, in part, the following unfair claim settlement practices:

- Attempting to settle claims on the basis of a document that was altered without knowledge or consent of the insured;
- A material misrepresentation made to an insured for the purpose and with the intent of effecting settlement on less favorable terms than provided under the contract or policy;
- Committing or performing with such frequency as to indicate a general business practice certain acts, such as failing to adopt and implement standards for the proper investigation of claims;
- Failing to pay undisputed amounts of partial or full benefits owed under first-party property insurance policies within 90 days after an insurer received notice of a residential property insurance claim, determines the amounts of partial or full benefits, and agrees to coverage, unless payment of the undisputed benefits is prevented by “an act of God, prevented by the impossibility of performance, or due to actions by the insured or claimant that constitute fraud, lack of cooperation, or intentional misrepresentation regarding the claim for which benefits are owed.”²⁹

An insurer that violates these provisions is subject to a fine in an amount not greater than \$5,000 for each nonwillful violation, not to exceed an aggregate amount of \$20,000, and not greater than \$40,000 for each willful violation arising from the same action, not to exceed an aggregate amount of \$200,000.³⁰

²⁷ Rule 69O-141.001, F.A.C.

²⁸ Section 626.9521(1), F.S.

²⁹ Section 626.9541(1)(i), F.S.

³⁰ Section 626.9521(2), F.S.

DFS Insurance Fraud Investigations

The Division of Investigative and Forensic Services investigates various types of insurance fraud including Personal Injury Protection fraud, workers' compensation fraud, vehicle fraud, application fraud, licensee fraud, homeowner's insurance fraud, and healthcare fraud.³¹ The Division is directed by statute to investigate fraudulent insurance acts, violations of the Unfair Insurance Trade Practices Act,³² false and fraudulent insurance claims,³³ and willful violations of the Florida Insurance Code and rules adopted pursuant to the code.³⁴ The Division employs sworn law enforcement officers to investigate insurance fraud.

Mitigation Discounts

Residential property insurance rate filings must account for mitigation measures undertaken by policyholders to reduce hurricane losses.³⁵ Specifically, the rate filings must include actuarially reasonable discounts, credits, or other rate differentials or appropriate reductions in deductibles to consumers who implement windstorm damage mitigation techniques to their properties.³⁶ Upon their filing by an insurer or rating organization, the OIR determines the discounts, credits, other rate differentials and appropriate reductions in deductibles that reflect the full actuarial value of such revaluation,³⁷ which in turn may be used in rate filings under the rating law. Windstorm mitigation measures that must be evaluated for purposes of mitigation discounts include fixtures or construction techniques that enhance roof strength, roof covering performance, roof-to-wall strength, wall-to-floor-to-foundation strength, opening protection, and window, door, and skylight strength.³⁸

Citizens Property Insurance Corporation—Overview

Citizens Property Insurance Corporation (Citizens) is a state-created, not-for-profit, tax-exempt governmental entity whose public purpose is to provide property insurance coverage to those unable to find affordable coverage in the voluntary admitted market.³⁹ Citizens is not a private insurance company.⁴⁰ Citizens was statutorily created in 2002 when the Florida Legislature combined the state's two insurers of last resort, the Florida Residential Property and Casualty Joint Underwriting Association (RPCJUA) and the Florida Windstorm Underwriting Association (FWUA).⁴¹ Citizens offers property insurance through three different accounts: a personal lines account, a commercial lines account, and a coastal account.

³¹ See <https://myfloridacfo.com/Division/DIFS/> (last accessed April 2, 2023).

³² Section 626.9541, F.S.

³³ Section 817.234, F.S.

³⁴ Section 624.15, F.S.

³⁵ Section 627.062(2)(j), F.S.

³⁶ Section 627.0629(1), F.S.

³⁷ *Id.*

³⁸ *Id.*

³⁹ The term "admitted market" means insurance companies licensed to transact insurance in Florida.

⁴⁰ Section 627.351(6)(a)1., F.S.

⁴¹ Section 2, ch. 2002-240, Laws of Fla.

Citizens operates in accordance with the provisions in s. 627.351(6), F.S., and is governed by an eight member Board of Governors (board) that administers its Plan of Operations. The Plan of Operations is reviewed and approved by the Commission.⁴² The Governor, President of the Senate, Speaker of the House of Representatives, and Chief Financial Officer each appoint two members to the board.⁴³ Citizens is subject to regulation by the OIR of Insurance Regulation.

Form Review

Each insurer must file with the OIR their basic insurance policy or annuity contract forms and any application form that is to be made a part of the policy or contract.⁴⁴ These forms may not be delivered or issued for delivery unless the form has been filed with the OIR.⁴⁵

Notice of Cancellation, Nonrenewal, or Renewal of Insurance Policies

The requirements for an insurer to provide notice of cancellation, nonrenewal, or renewal premium are set forth in s. 627.4133, F.S. The specific notice depends on the type of insurance provided and the particular circumstances of the subject policy.

Insurers writing personal lines residential or commercial lines residential property insurance policies are generally subject to the following requirements:

- An insurer must give written notice of cancellation, nonrenewal, or termination at least 120 days prior to the effective date of the cancellation, nonrenewal, or termination and the notice is required to include the reason for nonrenewal, cancellation, or termination;⁴⁶ and
- An insurer must give written notice of renewal premium at least 45 days prior to the renewal premium⁴⁷ and the notice of renewal premium must specify certain information, including the dollar amount of any premium increase that is due to an approved rate increase and the total dollar amount that is due to coverage changes.⁴⁸

Separate Roof Deductibles

An insurer issuing a personal lines residential property insurance policy may include in such policy a separate roof deductible that meets all of the following requirements:

- Allows property insurers to include in the policy a separate roof deductible of up to two percent of the Coverage A limit of the policy or 50 percent of the cost to replace the roof. The policyholder must also be offered the option to decline the roof deductible by signing a form approved by the OIR. If a roof deductible is added to the policy at renewal, the insurer must provide a notice of change in policy terms and allow the policyholder to decline the separate roof deductible.

⁴² Section 627.351(6)(a)2., F.S.

⁴³ Section 627.351(6)(c)4.a., F.S.

⁴⁴ Section 627.410, F.S.

⁴⁵ *Id.*

⁴⁶ Section 627.4133(2)(b), F.S.

⁴⁷ Section 627.4133(2)(a), F.S.

⁴⁸ Section 627.4133(7), F.S.

- Requires that policyholders that select a roof deductible must receive an actuarially sound premium credit or discount.
- Provides that the roof deductible does not apply to:
 - A total loss to the primary structure in accordance with the valued policy law under s. 627.702, F.S., which is caused by a covered peril.
 - A loss caused by a hurricane.
 - A roof loss resulting from a tree fall or other hazard that damages the roof and punctures the roof deck.
 - A roof loss requiring the repair of less than 50 percent of the roof.
- Specifies that when a roof deductible is applied, no other deductibles under the policy may be applied.
- Specifies that a roof deductible only applies to a claim adjusted on a replacement cost basis.
- Authorizes an insurer to limit the claim payment for a roof to the actual cash value of the loss to the roof until the insurer receives reasonable proof of payment by the policyholder of the roof deductible.
- Requires a roof deductible provision to be clear and unambiguous.
- Requires the inclusion of the following disclosures:
 - On the page immediately behind the declarations page, notice that a roof deductible may result in high out-of-pocket expenses to the policyholder.
 - On the policy declarations page, prominent display of the actual dollar value of the roof deductible at issuance and renewal. Allows an insurer to limit payment on a roof claim to actual cash value until the policyholder pays the roof deductible.⁴⁹

Claim Handling – Late Payments

Florida’s property insurance prompt payment statute provides for an insurer’s⁵⁰ duty to acknowledge, investigate, and settle payment of a claim, if appropriate, within certain timeframes. These laws are meant to require insurance companies to make quick payments of any claims filed and deter unnecessary delays.

The insurer must acknowledge a filed claim within 14 days of its submission,⁵¹ and begin an investigation, as is reasonably necessary, within 14 days after receiving a proof-of-loss statement.⁵² Within 90 days of receiving notice of the initial, reopened, or supplemental claim, the insurer must either pay the claim in full, pay a portion of the claim, or deny the claim.^{53,54}

These provisions must be complied within the stated timeframes unless the failure is caused by

⁴⁹ Section 627.701(10), F.S.

⁵⁰ Section 627.70131(5), F.S., defines “insurer” as any residential property insurer.

⁵¹ Section 627.70131(1)(a), F.S.

⁵² Section 627.70131(3)(a), F.S.

⁵³ Section 627.70131(7)(b), F.S., defines “claim”, for purposes of this subsection, as: 1. A claim under an insurance policy providing residential coverage as defined in s. 627.4025(1), F.S.; 2. A claim for structural or contents coverage under a commercial property insurance policy if the insured structure is 10,000 square feet or less; or 3. A claim for contents coverage under a commercial tenant policy if the insured premises is 10,000 square feet or less.

⁵⁴ Section 627.70131(7)(a), F.S.

factors beyond the control of the insurer which reasonably prevent the insurer from complying with them.⁵⁵

Except for claims subject to a hurricane deductible, any physical inspection must be conducted within 45 days after the insurer receives the proof-of-loss statement.⁵⁶ Within 7 days of assigning an adjuster, the insurer must notify the insured that a request may be made for an estimate of the amount of the loss. If a request is received, the insurer must send such estimate to the insured within the later of 7 days after the insurer received the request or 7 days after the detailed estimate is completed.⁵⁷

A licensed adjuster assigned to investigate a claim must provide a policyholder with written notification of his or her name and state adjuster license number, and include it on any subsequent communication with the policyholder.⁵⁸ An insurer must keep a record or log of each adjuster who communicates with the policyholder and provide a list of such adjusters to the insured, the OIR or the DFS upon request.

Notice of Property Insurance Claims

Section 627.70132, F.S., requires insureds to notify an insurer of a claim or reopened claim,⁵⁹ within 1 year after the date of loss.⁶⁰ Notice of a supplemental claim⁶¹ must be given to the insurer within 18 months of the date of loss or such claim is barred. Section 627.706(5), F.S., requires insureds to notify an insurer of a claim, supplemental claim, or reopened sinkhole claim within 2 years after the insured knew or reasonably should have known about the loss.

III. Effect of Proposed Changes:

DFS Division of Consumer Services

Section 1 amends s. 624.307, F.S., to:

- Reduce insurer response time from 20 to 14 days upon a written request for documents and information from the Division concerning a consumer complaint.
- Increase fines for non-compliance to \$5,000 per violation (from \$2,500 per violation) on entities and up to \$1,000 per violation on a licensed individual (from a sliding scale of \$250/\$500/\$1,000 on individuals for a 1st/2nd/3rd+ violation).
- Allow electronic responses upon a written request for documents and information from the Division concerning a consumer complaint.

⁵⁵ Section 627.70131(1)(a) and (3)(a), F.S.

⁵⁶ Section 627.70131(3)(b), F.S.

⁵⁷ Section 627.70131(3)(d), F.S.

⁵⁸ Section 627.70131(3)(b) and (c), F.S.

⁵⁹ Section 627.70132(1)(a), F.S., defines “reopened claim” as a claim that an insurer has previously closed, but that has been reopened upon an insured’s request for additional costs for loss or damage previously disclosed to the insurer.

⁶⁰ Section 627.702(3), F.S., provides that the date of loss for claims resulting from specified and other weather-related events, such as hurricanes and tornadoes, is the date that the hurricane made landfall or the other weather-related event is verified by the National Oceanic and Atmospheric Administration.

⁶¹ Section 627.70132(1)(b), F.S., defines “supplemental claim” as a claim for additional loss or damage from the same peril which the insured has previously adjusted or for which costs have been incurred while completing repairs or replacement pursuant to an open claim for which timely notice was previously provided to the insurer.

Annual and Quarterly Reports on Insurer Compliance

Section 2 amends s. 624.315, F.S., to require that the OIR quarterly issue a report of all agency actions taken against insurers. The report must identify the insurer, the violation, and the penalty. The report must be submitted to the Commission, the President of the Senate, the Speaker of the House of Representatives, and the legislative committees with jurisdiction over insurance matters. The OIR must also issue an annual report on the same matters.

Financial Examinations

Section 3 amends s. 624.316, F.S., to require the OIR to develop a risk-based selection methodology for scheduling examinations of insurers. Such methodology must include:

- Use of a risk-focused analysis to prioritize financial examinations of insurers when such reporting indicates a decline in the insurer's financial condition.
- Consideration of:
 - Level of capitalization and identification of unfavorable trends;
 - Negative trends in profitability or cash flow from operations;
 - National Association of Insurance Commissioners Insurance Regulatory Information System ratio results;
 - Risk-based capital and risk-based capital trend test results;
 - The structure and complexity of the insurer;
 - Changes in the insurer's officers or board of directors;
 - Changes in the insurer's business strategy or operations;
 - Findings and recommendations from an examination made pursuant to ss. 624.316 or s. 624.3161, F.S.;
 - Current or pending regulatory actions by the OIR or the DFS;
 - Information obtained from other regulatory agencies or independent organization ratings and reports; and
 - The impact of an insurer's insolvency on policyholders of the insurer and the public generally.
- Prioritization of property insurers for which the OIR identifies significant concerns about an insurer's solvency pursuant to s. 627.7154, F.S.
- Any other matters the OIR deems necessary to consider for the protection of the public.
- To facilitate the development of the methodology for scheduling examinations, the Commission may adopt by rule the National Association of Insurance Commissioners Financial Analysis Handbook, to the extent that the handbook is consistent with and does not negate the requirements of this section.

Market Conduct Exams

Section 4 amends s. 624.3161, F.S., to provide that any authorized insurer transacting residential property insurance business:

- May be subject to an additional market conduct examination after a hurricane if, at any time more than 90 days after the end of the hurricane, the insurer is among the top 20 percent of insurers based upon a calculation of the ratio of hurricane-related property insurance claims filed to the number of property insurance policies in force;

- Must be subject to a market conduct examination after a hurricane if, at any time more than 90 days after the end of the hurricane, the insurer:
 - Is among the top 20 percent of insurers based upon a calculation of the ratio of hurricane claim-related consumer complaints made about that insurer to the DFS to the insurer's total number of hurricane-related claims;
 - Is among the top 20 percent of insurers based upon a calculation of the ratio of hurricane claims closed without payment to the insurer's total number of hurricane claims;
 - Has made significant payments to its managing general agent since the hurricane; or
 - Is identified by the OIR as necessitating a market conduct exam for any other reason

The bill requires the OIR to create a risk-based selection methodology for scheduling and conducting market conduct examinations of insurers and other entities regulated by the OIR. Such methodology must prioritize examinations of insurers and other entities to whom any of the following conditions applies:

- An insurance regulator in another state has initiated or taken regulatory action against the insurer or entity regarding an act or omission of such insurer which, if committed in this state, would constitute a violation of the laws of this state or any rule or order of the OIR or the DFS.
- Given the insurer's market share in this state, the DFS or the OIR has received a disproportionate number of the following types of claims-handling complaints against the insurer:
 - Failure to timely communicate with respect to claims;
 - Failure to timely pay claims;
 - Untimely payments giving rise to the payment of statutory interest;
 - Failure to adjust and pay claims in accordance with the terms and conditions of the policy or contract and in compliance with state law;
 - Violations of the Unfair Insurance Trade Practices Act;
 - Failure to use licensed and duly appointed claims adjusters;
 - Failure to maintain reasonable claims records; or
 - Failure to adhere to the company's claims-handling manual.
- The results of a National Association of Insurance Commissioners Market Conduct Annual Statement indicate that the insurer is a negative outlier with regard to particular metrics.
- There is evidence that the insurer is violating or has violated the Unfair Insurance Trade Practices Act.
- The insurer otherwise meets the criteria for a market conduct examination.
- Any other conditions the OIR deems necessary for the protection of the public.

Administrative Fines

Section 5 amends s. 624.4211, F.S., to increase caps in administrative fines to:

- For violations related to a covered loss or claim arising out of a state of emergency:
 - Non-willful violations – Up to \$25,000 per violation with an aggregate up to \$100,000 for violations arising out of the same action.
 - Willful violations – Up to \$200,000 per violation with an aggregate up to \$1,000,000 for violations arising out of the same action.
- For all other violations:

- Non-willful violations – up to \$12,500 and up to an aggregate \$50,000 for violations arising out of the same action.
- Willful violations – up to \$100,000 and up to an aggregate \$500,000 for violations arising out of the same action.

Notice of Temporary Suspension of Writing New Business

Section 6 creates s. 624.4301, F.S., to require authorized insurers to give written notice to the OIR before any temporary suspension of writing new residential property insurance policies at least 20 business days before the effective date of the suspension or 5 business days before notifying its agents, whichever is earlier. The notice must specify the reason for and time period of the suspension and the proposed communication to its agents. This requirement does not apply to a temporary suspension made in response to a hurricane that may make landfall if such temporary suspension ceases within 72 hours after hurricane conditions are no longer present.

Hazardous Insurer Standards

Section 7 creates s. 624.805, F.S., to provide standards for the OIR to consider in determining whether continued operation of any insurer may be deemed to be hazardous to its policyholders, creditors, or the general public. In making such a determination, the OIR may consider, in the totality of the circumstances, any of the following:

- Adverse findings reported in financial condition or market conduct examination reports, audit reports, or actuarial opinions, reports, or summaries;
- The National Association of Insurance Commissioners Insurance Regulatory Information Systems and its other financial analysis solvency tools and reports;
- Whether the insurer has made adequate provisions for the anticipated cash flows required to cover its obligations and expenses;
- The ability of an assuming reinsurer to perform and whether the insurer's reinsurance program provides sufficient protection;
- Whether the insurer's operating loss in the last twelve-month period is greater than fifty percent of the insurer's remaining surplus;
- Whether the insurer's operating loss in the last twelve-month period excluding net capital gains, is greater than twenty percent of the insurer's remaining surplus;
- Whether a reinsurer, obligor, or any entity within the insurer's insurance holding company system, is insolvent, threatened with insolvency or delinquent in payment of its monetary or other obligations, and which may affect the solvency of the insurer;
- Contingent liabilities, pledges, or guaranties which in the opinion of the OIR may affect the solvency of the insurer;
- Whether any "affiliate" of an insurer is delinquent in the transmitting to, or payment of, net premiums to the insurer;
- The age and collectability of receivables;
- Whether the management of an insurer fails to possess and demonstrate the competence, fitness, and reputation deemed necessary;
- Whether management of an insurer has failed to respond to inquiries relative to the condition of the insurer or has furnished false or misleading information to the OIR;

- Whether the insurer has failed to meet financial and holding company filing requirements in the absence of a reason satisfactory to the OIR;
- Whether management of an insurer has filed or released any false or misleading financial statement, or has made a false or misleading entry, or has omitted an entry of material amount in the books of the insurer;
- Whether the insurer has grown so rapidly and to such an extent that it lacks adequate financial and administrative capacity to meet its obligations in a timely manner;
- Whether the insurer has experienced or will experience in the foreseeable future cash flow or liquidity problems;
- Whether management has established reserves that do not comply with minimum standards established by state insurance laws, regulations, statutory accounting standards, sound actuarial principals and standards of practice;
- Whether management persistently engages in material under reserving that results in adverse development;
- Whether transactions among affiliates, subsidiaries, or controlling persons for which the insurer receives assets or capital gains, or both, do not provide sufficient value, liquidity, or diversity to assure the insurer's ability to meet its outstanding obligations as they mature;
- The ratio of the annual premium volume to surplus or of its liabilities to surplus in relation to loss experience and/or the kinds of risks insured;
- Whether the insurer's asset portfolio when viewed in light of current economic conditions and indications of financial or operational leverage is of sufficient value, liquidity or diversity to assure the company's ability to meet its outstanding obligations as they mature;
- Whether the excess of surplus to policyholders over and above an insurer's statutorily required surplus to policyholders has decreased by more than 50% in the preceding 12-month period;
- Whether residential property insurers have sufficient capital, surplus, and reinsurance to withstand significant weather events, including but not limited to hurricanes;
- The insurer's required surplus, capital, or capital stock is impaired to an extent prohibited by law;
- The insurer continues to write new business when it has not maintained the required surplus or capital;
- The insurer attempts to dissolve or liquidate without first having made provisions, satisfactory to the OIR, for liabilities arising from insurance policies issued by the insurer;
- Whether an insurer has incurred substantial new debt, has had to rely on frequent or substantial capital infusions, has a highly leveraged balance sheet, or relies increasingly on outside consulting sources;
- The insurer meets one or more of the grounds in s. 631.051, F.S., for the appointment of the DFS as receiver; or
- Any other finding determined by the OIR to be hazardous to the insurer's policyholders, creditors, or general public.

In making a determination of an insurer's financial condition, the OIR may:

- Disregard any credit or amount receivable resulting from transactions with a reinsurer that is insolvent, impaired, or otherwise subject to a delinquency proceeding;
- Make appropriate adjustments including disallowance to asset values attributable to investments in or transactions with parents, subsidiaries, or affiliates consistent with the

National Association of Insurance Commissioners Accounting Practices and Procedures Manual, state laws and rules;

- Refuse to recognize the stated value of accounts receivable if the ability to collect receivables is highly speculative in view of the age of the account or the financial condition of the debtor; and
- Increase the insurer's liability in an amount equal to any contingent liability, pledge, or guarantee not otherwise included if there is a substantial risk that the insurer will be called upon to meet the obligation undertaken within the next twelve-month period.

If the OIR determines that the continued operations of an insurer licensed to transact business in this state may be hazardous to its policyholders, creditors, or the general public, the OIR may issue an order requiring the insurer to do any of the following:

- Reduce the total amount of present and potential liability for policy benefits by procuring additional reinsurance;
- Reduce, suspend, or limit the volume of business being accepted or renewed;
- Reduce general insurance and commission expenses by specified methods or amounts;
- Increase the insurer's capital and surplus;
- Suspend or limit the declaration and payment of dividend by an insurer to its stockholders or to its policyholders;
- File reports in a form acceptable to the OIR concerning the market value of an insurer's assets;
- Limit or withdraw from certain investments or discontinue certain investment practices to the extent the OIR deems necessary;
- Document the adequacy of premium rates in relation to the risks insured;
- File, in addition to regular annual statements, interim financial reports on the a form prescribed by the commission adopted by the National Association of Insurance Commissioners or in such format as promulgated by the OIR;
- Correct corporate governance practice deficiencies, and adopt and utilize governance practices acceptable to the OIR;
- Provide a business plan to the OIR in order to continue to transact business in the state; and
- Adjust rates for any non-life insurance product written by the insurer that the OIR considers necessary to improve the financial condition of the insurer, notwithstanding any other provision of law limiting the frequency or amount of rate adjustments.

These provisions are not to be interpreted to limit the powers granted to the OIR by any laws of this state or to supersede any laws of this state. The OIR may, pursuant to law, in its discretion and without advance notice or hearing, issue an immediate final order to any insurer requiring the authorized actions.

Section 8 amends s. 624.81, F.S., relating to notice to comply with written requirements of the OIR, to repeal Commission rulemaking authority to define standards of hazardous financial condition and corrective action.

Section 9 creates s. 624.865, F.S., to provide rulemaking authority to the Commission to administer ss. 624.80-624.87, F.S. (administrative supervision of insurers). Such rules must protect the interests of insureds, claimants, insurers, and the public.

Section 10 amends s. 628.8015, F.S., to conform a cross-reference.

Insurance Fraud – Licensure

Section 11 amends s. 626.207, F.S., to revise the DFS licensure suspension statutes to specify that the 7-year disqualification period for misdemeanors applies to misdemeanors related to Insurance Code violations, in addition to the current ground that the violation is directly related to the financial services business.

Fines for Unfair Insurance Trade Practices

Section 12 amends s. 626.9521, F.S., to increase the fines for any person that violates the Unfair Insurance Trade Practices Act. Fines for each nonwillful violation may not exceed \$12,500 (up from \$5,000) and fines for each willful violation may not exceed \$100,000 (up from \$40,000). Fines may not exceed an aggregate amount of \$50,000 (up from \$20,000) for all nonwillful violations arising out of the same action or an aggregate amount of \$500,000 (up from \$200,000) for all willful violations arising out of the same action.

Fines for “twisting” and for “churning” may not exceed \$12,500 (up from \$5,000) for each nonwillful violation and may not exceed \$187,500 (up from \$75,000) for each willful violation. Fines for willfully submitting fraudulent signatures on an application or policy-related document may not exceed \$12,500 (up from \$5,000) for each nonwillful violation and may not exceed \$187,500 (up from \$75,000) for each willful violation.

Fines for a violation related to a covered loss or claim caused by an emergency for which the Governor declared a state of emergency may not exceed \$25,000 for each nonwillful violation and may not exceed \$200,000 for each willful violation. Such fines may not exceed an aggregate amount of \$100,000 for all nonwillful violations arising out of the same action or an aggregate amount of \$1,000,000 for all willful violations arising out of the same action.

Unfair Insurance Claims Settlement Practices

Section 13 amends s. 626.9541, F.S., to provide that it is an unfair claims settlement practice to, with such frequency as to indicate a general business practice, alter or amend an insurance adjuster's report without providing a detailed explanation as to why any change that has the effect of reducing the estimate of the loss was made; and either:

- Including on the report or as an addendum to the report a detailed list of all changes made to the report and the identity of the person who ordered each change; or
- Retaining all versions of the report, and including within each such version, for each change made within such version of the report, the identity of each person who made or ordered such change.

The bill provides that it is an unfair insurance trade practice for a director or an officer of an impaired insurer to receive a bonus from such insurer or from a holding company or an affiliate that shares common ownership or control with such insurer.

DFS Insurance Fraud Investigations

Section 14 amends s. 626.989, F.S., to provide that insurance fraud referrals may be made by the DFS to the statewide prosecutor for crimes that impact two or more judicial circuits.

The bill directs the Division of Investigative and Forensic Services, Bureau of Insurance Fraud, within the DFS, to submit a performance report to the President of the Senate and the Speaker of the House of Representatives by January 1 of each year. The report is to include at least:

- The total number of initial referrals received, cases opened, cases presented for prosecution, cases closed, and convictions resulting from cases presented for prosecution by the Bureau of Insurance Fraud by type of insurance fraud and circuit.
- The number of referrals received from insurers and the outcome of those referrals.
- The number of investigations undertaken by the Bureau of Insurance Fraud which were not the result of a referral from an insurer and the outcome of those referrals.
- The number of investigations that resulted in a referral to a regulatory agency and the disposition of those referrals.
- The number and reasons provided by local prosecutors or the statewide prosecutor for declining prosecution of a case presented by the Bureau of Insurance fraud.
- The total number of employees assigned to the Bureau of Insurance Fraud delineated by location of staff assigned; and the number and location of employees assigned to the Bureau of Insurance Fraud who were assigned to work other types of fraud cases.
- The average caseload and turnaround time by type of case for each investigator.
- The training provided during the year to insurance fraud investigators.

Mitigation Discounts

Section 15 amends s. 627.0629, F.S., to require insurers to provide information on their website describing the hurricane mitigation discounts available to policyholders. The bill further provides that on or before January 1, 2025, and every five years thereafter, the OIR reevaluate and update the fixtures or construction techniques demonstrated to reduce the amount of loss in a windstorm and the discounts, credits, other rate differentials, and reductions in deductibles that reflect the full actuarial value of such fixtures or construction techniques.

Insurance of Policies with Claims of Insolvent Insurers

Section 16 amends s. 627.351, F.S., to provide that the Citizens Property Insurance Corporation may not determine that a risk is ineligible for coverage with the corporation solely because such risk has unrepaired damage caused by a covered loss that is the subject of a claim that has been filed with the Florida Insurance Guaranty Association (FIGA). This requirement applies until the earlier of 36 months after the date the FIGA began servicing such claim or closes the claim.

Form Review

Section 17 amends s. 627.410, F.S., to provide that the OIR may not waive review of the insurance documents or forms of any insurer whom the OIR enters a final order determining that

such insurer violated any provision of the Insurance Code for a period of 36 months after the date of such order.

Claims Handling Manuals

Section 18 creates s. 627.4108, F.S., to require each authorized residential property insurer to create and use a claims-handling manual that provides guidelines and procedures and that complies with the Insurance Code and comports to usual and customary industry claims-handling practices. Such manual must include guidelines and procedures for:

- Initially receiving and acknowledging initial receipt of the claim and reviewing and evaluating the claim;
- Communicating with policyholders, beginning with the receipt of the claim and continuing until closure of the claim;
- Setting the claim reserve;
- Investigating the claim, including conducting inspections of the property that is the subject of the claim;
- Making preliminary estimates and estimates of the covered damages to the insured property and communicating such estimates to the policyholder;
- The payment, partial payment, or denial of the claim and communicating such claim decision to the policyholder;
- Closing claims; and
- Any aspect of the claims-handling process which the OIR determines should be included in the claims-handling manual in order to:
 - Comply with the laws of this state or rules or orders of the OIR or the DFS;
 - Ensure the claims-handling manual comports with usual and customary industry claims-handling guidelines; or
 - Protect policyholders of the insurer or the general public.

The bill provides that the OIR may request a copy of the insurer's claims-handling manuals. If requested by the OIR, the insurer must submit within 5 business days:

- A true and correct copy of each claims-handling manual requested; and
- An attestation, on a form prescribed by the Commission, that certifies:
 - That the insurer has provided a true and correct copy of each currently applicable, or otherwise specifically requested, claims-handling manual; and
 - The timeframe for which each submitted claims-handling manual was or is in effect.

Each authorized residential property insurer must annually certify and attest that:

- Each of the insurer's current claims-handling manuals complies with the requirements of this code and comports to usual and customary industry claims-handling practices; and
- The insurer maintains adequate resources available to implement the requirements of each of its claims-handling manuals at all times, including during natural disasters and catastrophic events.

The bill provides that the Commission may adopt emergency rules to implement this section.

Cancellation during Pending Claims

Section 19 amends s. 627.4133, F.S., to provide that an authorized insurer may not cancel or nonrenew a residential property insurance policy:

- For a period of 90 days after the property has been repaired, if such property has been damaged as a result of a hurricane or wind loss that is the subject of the declaration of emergency and the filing of an order by the Commissioner of Insurance Regulation.
- Until the earlier of when property has been repaired or 1 year after the insurer issues the final claim payment, if such property was damaged by any covered peril, but was not damaged as a result of a hurricane or wind loss that is the subject of the declaration of emergency and the filing of an order by the Commissioner of Insurance Regulation.

A structure is deemed repaired when substantially completed and restored to the extent that it is insurable by another authorized insurer.

The bill extends the application of the provisions of this section to personal residential and commercial residential policies covering property that was damaged as the result of Hurricane Ian or Hurricane Nicole.

Administration of Claims

Section 20 amends s. 627.426, F.S., to require each liability insurer, upon receiving actual notice of an incident or a loss that could give rise to a covered liability claim, to do all of the following:

- Assign a licensed and appointed insurance adjuster to investigate the extent of the insured's probable exposure and diligently attempt to resolve any questions concerning the existence or extent of the insured's coverage.
- Evaluate the claim fairly, honestly, and with due regard for the interests of the insured based on available information; consider the extent of the claimant's recoverable damages; and consider the information in a reasonable and prudent manner.
- Request from the insured or claimant additional relevant information the insurer reasonably deems necessary to evaluate whether to settle a claim.
- Conduct all oral and written communications with the insured with the honesty and candor.
- Make reasonable efforts to explain to persons not represented by counsel matters requiring expertise beyond the level normally expected of a layperson with no training in insurance or claims-handling issues.
- Retain all written and recorded communications and create and retain a summary of all verbal communications in a reasonable manner for a period of not less than 5 years after the later of the entry of a judgment against the insured in excess of policy limits becoming final or the conclusion of the extracontractual claim, if any, including any related appeals.
- Provide the insured within 30 days of a request, all communications related to the insurer's handling of the claim which are not privileged as to the insured.
- Provide, upon request and at the insurer's expense, reasonable accommodations necessary to communicate effectively with an insured covered under the Americans with Disabilities Act.
- In handling third-party claims, communicate to an insured the identity of any other person or entity the insurer has reason to believe may be liable; the insurer's evaluation of the claim given the facts known to the insurer at that time; the likelihood and possible extent of an excess judgment; steps the insured can take to avoid exposure to an excess judgment,

including the right to secure personal counsel at the insured's expense; the insured's duty to cooperate with the insurer, including any specific requests required because of a settlement opportunity or by the insurer in accordance with the policy, the purpose of the required cooperation, and the consequences of refusing to cooperate; and any settlement demands or offers.

- Initiate settlement negotiations by tendering its policy limits to the claimant in exchange for a general release of the insured if the facts available to the insurer indicate that the insured's liability is likely to exceed the policy limits.
- Give fair consideration to a settlement offer that is not unreasonable under the facts available to the insurer and settle in exchange for a general release of the insured, if possible, when reasonably prudent to do so. The insurer must provide reasonable assistance to the insured to comply with the insured's obligations to cooperate and act reasonably to attempt to satisfy any conditions of a claimant's settlement offer. If it is not possible to settle a liability claim within the available policy limits in exchange for a general release of the insured, the insurer must act reasonably to attempt to minimize the excess exposure to the insured.
- Attempt to minimize the magnitude of possible excess judgments against the insured when multiple claims arise out of a single occurrence and the combined value of all claims exceeds the total of all applicable policy limits.
- Attempt to settle the claim in exchange for a general release of all insureds against whom a claim may be presented if a loss creates the potential for a third-party claim against more than one insured. If it is not possible to settle in exchange for a general release of all insureds, the insurer, in consultation with the insureds, must attempt to enter into reasonable settlements of claims against certain insureds in exchange for a general release of such insureds to the exclusion of other insureds.
- Respond to any request for insurance information in compliance with ss. 626.9372 or 627.4137, F.S., as applicable.
- Take reasonable measures to preserve evidence, for a reasonable period of time, which is needed for the defense of the liability claim if it appears the insured's probable exposure is greater than policy limits.
- Comply with the existing provision for claim administration, as applicable; or
- Comply with the Unfair Insurance Trade Practices Act.

The bill defines "actual notice" for purposes of this section to mean the insurer's receipt of notice of an incident or a loss that could give rise to a covered claim that is communicated to the insurer or an agent of the insurer:

- By any manner permitted by the policy or other documents provided to the insured by the insurer;
- Through the claims link on the insurer's website; or
- Through the e-mail address designated by the insurer under s. 624.422, F.S.

The bill provides that, in determining whether an insurer violated these provisions, it is relevant whether the insured, claimant, or their representative was acting in good faith in furnishing information regarding the claim, in making demands of the insurer, in setting deadlines, and in attempting to settle the claim. This includes whether:

- The insured met its duty to cooperate with the insurer in the defense of the claim and in making settlements by taking reasonable actions requested by the claimant or required by the policy which are necessary to assist the insurer in settling a covered claim, including:
 - Executing affidavits regarding the facts within the insured’s knowledge regarding the covered loss; and
 - Providing documents, including if reasonably necessary to settle a covered claim valued in excess of policy limits and upon the request of the claimant, a summary of the insured’s assets, liabilities, obligations, other insurance policies that may provide coverage for the claim, and the name and contact information of the insured’s employer when the insured is a natural person who was acting in the course and scope of employment when the incident giving rise to the claim occurred.
- The claimant and any claimant’s representative:
 - Acted honestly in furnishing information regarding the claim;
 - Acted reasonably in setting deadlines; and
 - Refrained from taking actions that may be reasonably expected to prevent an insurer from accepting the settlement demand.

A violation of the subsection is a violation of the Florida Insurance Code and subject to the applicable enforcement provisions and any imposed related administrative fines imposed is subject to a 2.0 multiplier and may exceed the limits on fine amounts and aggregate fine amounts provided for under the Code. The subsection does not create a civil cause of action and does not abrogate or diminish any existing civil cause of action. Any proceedings, determinations, or enforcement actions taken by the OIR for violations of the subsection are not admissible in any civil action.

Roof Deductibles

Section 21 amends s. 627.701(10), F.S., to provide that if a roof deductible is applied, no other deductible under the policy may be applied to the loss “or to any other loss to the property caused by the same covered peril.”

Notice of Property Insurance Claims

Section 22 amends s. 627.70132, F.S., to toll the time period for filing a property insurance claim during any term of deployment to a combat zone or combat support posting which materially affects the ability of a servicemember to file a claim, supplemental claim, or reopened claim.

Legislative Intent

Section 23 provides legislative intent that Chapter 2022-271, Laws of Florida, passed during Special Session A in December 2023, shall not be construed to impair any right under an insurance contract in effect on or before the effective date of that chapter law (December 16, 2022). The bill provides that to the extent that Chapter 2022-271, Laws of Florida, affects a right under an insurance contract that chapter law applies to an insurance contract issued or renewed after the effective date of that chapter law. This section is intended to clarify existing law and is remedial in nature.

Insurance Rates - Change in Law

Section 24 requires, in order to ensure that rates accurately reflect the risk, that every residential property insurer rate filing and every motor vehicle insurer rate filing made or pending with the Office of Insurance Regulation on or after July 1, 2023, must reflect the projected savings or reduction in claim frequency, claim severity, and loss adjustment expenses, including for attorney fees, payment of attorney fees to claimants, and any other reduction actuarially indicated, due to the combined effect of the applicable provisions of:

- Chapter 2021-77, L.O.F. (SB 76 – 2021);
- Chapter 2022-268, L.O.F. (SB 2-D - 2022);
- Chapter 2022-271, L.O.F. (SB 2-A - 2022); and
- Chapter 2023-15, L.O.F. (HB 837 - 2023).

In its review, the OIR must consider the projected savings or reduction in claim frequency, claim severity, and loss adjustment expenses, including for attorney fees, payment of attorney fees to claimants, and any other reduction actuarially indicated. The OIR is authorized to develop methodology and data that incorporate generally accepted actuarial techniques and standards to be used in its review. The OIR is authorized to contract with an appropriate vendor to advise in developing such methodology and data. The methodology and data are not intended to create a mandatory minimum rate decrease, but rather to ensure that the rates are not excessive, inadequate, or unfairly discriminatory and allow such insurers a reasonable rate of return

The bill appropriates \$500,000 from the Insurance Regulatory Trust Fund to the OIR to implement this section.

OIR Program Funding

Section 25 authorizes 18 FTEs with associated salary rate of 1,116,500 and appropriates \$1,879,129 in recurring funds and \$185,086 in non-recurring funds from the Insurance Regulatory Trust Fund to the OIR to implement the bill.

DFS Program Funding

Section 25 authorizes seven FTEs with associated salary rate of 350,000 and appropriates \$574,036 in recurring funds and \$33,467 in non-recurring funds from the Insurance Regulatory Trust Fund to the DFS to implement the bill.

Effective Date

Section 27 provides an effective date of July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

The bill should have a positive impact on individuals and businesses whose premiums for property insurance and motor vehicle insurance will include consideration the impact of recent legislative reforms on projected losses. Property insurance customers should benefit from more frequent updates to mitigation credits and greater public awareness of their availability.

The additional reporting requirements created by the bill will have an indeterminate impact on insurers.

C. Government Sector Impact:

The bill appropriates \$500,000 from the Insurance Regulatory Trust Fund to the OIR to implement section 24 of the bill relating to rate review.

The bill authorizes 18 FTES with associated salary rate of 1,116,500 and appropriates \$1,879,129 in recurring funds and \$185,086 in non-recurring funds from the Insurance Regulatory Trust Fund to the OIR to implement the bill.

The bill authorizes seven FTEs with associated salary rate of 350,000 and appropriates \$574,036 in recurring funds and \$33,467 in non-recurring funds from the Insurance Regulatory Trust Fund to the DFS to implement the bill.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 624.307, 624.315, 624.316, 624.3161, 624.4211, 624.81, 626.207, 626.9521, 626.9541, 626.989, 627.0629, 627.351, 627.410, 627.4133, 627.426, 627.701, 627.70132, and 628.8015.

This bill creates the following sections of the Florida Statutes: 624.4301, 624.805, 624.865, and 627.4108.

IX. Additional Information:

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

CS by Fiscal Policy Committee on April 20, 2023:

The committee substitute:

- Deletes section 7 (payments to affiliates), section 12 (motor vehicle insurance claim settlement practices), section 22 (emergency order after a natural disasters), and section 23 (title insurance rates) from the bill.
- Revises risk-based selection methodology factors for financial examinations.
- Revises market conduct examination provisions.
- Specifies factors the OIR may consider in determining whether the continued operation of an insurer may be deemed to be hazardous to its policyholders, creditors, or the general public; specifying actions the OIR may take in determining an insurer's financial condition; specifying actions the OIR may order a hazardous insurer to take; authorizing the Commission to adopt rules.
- Revises claim administration practice provisions to provide that administrative fines imposed for violations are subject to a 2.0 multiplier and may exceed the limits on fine amounts and aggregate fine amounts provided for under the Insurance Code; providing that any proceedings, determinations, or enforcement actions taken by the OIR against an insurer for violations are not admissible in any civil action.
- Applies notice of temporary suspension of writing new business provision to only residential property insurance; exempts temporary hurricane-related suspensions.
- Provides that in lieu of making a list of changes to the adjuster's report, the company may retain all versions of the report.
- Prohibits officers and directors of insolvent insurers from receiving bonuses paid by a holding company or affiliate with common ownership.
- Revises the date by which insurers must include available discounts on their websites.
- Requires residential property insurers to create and use claims-handling manuals that comply with the Insurance Code and comport to industry standards. Eliminates annual submission requirement. The OIR may request manual at any time and requires attestation with submission.

- Revises standards for handling liability claims; specifies the section does not create a civil cause of action, nor does it abrogate or diminish an existing civil cause of action.
- Tolls the time period to file a claim for a servicemember deployed to a combat zone or combat supporting posting.
- Revises language specifying the purpose of the insurance rate change in law section.
- Provides that the OIR may develop “methodology and data” – rather than “factors” - that incorporate generally accepted actuarial techniques and standards to be used in its review of rate filings based on the passage of recent legislation.
- Authorizes 18 FTES with associated salary rate of 1,116,500 and appropriates \$1,879,129 in recurring funds and \$185,086 in non-recurring funds from the Insurance Regulatory Trust Fund to the OIR to implement the bill.
- Authorizes seven FTEs with associated salary rate of 350,000 and appropriates \$574,036 in recurring funds and \$33,467 in non-recurring funds from the Insurance Regulatory Trust Fund to the DFS to implement the bill.

B. Amendments:

None.



592450

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Hutson) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

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

624.307 General powers; duties.—

(10)

(b) Any person licensed or issued a certificate of
authority by the department or the office shall respond, in



592450

11 writing or electronically, to the division within 14 ~~20~~ days
12 after receipt of a written request for documents and information
13 from the division concerning a consumer complaint. The response
14 must address the issues and allegations raised in the complaint
15 and include any requested documents concerning the consumer
16 complaint not subject to attorney-client or work-product
17 privilege. The division may impose an administrative penalty for
18 failure to comply with this paragraph of up to \$5,000 ~~\$2,500~~ per
19 violation upon any entity licensed by the department or the
20 office ~~and \$250 for the first violation, \$500 for the second~~
21 ~~violation,~~ and up to \$1,000 per ~~for the third or subsequent~~
22 violation by ~~upon~~ any individual licensed by the department or
23 the office.

24 Section 2. Present subsection (4) of section 624.315,
25 Florida Statutes, is redesignated as subsection (5), and a new
26 subsection (4) is added to that section, to read:

27 624.315 Annual reports; quarterly reports ~~report.~~-

28 (4) (a) The office shall create a report detailing all
29 actions of the office to enforce insurer compliance with this
30 code and all rules and orders of the office or department during
31 the previous year. For each of the following, the report must
32 detail the insurer or other licensee or registrant against whom
33 such action was taken; whether the office found any violation of
34 law or rule by such party, and, if so, detail such violation;
35 and the resolution of such action, including any penalties
36 imposed by the office. The report must be published on the
37 website of the office and submitted to the commission, the
38 President of the Senate, the Speaker of the House of
39 Representatives, and the legislative committees with



592450

40 jurisdiction over matters of insurance on or before January 31
41 of each year. The report must include, but need not be limited
42 to:

43 1. The revocation, denial, or suspension of any license or
44 registration issued by the office.

45 2. All actions taken pursuant to s. 624.310.

46 3. Fines imposed by the office for violations of this code.

47 4. Consent orders entered into by the office.

48 5. Examinations and investigations conducted and completed
49 by the office pursuant to ss. 624.316 and 624.3161.

50 6. Investigations conducted and completed, by line of
51 insurance, for which the office found violations of law or rule
52 but did not take enforcement action.

53 (b) Each quarter, the office shall create a report
54 detailing all actions of the office to enforce insurer
55 compliance during the previous quarter. The report must include,
56 but not be limited to, the subjects that must be included in the
57 annual report under paragraph (a). The report must be submitted
58 to the commission, the President of the Senate, the Speaker of
59 the House of Representatives, and the legislative committees
60 with jurisdiction over matters of insurance. The report is due
61 on or before April 30, July 31, October 31, and January 31,
62 respectively, for the immediately preceding quarter. The report
63 due January 31 may be included within the annual report required
64 under paragraph (a).

65 (c) The office need not include within any report required
66 under this subsection information that would violate any
67 confidentiality provision included within any agreement, order,
68 or consent order entered into or promulgated by the office.



592450

69 Section 3. Subsections (3) and (4) are added to section
70 624.316, Florida Statutes, to read:

71 624.316 Examination of insurers.—

72 (3) The office shall create, and the commission shall adopt
73 by rule, a risk-based selection methodology for scheduling
74 examinations of insurers subject to this section. This
75 requirement does not restrict the authority of the office to
76 conduct examinations under this section as often as it deems
77 advisable. Such methodology must include all of the following:

78 (a) Use of a risk-focused analysis to prioritize financial
79 examinations of insurers when such reporting indicates a decline
80 in the insurer's financial condition.

81 (b) Consideration of:

82 1. Level of capitalization and identification of
83 unfavorable trends;

84 2. Negative trends in profitability or cash flow from
85 operations;

86 3. National Association of Insurance Commissioners
87 Insurance Regulatory Information System ratio results;

88 4. Risk-based capital and risk-based capital trend test
89 results;

90 5. The structure and complexity of the insurer;

91 6. Changes in the insurer's officers or board of directors;

92 7. Changes in the insurer's business strategy or
93 operations;

94 8. Findings and recommendations from an examination made
95 pursuant to s. 624.316 or s. 624.3161;

96 9. Current or pending regulatory actions by the office or
97 the department;



592450

98 10. Information obtained from other regulatory agencies or
99 independent organization ratings and reports; and

100 11. The impact of an insurer's insolvency on policyholders
101 of the insurer and the public generally.

102 (c) Prioritization of property insurers for which the
103 office identifies significant concerns about an insurer's
104 solvency pursuant to s. 627.7154.

105 (d) Any other matters the office deems necessary to
106 consider for the protection of the public.

107 (4) To facilitate the development of the methodology for
108 scheduling examinations pursuant to this section, the commission
109 may adopt by rule the National Association of Insurance
110 Commissioners Financial Analysis Handbook, to the extent that
111 the handbook is consistent with and does not negate the
112 requirements of this section.

113 Section 4. Subsection (7) of section 624.3161, Florida
114 Statutes, is amended, and subsection (8) is added to that
115 section, to read:

116 624.3161 Market conduct examinations.—

117 (7) Notwithstanding subsection (1), any authorized insurer
118 transacting residential property insurance business in this
119 state:

120 (a) May be subject to an additional market conduct
121 examination after a hurricane if, at any time more than 90 days
122 after the end of the hurricane, the insurer+

123 ~~(a)~~ is among the top 20 percent of insurers based upon a
124 calculation of the ratio of hurricane-related property insurance
125 claims filed to the number of property insurance policies in
126 force;



592450

127 (b) Must be subject to a market conduct examination after a
128 hurricane if, at any time more than 90 days after the end of the
129 hurricane, the insurer:

130 1. Is among the top 20 percent of insurers based upon a
131 calculation of the ratio of hurricane claim-related consumer
132 complaints made about that insurer to the department to the
133 insurer's total number of hurricane-related claims;

134 2. Is among the top 20 percent of insurers based upon a
135 calculation of the ratio of hurricane claims closed without
136 payment to the insurer's total number of hurricane claims;

137 3. ~~(e)~~ Has made significant payments to its managing general
138 agent since the hurricane; or

139 4. ~~(d)~~ Is identified by the office as necessitating a market
140 conduct exam for any other reason.

141
142 All relevant criteria under this section and s. 624.316 shall be
143 applied to the market conduct examination under this subsection.
144 Such an examination must be initiated within 18 months after the
145 landfall of a hurricane that results in an executive order or a
146 state of emergency issued by the Governor. The requirements of
147 this subsection do not limit the authority of the office to
148 conduct at any time a market conduct examination of a property
149 insurer in the aftermath of a hurricane. This subsection does
150 not require the office to conduct multiple market conduct
151 examinations of the same insurer when multiple hurricanes make
152 landfall in this state in a single calendar year. An examination
153 of an insurer under this subsection must also include an
154 examination of its managing general agent as if it were the
155 insurer.



592450

156 (8) The office shall create, and the commission shall adopt
157 by rule, a selection methodology for scheduling and conducting
158 market conduct examinations of insurers and other entities
159 regulated by the office. This requirement does not restrict the
160 authority of the office to conduct market conduct examinations
161 as often as it deems necessary. Such selection methodology must
162 prioritize market conduct examinations of insurers and other
163 entities regulated by the office to whom any of the following
164 conditions applies:

165 (a) An insurance regulator in another state has initiated
166 or taken regulatory action against the insurer or entity
167 regarding an act or omission of such insurer which, if committed
168 in this state, would constitute a violation of the laws of this
169 state or any rule or order of the office or department.

170 (b) Given the insurer's market share in this state, the
171 department or the office has received a disproportionate number
172 of the following types of claims-handling complaints against the
173 insurer:

174 1. Failure to timely communicate with respect to claims;

175 2. Failure to timely pay claims;

176 3. Untimely payments giving rise to the payment of
177 statutory interest;

178 4. Failure to adjust and pay claims in accordance with the
179 terms and conditions of the policy or contract and in compliance
180 with state law;

181 5. Violations of part IX of chapter 626, the Unfair
182 Insurance Trade Practices Act;

183 6. Failure to use licensed and duly appointed claims
184 adjusters;



592450

185 7. Failure to maintain reasonable claims records; or
186 8. Failure to adhere to the company's claims-handling
187 manual.

188 (c) The results of a National Association of Insurance
189 Commissioners Market Conduct Annual Statement indicate that the
190 insurer is a negative outlier with regard to particular metrics.

191 (d) There is evidence that the insurer is violating or has
192 violated the Unfair Insurance Trade Practices Act.

193 (e) The insurer meets the criteria in subsection (7).

194 (f) Any other conditions the office deems necessary for the
195 protection of the public.

196
197 The office shall present the proposed rule required by this
198 subsection to the commission no later than October 1, 2023. In
199 addition to the methodology required by this subsection, the
200 rule must provide criteria for how the office, in coordination
201 with the department, will determine what constitutes a
202 disproportionate number of claims-handling complaints described
203 in paragraph (b).

204 Section 5. Section 624.4211, Florida Statutes, is amended
205 to read:

206 624.4211 Administrative fine in lieu of suspension or
207 revocation.—

208 (1) If the office finds that one or more grounds exist for
209 the discretionary revocation or suspension of a certificate of
210 authority issued under this chapter, the office may, in lieu of
211 such revocation or suspension, impose a fine upon the insurer.

212 (2) (a) With respect to a ~~any~~ nonwillful violation, such
213 fine may not exceed:



592450

214 1. Twenty-five thousand dollars per violation, up to an
215 aggregate amount of \$100,000 for all nonwillful violations
216 arising out of the same action, related to a covered loss or
217 claim caused by an emergency for which the Governor declared a
218 state of emergency pursuant to s. 252.36.

219 2. Twelve thousand five hundred dollars ~~\$5,000~~ per
220 violation, up to. ~~In no event shall such fine exceed an~~
221 aggregate amount of \$50,000 ~~\$20,000~~ for all other nonwillful
222 violations arising out of the same action.

223 (b) If an insurer discovers a nonwillful violation, the
224 insurer shall correct the violation and, if restitution is due,
225 make restitution to all affected persons. Such restitution shall
226 include interest at 12 percent per year from either the date of
227 the violation or the date of inception of the affected person's
228 policy, at the insurer's option. The restitution may be a credit
229 against future premiums due, provided that interest accumulates
230 until the premiums are due. If the amount of restitution due to
231 any person is \$50 or more and the insurer wishes to credit it
232 against future premiums, it shall notify such person that she or
233 he may receive a check instead of a credit. If the credit is on
234 a policy that is not renewed, the insurer shall pay the
235 restitution to the person to whom it is due.

236 (3)(a) With respect to a ~~any~~ knowing and willful violation
237 of a lawful order or rule of the office or commission or a
238 provision of this code, the office may impose a fine upon the
239 insurer in an amount not to exceed:

240 1. Two hundred thousand dollars for each such violation, up
241 to an aggregate amount of \$1 million for all knowing and willful
242 violations arising out of the same action, related to a covered



592450

243 loss or claim caused by an emergency for which the Governor
244 declared a state of emergency pursuant to s. 252.36.

245 2. One hundred thousand dollars ~~\$40,000~~ for each such
246 violation, up to. ~~In no event shall such fine exceed an~~
247 aggregate amount of \$500,000 ~~\$200,000~~ for all other knowing and
248 willful violations arising out of the same action.

249 (b) In addition to such fines, the insurer shall make
250 restitution when due in accordance with subsection (2).

251 (4) The failure of an insurer to make restitution when due
252 as required under this section constitutes a willful violation
253 of this code. However, if an insurer in good faith is uncertain
254 as to whether any restitution is due or as to the amount of such
255 restitution, it shall promptly notify the office of the
256 circumstances; and the failure to make restitution pending a
257 determination thereof shall not constitute a violation of this
258 code.

259 Section 6. Section 624.4301, Florida Statutes, is created
260 to read:

261 624.4301 Notice of temporary discontinuance of writing new
262 residential property insurance policies.—

263 (1) Any authorized insurer, before temporarily suspending
264 writing new residential property insurance policies in this
265 state, must give notice to the office of the insurer's reasons
266 for such action, the effective dates of the temporary
267 suspension, and the proposed communication to its agents. Such
268 notice must be provided on a form approved by the office and
269 adopted by the commission. The insurer shall submit such notice
270 to the office the earlier of 20 business days before the
271 effective date of the temporary suspension of writing or 5



592450

272 business days before notifying its agents of the temporary
273 suspension of writing. The insurer must provide any other
274 information requested by the office related to the insurer's
275 temporary suspension of writing. The requirements of this
276 section do not apply to a temporary suspension of writing new
277 business made in response to a hurricane that may make landfall
278 in this state if such temporary suspension ceases within 72
279 hours after hurricane conditions are no longer present in this
280 state.

281 (2) The commission may adopt rules to administer this
282 section.

283 Section 7. Paragraph (c) of subsection (3) of section
284 626.207, Florida Statutes, is amended to read:

285 626.207 Disqualification of applicants and licensees;
286 penalties against licensees; rulemaking authority.—

287 (3) An applicant who has been found guilty of or has
288 pleaded guilty or nolo contendere to a crime not included in
289 subsection (2), regardless of adjudication, is subject to:

290 (c) A 7-year disqualifying period for all misdemeanors
291 directly related to the financial services business or any
292 violation of the Florida Insurance Code.

293 Section 8. Subsections (2) and (3) of section 626.9521,
294 Florida Statutes, are amended to read:

295 626.9521 Unfair methods of competition and unfair or
296 deceptive acts or practices prohibited; penalties.—

297 (2) Except as provided in subsection (3), any person who
298 violates any provision of this part is subject to a fine in an
299 amount not greater than \$12,500 ~~\$5,000~~ for each nonwillful
300 violation and not greater than \$100,000 ~~\$40,000~~ for each willful



301 violation. Fines under this subsection imposed against an
302 insurer may not exceed an aggregate amount of \$50,000 ~~\$20,000~~
303 for all nonwillful violations arising out of the same action or
304 an aggregate amount of \$500,000 ~~\$200,000~~ for all willful
305 violations arising out of the same action. The fines may be
306 imposed in addition to any other applicable penalty.

307 (3) (a) If a person violates s. 626.9541(1) (1), the offense
308 known as "twisting," or violates s. 626.9541(1) (aa), the offense
309 known as "churning," the person commits a misdemeanor of the
310 first degree, punishable as provided in s. 775.082, and an
311 administrative fine not greater than \$12,500 ~~\$5,000~~ shall be
312 imposed for each nonwillful violation or an administrative fine
313 not greater than \$187,500 ~~\$75,000~~ shall be imposed for each
314 willful violation. To impose an administrative fine for a
315 willful violation under this paragraph, the practice of
316 "churning" or "twisting" must involve fraudulent conduct.

317 (b) If a person violates s. 626.9541(1) (ee) by willfully
318 submitting fraudulent signatures on an application or policy-
319 related document, the person commits a felony of the third
320 degree, punishable as provided in s. 775.082, and an
321 administrative fine not greater than \$12,500 ~~\$5,000~~ shall be
322 imposed for each nonwillful violation or an administrative fine
323 not greater than \$187,500 ~~\$75,000~~ shall be imposed for each
324 willful violation.

325 (c) If a person violates any provision of this part and
326 such violation is related to a covered loss or covered claim
327 caused by an emergency for which the Governor declared a state
328 of emergency pursuant to s. 252.36, such person is subject to a
329 fine in an amount not greater than \$25,000 for each nonwillful



330 violation and not greater than \$200,000 for each willful
331 violation. Fines imposed under this paragraph against an insurer
332 may not exceed an aggregate amount of \$100,000 for all
333 nonwillful violations arising out of the same action or an
334 aggregate amount of \$1 million for all willful violations
335 arising out of the same action.

336 (d) Administrative fines under paragraphs (a) and (b) ~~this~~
337 subsection may not exceed an aggregate amount of \$125,000
338 ~~\$50,000~~ for all nonwillful violations arising out of the same
339 action or an aggregate amount of \$625,000 ~~\$250,000~~ for all
340 willful violations arising out of the same action.

341 Section 9. Paragraphs (i) and (w) of subsection (1) of
342 section 626.9541, Florida Statutes, are amended to read:

343 626.9541 Unfair methods of competition and unfair or
344 deceptive acts or practices defined.—

345 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
346 ACTS.—The following are defined as unfair methods of competition
347 and unfair or deceptive acts or practices:

348 (i) *Unfair claim settlement practices.*—

349 1. Attempting to settle claims on the basis of an
350 application, when serving as a binder or intended to become a
351 part of the policy, or any other material document which was
352 altered without notice to, or knowledge or consent of, the
353 insured;

354 2. A material misrepresentation made to an insured or any
355 other person having an interest in the proceeds payable under
356 such contract or policy, for the purpose and with the intent of
357 effecting settlement of such claims, loss, or damage under such
358 contract or policy on less favorable terms than those provided



592450

359 in, and contemplated by, such contract or policy;
360 3. Committing or performing with such frequency as to
361 indicate a general business practice any of the following:
362 a. Failing to adopt and implement standards for the proper
363 investigation of claims;
364 b. Misrepresenting pertinent facts or insurance policy
365 provisions relating to coverages at issue;
366 c. Failing to acknowledge and act promptly upon
367 communications with respect to claims;
368 d. Denying claims without conducting reasonable
369 investigations based upon available information;
370 e. Failing to affirm or deny full or partial coverage of
371 claims, and, as to partial coverage, the dollar amount or extent
372 of coverage, or failing to provide a written statement that the
373 claim is being investigated, upon the written request of the
374 insured within 30 days after proof-of-loss statements have been
375 completed;
376 f. Failing to promptly provide a reasonable explanation in
377 writing to the insured of the basis in the insurance policy, in
378 relation to the facts or applicable law, for denial of a claim
379 or for the offer of a compromise settlement;
380 g. Failing to promptly notify the insured of any additional
381 information necessary for the processing of a claim;
382 h. Failing to clearly explain the nature of the requested
383 information and the reasons why such information is necessary;
384 ~~or~~
385 i. Failing to pay personal injury protection insurance
386 claims within the time periods required by s. 627.736(4)(b). The
387 office may order the insurer to pay restitution to a



592450

388 policyholder, medical provider, or other claimant, including
389 interest at a rate consistent with the amount set forth in s.
390 55.03(1), for the time period within which an insurer fails to
391 pay claims as required by law. Restitution is in addition to any
392 other penalties allowed by law, including, but not limited to,
393 the suspension of the insurer's certificate of authority; or

394 j. Altering or amending an insurance adjuster's report
395 without:

396 (I) Providing a detailed explanation as to why any change
397 that has the effect of reducing the estimate of the loss was
398 made; and

399 (II) Including on the report or as an addendum to the
400 report a detailed list of all changes made to the report and the
401 identity of the person who ordered each change; or

402 (III) Retaining all versions of the report, and including
403 within each such version, for each change made within such
404 version of the report, the identity of each person who made or
405 ordered such change; or

406 4. Failing to pay undisputed amounts of partial or full
407 benefits owed under first-party property insurance policies
408 within 60 days after an insurer receives notice of a residential
409 property insurance claim, determines the amounts of partial or
410 full benefits, and agrees to coverage, unless payment of the
411 undisputed benefits is prevented by factors beyond the control
412 of the insurer as defined in s. 627.70131(5).

413 (w) Soliciting or accepting new or renewal insurance risks
414 by insolvent or impaired insurer or receipt of certain bonuses
415 by an officer or director of an insolvent insurer prohibited;
416 penalty.-



592450

417 1. Whether or not delinquency proceedings as to the insurer
418 have been or are to be initiated, but while such insolvency or
419 impairment exists, no director or officer of an insurer, except
420 with the written permission of the office, shall authorize or
421 permit the insurer to solicit or accept new or renewal insurance
422 risks in this state after such director or officer knew, or
423 reasonably should have known, that the insurer was insolvent or
424 impaired.

425 2. Regardless of whether delinquency proceedings as to the
426 insurer have been or are to be initiated, but while such
427 insolvency or impairment exists, a director or an officer of an
428 impaired insurer may not receive a bonus from such insurer, nor
429 may such director or officer receive a bonus from a holding
430 company or an affiliate that shares common ownership or control
431 with such insurer.

432 3. As used in this paragraph, the term:

433 a. "Bonus" means a payment, in addition to an officer's or
434 a director's usual compensation, which is in addition to any
435 amounts contracted for or otherwise legally due.

436 b. "Impaired" includes impairment of capital or surplus, as
437 defined in s. 631.011(12) and (13).

438 4.2. Any such director or officer, upon conviction of a
439 violation of this paragraph, commits ~~is guilty of~~ a felony of
440 the third degree, punishable as provided in s. 775.082, s.
441 775.083, or s. 775.084.

442 Section 10. Subsection (6) of section 626.989, Florida
443 Statutes, is amended, and subsection (10) is added to that
444 section, to read:

445 626.989 Investigation by department or Division of



592450

446 Investigative and Forensic Services; compliance; immunity;
447 confidential information; reports to division; division
448 investigator's power of arrest.—

449 (6) (a) Any person, other than an insurer, agent, or other
450 person licensed under the code, or an employee thereof, having
451 knowledge or who believes that a fraudulent insurance act or any
452 other act or practice which, upon conviction, constitutes a
453 felony or a misdemeanor under the code, or under s. 817.234, is
454 being or has been committed may send to the Division of
455 Investigative and Forensic Services a report or information
456 pertinent to such knowledge or belief and such additional
457 information relative thereto as the department may request. Any
458 professional practitioner licensed or regulated by the
459 Department of Business and Professional Regulation, except as
460 otherwise provided by law, any medical review committee as
461 defined in s. 766.101, any private medical review committee, and
462 any insurer, agent, or other person licensed under the code, or
463 an employee thereof, having knowledge or who believes that a
464 fraudulent insurance act or any other act or practice which,
465 upon conviction, constitutes a felony or a misdemeanor under the
466 code, or under s. 817.234, is being or has been committed shall
467 send to the Division of Investigative and Forensic Services a
468 report or information pertinent to such knowledge or belief and
469 such additional information relative thereto as the department
470 may require.

471 (b) The Division of Investigative and Forensic Services
472 shall review such information or reports and select such
473 information or reports as, in its judgment, may require further
474 investigation. It shall then cause an independent examination of



592450

475 the facts surrounding such information or report to be made to
476 determine the extent, if any, to which a fraudulent insurance
477 act or any other act or practice which, upon conviction,
478 constitutes a felony or a misdemeanor under the code, or under
479 s. 817.234, is being committed.

480 (c) The Division of Investigative and Forensic Services
481 shall report any alleged violations of law which its
482 investigations disclose to the appropriate licensing agency and
483 state attorney or other prosecuting agency having jurisdiction,
484 including, but not limited to, the statewide prosecutor for
485 crimes that impact two or more judicial circuits in this state,
486 with respect to any such violation, as provided in s. 624.310.
487 If prosecution by the state attorney or other prosecuting agency
488 having jurisdiction with respect to such violation is not begun
489 within 60 days of the division's report, the state attorney or
490 other prosecuting agency having jurisdiction with respect to
491 such violation shall inform the division of the reasons for the
492 lack of prosecution.

493 (10) The Division of Investigative and Forensic Services
494 Bureau of Insurance Fraud shall prepare and submit a performance
495 report to the President of the Senate and the Speaker of the
496 House of Representatives by January 1 of each year. The annual
497 report must include, but need not be limited to:

498 (a) The total number of initial referrals received, cases
499 opened, cases presented for prosecution, cases closed, and
500 convictions resulting from cases presented for prosecution by
501 the Bureau of Insurance Fraud, by type of insurance fraud and
502 circuit.

503 (b) The number of referrals received from insurers, the



592450

504 office, and the Division of Consumer Services of the department,
505 and the outcome of those referrals.

506 (c) The number of investigations undertaken by the Bureau
507 of Insurance Fraud which were not the result of a referral from
508 an insurer and the outcome of those referrals.

509 (d) The number of investigations that resulted in a
510 referral to a regulatory agency and the disposition of those
511 referrals.

512 (e) The number of cases presented by the Bureau of
513 Insurance Fraud which local prosecutors or the statewide
514 prosecutor declined to prosecute and the reasons provided for
515 declining prosecution.

516 (f) A summary of the annual report required under s.
517 626.9896.

518 (g) The total number of employees assigned to the Bureau of
519 Insurance Fraud, delineated by location of staff assigned, and
520 the number and location of employees assigned to the Bureau of
521 Insurance Fraud who were assigned to work other types of fraud
522 cases.

523 (h) The average caseload and turnaround time by type of
524 case for each investigator.

525 (i) The training provided during the year to insurance
526 fraud investigators.

527 Section 11. Subsections (1), (3), and (4) of section
528 627.0629, Florida Statutes, are amended to read:

529 627.0629 Residential property insurance; rate filings.—

530 (1) It is the intent of the Legislature that insurers
531 provide savings to consumers who install or implement windstorm
532 damage mitigation techniques, alterations, or solutions to their



533 properties to prevent windstorm losses. A rate filing for
534 residential property insurance must include actuarially
535 reasonable discounts, credits, or other rate differentials, or
536 appropriate reductions in deductibles, for properties on which
537 fixtures or construction techniques demonstrated to reduce the
538 amount of loss in a windstorm have been installed or
539 implemented. The fixtures or construction techniques must
540 include, but are not limited to, fixtures or construction
541 techniques that enhance roof strength, roof covering
542 performance, roof-to-wall strength, wall-to-floor-to-foundation
543 strength, opening protection, and window, door, and skylight
544 strength. Credits, discounts, or other rate differentials, or
545 appropriate reductions in deductibles, for fixtures and
546 construction techniques that meet the minimum requirements of
547 the Florida Building Code must be included in the rate filing.
548 The office shall determine the discounts, credits, other rate
549 differentials, and appropriate reductions in deductibles that
550 reflect the full actuarial value of such revaluation, which may
551 be used by insurers in rate filings. Effective October 1, 2023,
552 each insurer subject to the requirements of this section must
553 provide information on the insurer's website describing the
554 hurricane mitigation discounts available to policyholders. Such
555 information must be accessible on, or through a hyperlink
556 located on, the home page of the insurer's website or the
557 primary page of the insurer's website for property insurance
558 policyholders or applicants for such coverage in this state. On
559 or before January 1, 2025, and every 5 years thereafter, the
560 office shall reevaluate and update the fixtures or construction
561 techniques demonstrated to reduce the amount of loss in a



562 windstorm and the discounts, credits, other rate differentials,
563 and appropriate reductions in deductibles that reflect the full
564 actuarial value of such fixtures or construction techniques. The
565 office shall adopt rules and forms necessitated by such
566 reevaluation.

567 (3) A rate filing ~~made on or after July 1, 1995,~~ for mobile
568 home owner insurance must include appropriate discounts,
569 credits, or other rate differentials for mobile homes
570 constructed to comply with American Society of Civil Engineers
571 Standard ANSI/ASCE 7-88, adopted by the United States Department
572 of Housing and Urban Development on July 13, 1994, and that also
573 comply with all applicable tie-down requirements provided by
574 state law.

575 (4) The Legislature finds that separate consideration and
576 notice of hurricane insurance premiums will assist consumers by
577 providing greater assurance that hurricane premiums are lawful
578 and by providing more complete information regarding the
579 components of property insurance premiums. ~~Effective January 1,~~
580 ~~1997,~~ A rate filing for residential property insurance shall be
581 separated into two components, rates for hurricane coverage and
582 rates for all other coverages. A premium notice reflecting a
583 rate implemented on the basis of such a filing shall separately
584 indicate the premium for hurricane coverage and the premium for
585 all other coverages.

586 Section 12. Paragraph (11) is added to subsection (6) of
587 section 627.351, Florida Statutes, to read:

588 627.351 Insurance risk apportionment plans.—

589 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

590 (11) The corporation may not determine that a risk is



592450

591 ineligible for coverage with the corporation solely because such
592 risk has unrepaired damage caused by a covered loss that is the
593 subject of a claim that has been filed with the Florida
594 Insurance Guaranty Association. This paragraph applies to a risk
595 until the earlier of 36 months after the date the Florida
596 Insurance Guaranty Association began servicing such claim or the
597 Florida Insurance Guaranty Association closes the claim.

598 Section 13. Subsection (4) of section 627.410, Florida
599 Statutes, is amended to read:

600 627.410 Filing, approval of forms.—

601 (4) The office may, by order, exempt from the requirements
602 of this section for so long as it deems proper any insurance
603 document or form or type thereof as specified in such order, to
604 which, in its opinion, this section may not practicably be
605 applied, or the filing and approval of which are, in its
606 opinion, not desirable or necessary for the protection of the
607 public. The office may not exempt from the requirements of this
608 section the insurance documents or forms of any insurer, against
609 whom the office enters a final order determining that such
610 insurer violated any provision of this code, for a period of 36
611 months after the date of such order, and may not be deemed
612 approved under subsection (2).

613 Section 14. Section 627.4108, Florida Statutes, is created
614 to read:

615 627.4108 Claims-handling manuals; submission; attestation.—

616 (1) Each authorized residential property insurer conducting
617 business in this state must create and use a claims-handling
618 manual that provides guidelines and procedures and that complies
619 with the requirements of this code and comports to usual and



592450

620 customary industry claims-handling practices. Such manual must
621 include guidelines and procedures for:

622 (a) Initially receiving and acknowledging initial receipt
623 of the claim and reviewing and evaluating the claim;

624 (b) Communicating with policyholders, beginning with the
625 receipt of the claim and continuing until closure of the claim;

626 (c) Setting the claim reserve;

627 (d) Investigating the claim, including conducting
628 inspections of the property that is the subject of the claim;

629 (e) Making preliminary estimates and estimates of the
630 covered damages to the insured property and communicating such
631 estimates to the policyholder;

632 (f) The payment, partial payment, or denial of the claim
633 and communicating such claim decision to the policyholder;

634 (g) Closing claims; and

635 (h) Any aspect of the claims-handling process which the
636 office determines should be included in the claims-handling
637 manual in order to:

638 1. Comply with the laws of this state or rules or orders of
639 the office or department;

640 2. Ensure the claims-handling manual comports with usual
641 and customary industry claims-handling guidelines; or

642 3. Protect policyholders of the insurer or the general
643 public.

644 (2) At any time, the office may request that a residential
645 property insurer submit a physical or electronic copy of the
646 insurer's currently applicable, or otherwise specifically
647 requested, claims-handling manuals. Upon receiving such a
648 request, a residential property insurer must submit to the



592450

649 office within 5 business days:

650 (a) A true and correct copy of each claims-handling manual
651 requested; and

652 (b) An attestation, on a form prescribed by the commission,
653 that certifies:

654 1. That the insurer has provided a true and correct copy of
655 each currently applicable, or otherwise specifically requested,
656 claims-handling manual; and

657 2. The timeframe for which each submitted claims-handling
658 manual was or is in effect.

659 (3) (a) Annually, each authorized residential property
660 insurer must certify and attest, on a form prescribed by the
661 commission, that:

662 1. Each of the insurer's current claims-handling manuals
663 complies with the requirements of this code and comports to
664 usual and customary industry claims-handling practices; and

665 2. The insurer maintains adequate resources available to
666 implement the requirements of each of its claims-handling
667 manuals at all times, including during natural disasters and
668 catastrophic events.

669 (b) Such attestation must be submitted to the office:

670 1. On or before August 1, 2023; and

671 2. Annually thereafter, on or before May 1 of each calendar
672 year.

673 (4) The commission is authorized, and all conditions are
674 deemed met, to adopt emergency rules under s. 120.54(4), for the
675 purpose of implementing this section. Notwithstanding any other
676 law, emergency rules adopted under this section are effective
677 for 6 months after adoption and may be renewed during the



592450

678 pendency of procedures to adopt permanent rules addressing the
679 subject of the emergency rules.

680 Section 15. Paragraph (d) of subsection (2) of section
681 627.4133, Florida Statutes, is amended to read:

682 627.4133 Notice of cancellation, nonrenewal, or renewal
683 premium.—

684 (2) With respect to any personal lines or commercial
685 residential property insurance policy, including, but not
686 limited to, any homeowner, mobile home owner, farmowner,
687 condominium association, condominium unit owner, apartment
688 building, or other policy covering a residential structure or
689 its contents:

690 ~~(d)1. Upon a declaration of an emergency pursuant to s.~~
691 ~~252.36 and the filing of an order by the Commissioner of~~
692 ~~Insurance Regulation, An authorized insurer may not cancel or~~
693 ~~nonrenew a personal residential or commercial residential~~
694 ~~property insurance policy covering a dwelling or residential~~
695 ~~property located in this state:~~

696 a. For a period of 90 days after the dwelling or
697 residential property has been repaired, if such property which
698 has been damaged as a result of a hurricane or wind loss that is
699 the subject of the declaration of emergency pursuant to s.
700 252.36 and the filing of an order by the Commissioner of
701 Insurance Regulation for a period of 90 days after the dwelling
702 or residential property has been repaired. A structure is deemed
703 to be repaired when substantially completed and restored to the
704 extent that it is insurable by another authorized insurer that
705 is writing policies in this state.

706 b. Until the earlier of when the dwelling or residential



592450

707 property has been repaired or 1 year after the insurer issues
708 the final claim payment, if such property was damaged by any
709 covered peril and sub-subparagraph a. does not apply.

710 2. However, an insurer or agent may cancel or nonrenew such
711 a policy prior to the repair of the dwelling or residential
712 property:

713 a. Upon 10 days' notice for nonpayment of premium; or

714 b. Upon 45 days' notice:

715 (I) For a material misstatement or fraud related to the
716 claim;

717 (II) If the insurer determines that the insured has
718 unreasonably caused a delay in the repair of the dwelling; or

719 (III) If the insurer has paid policy limits.

720 3. If the insurer elects to nonrenew a policy covering a
721 property that has been damaged, the insurer shall provide at
722 least 90 days' notice to the insured that the insurer intends to
723 nonrenew the policy 90 days after the dwelling or residential
724 property has been repaired. Nothing in this paragraph shall
725 prevent the insurer from canceling or nonrenewing the policy 90
726 days after the repairs are complete for the same reasons the
727 insurer would otherwise have canceled or nonrenewed the policy
728 but for the limitations of subparagraph 1. The Financial
729 Services Commission may adopt rules, and the Commissioner of
730 Insurance Regulation may issue orders, necessary to implement
731 this paragraph.

732 4. This paragraph shall also apply to personal residential
733 and commercial residential policies covering property that was
734 damaged as the result of Hurricane Ian or Hurricane Nicole
735 ~~Tropical Storm Bonnie, Hurricane Charley, Hurricane Frances,~~



592450

736 ~~Hurricane Ivan, or Hurricane Jeanne.~~

737 5. For purposes of this paragraph:

738 a. A structure is deemed to be repaired when substantially
739 completed and restored to the extent that it is insurable by
740 another authorized insurer writing policies in this state.

741 b. The term "insurer" means an authorized insurer.

742 Section 16. Subsection (3) is added to section 627.426,
743 Florida Statutes, to read:

744 627.426 Claims administration.—

745 (3) (a) Upon receiving actual notice of an incident or a
746 loss that could give rise to a covered liability claim under an
747 insurance policy, each liability insurer must:

748 1. Assign a licensed and appointed insurance adjuster to
749 investigate the extent of the insured's probable exposure and
750 diligently attempt to resolve any questions concerning the
751 existence or extent of the insured's coverage.

752 2. Evaluate the claim ethically, fairly, honestly, and with
753 due regard for the interests of the insured based on available
754 information; consider the extent of the claimant's recoverable
755 damages; and consider the information in a reasonable and
756 prudent manner.

757 3. Request from the insured or claimant additional relevant
758 information the insurer reasonably deems necessary to evaluate
759 whether to settle a claim.

760 4. Conduct all oral and written communications with the
761 insured with honesty and candor.

762 5. Make reasonable efforts to explain to persons not
763 represented by counsel matters requiring expertise beyond the
764 level normally expected of a layperson with no training in



592450

765 insurance or claims-handling issues.

766 6. Retain all written communications and notes and retain a
767 summary of all verbal communications in a reasonable manner for
768 a period of not less than 5 years after the later of the entry
769 of a judgment against the insured in excess of policy limits
770 becomes final or the conclusion of the extracontractual claim,
771 if any, including any related appeals.

772 7. Provide the insured, within 30 days of a request, with
773 all communications related to the insurer's handling of the
774 claim which are not privileged as to the insured.

775 8. Provide, at the insurer's expense, reasonable
776 accommodations necessary to communicate effectively with an
777 insured covered under the Americans with Disabilities Act.

778 9. Communicate to an insured all of the following within 15
779 days after notice of the existence of a third-party claim:

780 a. The identity of any other person or entity the insurer
781 has reason to believe may be liable.

782 b. The insurer's evaluation of the claim.

783 c. The likelihood and possible extent of an excess
784 judgment.

785 d. Steps the insured can take to avoid exposure to an
786 excess judgment, including the right to secure personal counsel
787 at the insured's expense.

788 e. The insured's duty to cooperate with the insurer,
789 including any specific requests required because of a settlement
790 opportunity or by the insurer in accordance with the policy, the
791 purpose of the required cooperation, and the consequences of
792 refusing to cooperate.

793 f. Any settlement demands or offers.



592450

794 10. Initiate settlement negotiations by tendering its
795 policy limits to the claimant in exchange for a general release
796 of the insured if, after the expiration of the safe harbor
797 periods in s. 624.155(4) or (6), as applicable, the facts
798 available to the insurer indicate that the insured's liability
799 is likely to exceed the policy limits.

800 11. Give fair consideration to a settlement offer that is
801 not unreasonable under the facts available to the insurer and
802 settle, if possible, when a reasonably prudent person, faced
803 with the prospect of paying the total probable exposure of the
804 insured, would do so. The insurer shall provide reasonable
805 assistance to the insured to comply with the insured's
806 obligations to cooperate and act reasonably to attempt to
807 satisfy any conditions of a claimant's settlement offer. If it
808 is not possible to settle a liability claim within the available
809 policy limits, the insurer shall act reasonably to attempt to
810 minimize the excess exposure to the insured.

811 12. Attempt to minimize the magnitude of possible excess
812 judgments against the insured when multiple claims arise out of
813 a single occurrence and the combined value of all claims exceeds
814 the total of all applicable policy limits by attempting to
815 globally settle with all such claimants within the policy limits
816 in exchange for a general release of the insured by all
817 claimants. If the insurer is unable to globally settle all
818 claims in exchange for a general release from all claimants, it
819 may utilize either process provided under s. 624.155(6). An
820 insurer does not violate this section simply because it is
821 unable to settle all claims in a multiple claimant case.

822 13. Attempt to settle the claim on behalf of all insureds



592450

823 against whom a claim may be presented if a loss creates the
824 potential for a third-party claim against more than one insured.
825 If it is not possible to settle on behalf of all insureds, the
826 insurer, in consultation with the insureds, must attempt to
827 enter into reasonable settlements of claims against certain
828 insureds to the exclusion of other insureds.

829 14. Respond to any request for insurance information in
830 compliance with s. 626.9372 or s. 627.4137, as applicable.

831 15. Take reasonable measures to preserve evidence, for a
832 reasonable period of time, which is needed for the defense of
833 the liability claim if it appears the insured's probable
834 exposure is greater than policy limits.

835 16. Comply with subsections (1) and (2), if applicable.

836 17. Comply with the Unfair Insurance Trade Practices Act.

837 (b) As used in this subsection, the term "actual notice"
838 means the insurer's receipt of notice of an incident or a loss
839 that could give rise to a covered claim that is communicated to
840 the insurer or an agent of the insurer:

841 1. By any manner permitted by the policy or other documents
842 provided to the insured by the insurer;

843 2. Through the claims link on the insurer's website; or

844 3. Through the e-mail address designated by the insurer
845 under s. 624.422.

846 (c) Any violation of this subsection constitutes a
847 violation of the Florida Insurance Code and is subject to any
848 applicable enforcement provisions therein. This subsection does
849 not create a civil cause of action, nor does it abrogate or
850 diminish any civil cause of action currently existing in
851 statutory or common law.



592450

852 Section 17. Paragraph (a) of subsection (10) of section
853 627.701, Florida Statutes, is amended to read:

854 627.701 Liability of insureds; coinsurance; deductibles.—

855 (10) (a) Notwithstanding any other provision of law, an
856 insurer issuing a personal lines residential property insurance
857 policy may include in such policy a separate roof deductible
858 that meets all of the following requirements:

859 1. The insurer has complied with the offer requirements
860 under subsection (7) regarding a deductible applicable to losses
861 from perils other than a hurricane.

862 2. The roof deductible may not exceed the lesser of 2
863 percent of the Coverage A limit of the policy or 50 percent of
864 the cost to replace the roof.

865 3. The premium that a policyholder is charged for the
866 policy includes an actuarially sound credit or premium discount
867 for the roof deductible.

868 4. The roof deductible applies only to a claim adjusted on
869 a replacement cost basis.

870 5. The roof deductible does not apply to any of the
871 following events:

872 a. A total loss to a primary structure in accordance with
873 the valued policy law under s. 627.702 which is caused by a
874 covered peril.

875 b. A roof loss resulting from a hurricane as defined in s.
876 627.4025(2) (c).

877 c. A roof loss resulting from a tree fall or other hazard
878 that damages the roof and punctures the roof deck.

879 d. A roof loss requiring the repair of less than 50 percent
880 of the roof.



592450

881
882 If a roof deductible is applied, no other deductible under the
883 policy may be applied to the loss or to any other loss to the
884 property caused by the same covered peril.

885 Section 18. Subsection (2) of section 627.70132, Florida
886 Statutes, is amended to read:

887 627.70132 Notice of property insurance claim.—

888 (2) A claim or reopened claim, but not a supplemental
889 claim, under an insurance policy that provides property
890 insurance, as defined in s. 624.604, including a property
891 insurance policy issued by an eligible surplus lines insurer,
892 for loss or damage caused by any peril is barred unless notice
893 of the claim was given to the insurer in accordance with the
894 terms of the policy within 1 year after the date of loss. A
895 supplemental claim is barred unless notice of the supplemental
896 claim was given to the insurer in accordance with the terms of
897 the policy within 18 months after the date of loss. The time
898 limitations of this subsection are tolled during any term of
899 deployment to a combat zone or combat support posting which
900 materially affects the ability of a servicemember as defined in
901 s. 250.01 to file a claim, supplemental claim, or reopened
902 claim.

903 Section 19. Chapter 2022-271, Laws of Florida, shall not be
904 construed to impair any right under an insurance contract in
905 effect on or before the effective date of that chapter law. To
906 the extent that chapter 2022-271, Laws of Florida, affects a
907 right under an insurance contract, that chapter law applies to
908 an insurance contract issued or renewed after the effective date
909 of that chapter law. This section is intended to clarify



910 existing law and is remedial in nature.

911 Section 20. (1) Every residential property insurer and
912 every motor vehicle insurer rate filing made or pending with the
913 Office of Insurance Regulation on or after July 1, 2023, must
914 reflect the projected savings or reduction in claim frequency,
915 claim severity, and loss adjustment expenses, including for
916 attorney fees, payment of attorney fees to claimants, and any
917 other reduction actuarially indicated, due to the combined
918 effect of the applicable provisions of chapters 2021-77, 2022-
919 268, 2022-271, and 2023-15, Laws of Florida, in order to ensure
920 that rates for such insurance accurately reflect the risk of
921 providing such insurance.

922 (2) The Office of Insurance Regulation must consider in its
923 review of such rate filings the projected savings or reduction
924 in claim frequency, claim severity, and loss adjustment
925 expenses, including for attorney fees, payment of attorney fees
926 to claimants, and any other reduction actuarially indicated, due
927 to the combined effect of the applicable provisions of chapters
928 2021-77, 2022-268, 2022-271, and 2023-15, Laws of Florida. The
929 office may develop a factor or factors using generally accepted
930 actuarial techniques and standards to be used in its review of
931 rate filings governed by this section. The office may contract
932 with an appropriate vendor to advise the office in determining
933 such factor or factors. Such factor or factors are not intended
934 to create a mandatory minimum rate decrease for all motor
935 vehicle insurers and property insurers, respectively, but rather
936 to ensure that the rates for such coverage meet the requirements
937 of s. 627.062, Florida Statutes, and thus are not excessive,
938 inadequate, or unfairly discriminatory and allow such insurers a



939 reasonable rate of return.

940 (3) This section does not apply to rate filings made
941 pursuant to s. 627.062(2)(k), Florida Statutes.

942 (4) For the 2023-2024 fiscal year, the sum of \$500,000 in
943 nonrecurring funds is appropriated from the Insurance Regulatory
944 Trust Fund in the Department of Financial Services to the Office
945 of Insurance Regulation to implement this section.

946 Section 21. For the 2023-2024 fiscal year, 18 full-time
947 equivalent positions with associated salary rate of 1,116,500
948 are authorized and the sum of \$1,879,129 in recurring funds and
949 \$185,086 in nonrecurring funds is appropriated from the
950 Insurance Regulatory Trust Fund to the Office of Insurance
951 Regulation to implement this act.

952 Section 22. For the 2023-2024 fiscal year, seven full-time
953 equivalent positions with associated salary rate of 350,000 are
954 authorized and the sum of \$574,036 in recurring funds and
955 \$33,467 in nonrecurring funds is appropriated from the Insurance
956 Regulatory Trust Fund to the Department of Financial Services to
957 implement this act.

958 Section 23. This act shall take effect July 1, 2023.

959
960 ===== T I T L E A M E N D M E N T =====

961 And the title is amended as follows:

962 Delete everything before the enacting clause
963 and insert:

964 A bill to be entitled
965 An act relating to insurer accountability; amending s.
966 624.307, F.S.; authorizing electronic responses to
967 certain requests from the Division of Consumer



592450

968 Services of the Department of Financial Services
969 concerning consumer complaints; revising the timeframe
970 in which responses must be made; revising
971 administrative penalties; amending s. 624.315, F.S.;
972 requiring the Office of Insurance Regulation to
973 annually and quarterly create and publish specified
974 reports relating to the enforcement of insurer
975 compliance; requiring the office to submit such
976 reports to the Financial Services Commission and the
977 Legislature by specified dates; amending s. 624.316,
978 F.S.; requiring the office to create a specified
979 methodology for scheduling examinations of insurers;
980 specifying requirements for such methodology;
981 providing construction; authorizing the commission to
982 adopt rules; amending s. 624.3161, F.S.; revising
983 requirements and conditions for certain insurer market
984 conduct examinations after a hurricane; providing
985 construction; requiring the office to create, and the
986 commission to adopt by rule, a specified selection
987 methodology for examinations; specifying requirements
988 for such methodology; specifying rulemaking
989 requirements; amending s. 624.4211, F.S.; revising
990 administrative fines the office may impose in lieu of
991 revocation or suspension; creating s. 624.4301, F.S.;
992 specifying requirements for residential property
993 insurers temporarily suspending writing new policies
994 in notifying the office; authorizing the commission to
995 adopt rules; amending s. 626.207, F.S.; revising a
996 condition for disqualification of an insurance



592450

997 representative applicant or licensee; amending s.
998 626.9521, F.S.; revising and specifying applicable
999 fines for unfair methods of competition and unfair or
1000 deceptive acts or practices; amending s. 626.9541,
1001 F.S.; adding an unfair claim settlement practice by an
1002 insurer; prohibiting an officer or a director of an
1003 impaired insurer from receiving a bonus from such
1004 insurer or from certain holding companies or
1005 affiliates; defining the term "bonus"; providing a
1006 criminal penalty; amending s. 626.989, F.S.; revising
1007 a reporting requirement for the department's Division
1008 of Investigative and Forensic Services; requiring the
1009 division to submit an annual performance report to the
1010 Legislature; specifying requirements for the report;
1011 amending s. 627.0629, F.S.; specifying requirements
1012 for residential property insurers in providing certain
1013 hurricane mitigation discount information to
1014 policyholders in a specified manner; specifying
1015 requirements for the office in reevaluating and
1016 updating certain fixtures and construction techniques;
1017 deleting obsolete dates; amending s. 627.351, F.S.;
1018 prohibiting Citizens Property Insurance Corporation
1019 from determining that a risk is ineligible for
1020 coverage solely on a specified basis; providing
1021 applicability; amending s. 627.410, F.S.; prohibiting
1022 the office from exempting specified insurers from form
1023 filing requirements for a specified period; providing
1024 construction; creating s. 627.4108, F.S.; specifying
1025 requirements for residential property insurers in



592450

1026 creating and using claims-handling manuals;
1027 authorizing the office to request submission of such
1028 manuals; providing requirements for such submissions;
1029 requiring authorized insurers to annually submit a
1030 certified attestation to the office; authorizing the
1031 commission to adopt emergency rules; amending s.
1032 627.4133, F.S.; revising prohibitions on insurers
1033 against the cancellation or nonrenewal of property
1034 insurance policies; revising applicability; providing
1035 construction; defining the term "insurer"; amending s.
1036 627.426, F.S.; specifying requirements for liability
1037 insurers after receiving actual notice of certain
1038 incidents or losses; defining the term "actual
1039 notice"; providing construction; amending s. 627.701,
1040 F.S.; providing that if a roof deductible is applied
1041 under a personal lines residential property insurance
1042 policy, no other deductible under the policy may be
1043 applied to any other loss to the property caused by
1044 the same covered peril; amending s. 627.70132, F.S.;
1045 providing for the tolling of certain timeframes for
1046 filing notices of property insurance claims for
1047 servicemembers under specified circumstances;
1048 providing construction relating to chapter 2022-271,
1049 Laws of Florida; requiring residential property
1050 insurers and motor vehicle insurer rate filings to
1051 reflect certain projected savings and reductions in
1052 expenses; specifying requirements for the office in
1053 reviewing rate filings; authorizing the office to
1054 develop certain factors and contract with a vendor for



592450

1055
1056

a certain purpose; providing applicability; providing
appropriations; providing an effective date.



451290

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/21/2023	.	
	.	
	.	
	.	

The Committee on Fiscal Policy (Hutson) recommended the following:

1 **Senate Substitute for Amendment (592450) (with title**
2 **amendment)**

3
4 Delete everything after the enacting clause
5 and insert:

6 Section 1. Paragraph (b) of subsection (10) of section
7 624.307, Florida Statutes, is amended to read:

8 624.307 General powers; duties.—

9 (10)

10 (b) Any person licensed or issued a certificate of



451290

11 authority by the department or the office shall respond, in
12 writing or electronically, to the division within 14 ~~20~~ days
13 after receipt of a written request for documents and information
14 from the division concerning a consumer complaint. The response
15 must address the issues and allegations raised in the complaint
16 and include any requested documents concerning the consumer
17 complaint not subject to attorney-client or work-product
18 privilege. The division may impose an administrative penalty for
19 failure to comply with this paragraph of up to \$5,000 ~~\$2,500~~ per
20 violation upon any entity licensed by the department or the
21 office ~~and \$250 for the first violation, \$500 for the second~~
22 ~~violation,~~ and up to \$1,000 ~~per for the third or subsequent~~
23 violation by ~~upon~~ any individual licensed by the department or
24 the office.

25 Section 2. Present subsection (4) of section 624.315,
26 Florida Statutes, is redesignated as subsection (5), and a new
27 subsection (4) is added to that section, to read:

28 624.315 Annual reports; quarterly reports ~~report.~~-

29 (4) (a) The office shall create a report detailing all
30 actions of the office to enforce insurer compliance with this
31 code and all rules and orders of the office or department during
32 the previous year. For each of the following, the report must
33 detail the insurer or other licensee or registrant against whom
34 such action was taken; whether the office found any violation of
35 law or rule by such party, and, if so, detail such violation;
36 and the resolution of such action, including any penalties
37 imposed by the office. The report must be published on the
38 website of the office and submitted to the commission, the
39 President of the Senate, the Speaker of the House of



451290

40 Representatives, and the legislative committees with
41 jurisdiction over matters of insurance on or before January 31
42 of each year. The report must include, but need not be limited
43 to:

44 1. The revocation, denial, or suspension of any license or
45 registration issued by the office.

46 2. All actions taken pursuant to s. 624.310.

47 3. Fines imposed by the office for violations of this code.

48 4. Consent orders entered into by the office.

49 5. Examinations and investigations conducted and completed
50 by the office pursuant to ss. 624.316 and 624.3161.

51 6. Investigations conducted and completed, by line of
52 insurance, for which the office found violations of law or rule
53 but did not take enforcement action.

54 (b) Each quarter, the office shall create a report
55 detailing all actions of the office to enforce insurer
56 compliance during the previous quarter. The report must include,
57 but not be limited to, the subjects that must be included in the
58 annual report under paragraph (a). The report must be submitted
59 to the commission, the President of the Senate, the Speaker of
60 the House of Representatives, and the legislative committees
61 with jurisdiction over matters of insurance. The report is due
62 on or before April 30, July 31, October 31, and January 31,
63 respectively, for the immediately preceding quarter. The report
64 due January 31 may be included within the annual report required
65 under paragraph (a).

66 (c) The office need not include within any report required
67 under this subsection information that would violate any
68 confidentiality provision included within any agreement, order,



451290

69 or consent order entered into or promulgated by the office.

70 Section 3. Subsections (3) and (4) are added to section
71 624.316, Florida Statutes, to read:

72 624.316 Examination of insurers.—

73 (3) The office shall create, and the commission shall adopt
74 by rule, a risk-based selection methodology for scheduling
75 examinations of insurers subject to this section. This
76 requirement does not restrict the authority of the office to
77 conduct examinations under this section as often as it deems
78 advisable. Such methodology must include all of the following:

79 (a) Use of a risk-focused analysis to prioritize financial
80 examinations of insurers when such reporting indicates a decline
81 in the insurer's financial condition.

82 (b) Consideration of:

83 1. Level of capitalization and identification of
84 unfavorable trends;

85 2. Negative trends in profitability or cash flow from
86 operations;

87 3. National Association of Insurance Commissioners
88 Insurance Regulatory Information System ratio results;

89 4. Risk-based capital and risk-based capital trend test
90 results;

91 5. The structure and complexity of the insurer;

92 6. Changes in the insurer's officers or board of directors;

93 7. Changes in the insurer's business strategy or
94 operations;

95 8. Findings and recommendations from an examination made
96 pursuant to s. 624.316 or s. 624.3161;

97 9. Current or pending regulatory actions by the office or



451290

98 the department;

99 10. Information obtained from other regulatory agencies or
100 independent organization ratings and reports; and

101 11. The impact of an insurer's insolvency on policyholders
102 of the insurer and the public generally.

103 (c) Prioritization of property insurers for which the
104 office identifies significant concerns about an insurer's
105 solvency pursuant to s. 627.7154.

106 (d) Any other matters the office deems necessary to
107 consider for the protection of the public.

108 (4) To facilitate the development of the methodology for
109 scheduling examinations pursuant to this section, the commission
110 may adopt by rule the National Association of Insurance
111 Commissioners Financial Analysis Handbook, to the extent that
112 the handbook is consistent with and does not negate the
113 requirements of this section.

114 Section 4. Subsection (7) of section 624.3161, Florida
115 Statutes, is amended, and subsection (8) is added to that
116 section, to read:

117 624.3161 Market conduct examinations.—

118 (7) Notwithstanding subsection (1), any authorized insurer
119 transacting residential property insurance business in this
120 state:

121 (a) May be subject to an additional market conduct
122 examination after a hurricane if, at any time more than 90 days
123 after the end of the hurricane, the insurer:

124 ~~(a)~~ is among the top 20 percent of insurers based upon a
125 calculation of the ratio of hurricane-related property insurance
126 claims filed to the number of property insurance policies in



451290

127 force;

128 (b) Must be subject to a market conduct examination after a
129 hurricane if, at any time more than 90 days after the end of the
130 hurricane, the insurer:

131 1. Is among the top 20 percent of insurers based upon a
132 calculation of the ratio of hurricane claim-related consumer
133 complaints made about that insurer to the department to the
134 insurer's total number of hurricane-related claims;

135 2. Is among the top 20 percent of insurers based upon a
136 calculation of the ratio of hurricane claims closed without
137 payment to the insurer's total number of hurricane claims;

138 3. ~~(e)~~ Has made significant payments to its managing general
139 agent since the hurricane; or

140 4. ~~(d)~~ Is identified by the office as necessitating a market
141 conduct exam for any other reason.

142

143 All relevant criteria under this section and s. 624.316 shall be
144 applied to the market conduct examination under this subsection.

145 Such an examination must be initiated within 18 months after the
146 landfall of a hurricane that results in an executive order or a
147 state of emergency issued by the Governor. The requirements of
148 this subsection do not limit the authority of the office to

149 conduct at any time a market conduct examination of a property
150 insurer in the aftermath of a hurricane. This subsection does
151 not require the office to conduct multiple market conduct

152 examinations of the same insurer when multiple hurricanes make
153 landfall in this state in a single calendar year. An examination

154 of an insurer under this subsection must also include an

155 examination of its managing general agent as if it were the



451290

156 insurer.

157 (8) The office shall create, and the commission shall adopt
158 by rule, a selection methodology for scheduling and conducting
159 market conduct examinations of insurers and other entities
160 regulated by the office. This requirement does not restrict the
161 authority of the office to conduct market conduct examinations
162 as often as it deems necessary. Such selection methodology must
163 prioritize market conduct examinations of insurers and other
164 entities regulated by the office to whom any of the following
165 conditions applies:

166 (a) An insurance regulator in another state has initiated
167 or taken regulatory action against the insurer or entity
168 regarding an act or omission of such insurer which, if committed
169 in this state, would constitute a violation of the laws of this
170 state or any rule or order of the office or department.

171 (b) Given the insurer's market share in this state, the
172 department or the office has received a disproportionate number
173 of the following types of claims-handling complaints against the
174 insurer:

175 1. Failure to timely communicate with respect to claims;

176 2. Failure to timely pay claims;

177 3. Untimely payments giving rise to the payment of
178 statutory interest;

179 4. Failure to adjust and pay claims in accordance with the
180 terms and conditions of the policy or contract and in compliance
181 with state law;

182 5. Violations of part IX of chapter 626, the Unfair
183 Insurance Trade Practices Act;

184 6. Failure to use licensed and duly appointed claims



451290

185 adjusters;

186 7. Failure to maintain reasonable claims records; or

187 8. Failure to adhere to the company's claims-handling
188 manual.

189 (c) The results of a National Association of Insurance
190 Commissioners Market Conduct Annual Statement indicate that the
191 insurer is a negative outlier with regard to particular metrics.

192 (d) There is evidence that the insurer is violating or has
193 violated the Unfair Insurance Trade Practices Act.

194 (e) The insurer meets the criteria in subsection (7).

195 (f) Any other conditions the office deems necessary for the
196 protection of the public.

197
198 The office shall present the proposed rule required by this
199 subsection to the commission no later than October 1, 2023. In
200 addition to the methodology required by this subsection, the
201 rule must provide criteria for how the office, in coordination
202 with the department, will determine what constitutes a
203 disproportionate number of claims-handling complaints described
204 in paragraph (b).

205 Section 5. Section 624.4211, Florida Statutes, is amended
206 to read:

207 624.4211 Administrative fine in lieu of suspension or
208 revocation.—

209 (1) If the office finds that one or more grounds exist for
210 the discretionary revocation or suspension of a certificate of
211 authority issued under this chapter, the office may, in lieu of
212 such revocation or suspension, impose a fine upon the insurer.

213 (2) (a) With respect to a ~~any~~ nonwillful violation, such



451290

214 fine may not exceed:

215 1. Twenty-five thousand dollars per violation, up to an
216 aggregate amount of \$100,000 for all nonwillful violations
217 arising out of the same action, related to a covered loss or
218 claim caused by an emergency for which the Governor declared a
219 state of emergency pursuant to s. 252.36.

220 2. Twelve thousand five hundred dollars ~~\$5,000~~ per
221 violation, up to. ~~In no event shall such fine exceed an~~
222 aggregate amount of \$50,000 ~~\$20,000~~ for all other nonwillful
223 violations arising out of the same action.

224 (b) If an insurer discovers a nonwillful violation, the
225 insurer shall correct the violation and, if restitution is due,
226 make restitution to all affected persons. Such restitution shall
227 include interest at 12 percent per year from either the date of
228 the violation or the date of inception of the affected person's
229 policy, at the insurer's option. The restitution may be a credit
230 against future premiums due, provided that interest accumulates
231 until the premiums are due. If the amount of restitution due to
232 any person is \$50 or more and the insurer wishes to credit it
233 against future premiums, it shall notify such person that she or
234 he may receive a check instead of a credit. If the credit is on
235 a policy that is not renewed, the insurer shall pay the
236 restitution to the person to whom it is due.

237 (3)(a) With respect to a ~~any~~ knowing and willful violation
238 of a lawful order or rule of the office or commission or a
239 provision of this code, the office may impose a fine upon the
240 insurer in an amount not to exceed:

241 1. Two hundred thousand dollars for each such violation, up
242 to an aggregate amount of \$1 million for all knowing and willful



451290

243 violations arising out of the same action, related to a covered
244 loss or claim caused by an emergency for which the Governor
245 declared a state of emergency pursuant to s. 252.36.

246 2. One hundred thousand dollars ~~\$40,000~~ for each such
247 violation, up to. ~~In no event shall such fine exceed an~~
248 aggregate amount of \$500,000 ~~\$200,000~~ for all other knowing and
249 willful violations arising out of the same action.

250 (b) In addition to such fines, the insurer shall make
251 restitution when due in accordance with subsection (2).

252 (4) The failure of an insurer to make restitution when due
253 as required under this section constitutes a willful violation
254 of this code. However, if an insurer in good faith is uncertain
255 as to whether any restitution is due or as to the amount of such
256 restitution, it shall promptly notify the office of the
257 circumstances; and the failure to make restitution pending a
258 determination thereof shall not constitute a violation of this
259 code.

260 Section 6. Section 624.4301, Florida Statutes, is created
261 to read:

262 624.4301 Notice of temporary discontinuance of writing new
263 residential property insurance policies.—

264 (1) Any authorized insurer, before temporarily suspending
265 writing new residential property insurance policies in this
266 state, must give notice to the office of the insurer's reasons
267 for such action, the effective dates of the temporary
268 suspension, and the proposed communication to its agents. Such
269 notice must be provided on a form approved by the office and
270 adopted by the commission. The insurer shall submit such notice
271 to the office the earlier of 20 business days before the



451290

272 effective date of the temporary suspension of writing or 5
273 business days before notifying its agents of the temporary
274 suspension of writing. The insurer must provide any other
275 information requested by the office related to the insurer's
276 temporary suspension of writing. The requirements of this
277 section do not apply to a temporary suspension of writing new
278 business made in response to a hurricane that may make landfall
279 in this state if such temporary suspension ceases within 72
280 hours after hurricane conditions are no longer present in this
281 state.

282 (2) The commission may adopt rules to administer this
283 section.

284 Section 7. Section 624.805, Florida Statutes, is created to
285 read:

286 624.805 Hazardous insurer standards; office's evaluation
287 and enforcement authority; immediate final order.-

288 (1) In determining whether the continued operation of any
289 insurer transacting business in this state may be deemed to be
290 hazardous to its policyholders or creditors or to the general
291 public, the office may consider, in the totality of the
292 circumstances of such insurer, any of the following:

293 (a) Adverse findings reported in financial condition or
294 market conduct examination reports, audit reports, or actuarial
295 opinions, reports, or summaries.

296 (b) The National Association of Insurance Commissioners
297 Insurance Regulatory Information System and its other financial
298 analysis solvency tools and reports.

299 (c) Whether the insurer has made adequate provisions,
300 according to presently accepted actuarial standards of practice,



451290

301 for the anticipated cash flows required to cover its contractual
302 obligations and related expenses.

303 (d) The ability of an assuming reinsurer to perform and
304 whether the insurer's reinsurance program provides sufficient
305 protection for the insurer's remaining surplus after taking into
306 account the insurer's cash flow and the classes of business
307 written, as well as the financial condition of the assuming
308 reinsurer.

309 (e) Whether the insurer's operating loss in the last 12-
310 month period, including, but not limited to, net capital gain or
311 loss, change in nonadmitted assets, and cash dividends paid to
312 shareholders is greater than 50 percent of the insurer's
313 remaining surplus as regards policyholders in excess of the
314 minimum required.

315 (f) Whether the insurer's operating loss in the last 12-
316 month period, excluding net capital gains, is greater than 20
317 percent of the insurer's remaining surplus as regards
318 policyholders in excess of the minimum required.

319 (g) Whether a reinsurer, an obligor, or any entity within
320 the insurer's insurance holding company system is insolvent,
321 threatened with insolvency, or delinquent in payment of its
322 monetary or other obligations, and which in the opinion of the
323 office may affect the solvency of the insurer.

324 (h) Contingent liabilities, pledges, or guaranties that
325 individually or collectively involve a total amount that in the
326 opinion of the office may affect the solvency of the insurer.

327 (i) Whether any affiliate, as defined in s. 624.10(1), of
328 the insurer is delinquent in the transmitting to, or payment of,
329 net premiums to the insurer.



451290

- 330 (j) The age and collectability of receivables.
- 331 (k) Whether the management of the insurer, including
332 officers, directors, or any other person who directly or
333 indirectly controls the operation of the insurer, fails to
334 possess and demonstrate the competence, fitness, and reputation
335 deemed necessary to serve the insurer in such position.
- 336 (l) Whether management of the insurer has failed to respond
337 to inquiries relative to the condition of the insurer or has
338 furnished false or misleading information to the office
339 concerning an inquiry.
- 340 (m) Whether the insurer has failed to meet financial and
341 holding company filing requirements in the absence of a reason
342 satisfactory to the office.
- 343 (n) Whether management of the insurer has filed any false
344 or misleading sworn financial statement, has released a false or
345 misleading financial statement to lending institutions or to the
346 general public, has made a false or misleading entry, or has
347 omitted an entry of material amount in the books of the insurer.
- 348 (o) Whether the insurer has grown so rapidly and to such an
349 extent that it lacks adequate financial and administrative
350 capacity to meet its obligations in a timely manner.
- 351 (p) Whether the insurer has experienced, or will experience
352 in the foreseeable future, cash flow or liquidity problems.
- 353 (q) Whether management has established reserves that do not
354 comply with minimum standards established by state insurance
355 laws and regulations, statutory accounting standards, sound
356 actuarial principles, and standards of practice.
- 357 (r) Whether management persistently engages in material
358 under-reserving that results in adverse development.



451290

359 (s) Whether transactions among affiliates, subsidiaries, or
360 controlling persons for which the insurer receives assets or
361 capital gains, or both, do not provide sufficient value,
362 liquidity, or diversity to assure the insurer's ability to meet
363 its outstanding obligations as they mature.

364 (t) The ratio of the annual premium volume to surplus or of
365 its liabilities to surplus in relation to loss experience, the
366 kinds of risks insured, or both.

367 (u) Whether the insurer's asset portfolio, when viewed in
368 light of current economic conditions and indications of
369 financial or operational leverage, is of sufficient value,
370 liquidity, or diversity to assure the company's ability to meet
371 its outstanding obligations as they mature.

372 (v) Whether the excess of surplus as regards policyholders
373 above the insurer's statutorily required surplus as regards
374 policyholders has decreased by more than 50 percent in the
375 preceding 12-month period.

376 (w) As to a residential property insurer, whether it has
377 sufficient capital, surplus, and reinsurance to withstand
378 significant weather events, including, but not limited to,
379 hurricanes.

380 (x) Whether the insurer's required surplus, capital, or
381 capital stock is impaired to an extent prohibited by law.

382 (y) Whether the insurer continues to write new business
383 when it has not maintained the required surplus or capital.

384 (z) Whether the insurer moves to dissolve or liquidate
385 without first having made provisions satisfactory to the office
386 for liabilities arising from insurance policies issued by the
387 insurer.



451290

388 (aa) Whether the insurer has incurred substantial new debt,
389 has had to rely on frequent or substantial capital infusions,
390 has a highly leveraged balance sheet, or relies increasingly on
391 other entities, including, but not limited to, affiliates,
392 third-party administrators, managing general agents, or
393 management companies.

394 (bb) Whether the insurer meets one or more of the grounds
395 in s. 631.051 for the appointment of the department as receiver.

396 (cc) Any other finding determined by the office to be
397 hazardous to the insurer's policyholders or creditors or to the
398 general public.

399 (2) For the purposes of making a determination of an
400 insurer's financial condition under the Florida Insurance Code,
401 the office may:

402 (a) Disregard any credit or amount receivable resulting
403 from transactions with a reinsurer that is insolvent, impaired,
404 or otherwise subject to a delinquency proceeding;

405 (b) Make appropriate adjustments, including disallowance to
406 asset values attributable to investments in or transactions with
407 parents, subsidiaries, or affiliates, consistent with the
408 National Association of Insurance Commissioners Accounting
409 Practices and Procedures Manual and state laws and rules;

410 (c) Refuse to recognize the stated value of accounts
411 receivable if the ability to collect receivables is highly
412 speculative in view of the age of the account or the financial
413 condition of the debtor; or

414 (d) Increase the insurer's liability, in an amount equal to
415 any contingent liability, pledge, or guarantee not otherwise
416 included, if there is a substantial risk that the insurer will



451290

417 be called upon to meet the obligation undertaken within the next
418 12-month period.

419 (3) If the office determines that the continued operations
420 of an insurer authorized to transact business in this state may
421 be hazardous to its policyholders or creditors or to the general
422 public, the office may issue an order requiring the insurer to
423 do any of the following:

424 (a) Reduce the total amount of present and potential
425 liability for policy benefits by procuring additional
426 reinsurance.

427 (b) Reduce, suspend, or limit the volume of business being
428 accepted or renewed.

429 (c) Reduce general insurance and commission expenses by
430 specified methods or amounts.

431 (d) Increase the insurer's capital and surplus.

432 (e) Suspend or limit the declaration and payment of
433 dividends by an insurer to its stockholders or to its
434 policyholders.

435 (f) File reports in a form acceptable to the office
436 concerning the market value of the insurer's assets.

437 (g) Limit or withdraw from certain investments or
438 discontinue certain investment practices to the extent the
439 office deems necessary.

440 (h) Document the adequacy of premium rates in relation to
441 the risks insured.

442 (i) File, in addition to regular annual statements, interim
443 financial reports on a form prescribed by the commission and
444 adopted by the National Association of Insurance Commissioners.

445 (j) Correct corporate governance practice deficiencies and



451290

446 adopt and use governance practices acceptable to the office.

447 (k) Provide a business plan to the office in order to
448 continue to transact business in this state.

449 (l) Notwithstanding any other law limiting the frequency or
450 amount of rate adjustments, adjust rates for any non-life
451 insurance product written by the insurer which the office
452 considers necessary to improve the financial condition of the
453 insurer.

454 (4) This section may not be interpreted to limit the powers
455 granted to the office by any laws of this state, nor may it be
456 interpreted to supersede any laws of this state.

457 (5) The office may, pursuant to ss. 120.569 and 120.57, in
458 its discretion and without advance notice or hearing, issue an
459 immediate final order to any insurer requiring the actions
460 listed in subsection (3).

461 Section 8. Subsection (11) of section 624.81, Florida
462 Statutes, is amended to read:

463 624.81 Notice to comply with written requirements of
464 office; noncompliance.-

465 ~~(11) The commission may adopt rules to define standards of~~
466 ~~hazardous financial condition and corrective action~~
467 ~~substantially similar to that indicated in the National~~
468 ~~Association of Insurance Commissioners' 1997 "Model Regulation~~
469 ~~to Define Standards and Commissioner's Authority for Companies~~
470 ~~Deemed to be in Hazardous Financial Condition," which are~~
471 ~~necessary to implement the provisions of this part.~~

472 Section 9. Section 624.865, Florida Statutes, is created to
473 read:

474 624.865 Rulemaking.-The commission may adopt rules to



451290

475 administer ss. 624.80-624.87. Such rules must protect the
476 interests of insureds, claimants, insurers, and the public.

477 Section 10. Paragraph (d) of subsection (2) and paragraph
478 (b) of subsection (3) of section 628.8015, Florida Statutes, is
479 amended to read:

480 628.8015 Own-risk and solvency assessment; corporate
481 governance annual disclosure.—

482 (2) OWN-RISK AND SOLVENCY ASSESSMENT.—

483 (d) *Exemption*.—

484 1. An insurer is exempt from the requirements of this
485 subsection if:

486 a. The insurer has annual direct written and unaffiliated
487 assumed premium, including international direct and assumed
488 premium, but excluding premiums reinsured with the Federal Crop
489 Insurance Corporation and the National Flood Insurance Program,
490 of less than \$500 million; or

491 b. The insurer is a member of an insurance group and the
492 insurance group has annual direct written and unaffiliated
493 assumed premium, including international direct and assumed
494 premium, but excluding premiums reinsured with the Federal Crop
495 Insurance Corporation and the National Flood Insurance Program,
496 of less than \$1 billion.

497 2. If an insurer is:

498 a. Exempt under sub-subparagraph 1.a., but the insurance
499 group of which the insurer is a member is not exempt under sub-
500 subparagraph 1.b., the ORSA summary report must include every
501 insurer within the insurance group. The insurer may satisfy this
502 requirement by submitting more than one ORSA summary report for
503 any combination of insurers if any combination of reports



451290

504 includes every insurer within the insurance group.

505 b. Not exempt under sub-subparagraph 1.a., but the
506 insurance group of which it is a member is exempt under sub-
507 subparagraph 1.b., the insurer must submit to the office the
508 ORSA summary report applicable only to that insurer.

509 3. The office may require an exempt insurer to maintain a
510 risk management framework, conduct an ORSA, and file an ORSA
511 summary report:

512 a. Based on unique circumstances, including, but not
513 limited to, the type and volume of business written, ownership
514 and organizational structure, federal agency requests, and
515 international supervisor requests;

516 b. If the insurer has risk-based capital for a company
517 action level event pursuant to s. 624.4085(3), meets one or more
518 of the standards of an insurer deemed to be in hazardous
519 financial condition under s. 624.805 ~~as defined in rules adopted~~
520 ~~by the commission pursuant to s. 624.81(11)~~, or exhibits
521 qualities of an insurer in hazardous financial condition as
522 determined by the office; or

523 c. If the office determines it is in the best interest of
524 the state.

525 4. If an exempt insurer becomes disqualified for an
526 exemption because of changes in premium as reported on the most
527 recent annual statement of the insurer or annual statements of
528 the insurers within the insurance group of which the insurer is
529 a member, the insurer must comply with the requirements of this
530 section effective 1 year after the year in which the insurer
531 exceeded the premium thresholds.

532 (3) CORPORATE GOVERNANCE ANNUAL DISCLOSURE.—



451290

533 (b) *Disclosure requirement.*—

534 1.a. An insurer, or insurer member of an insurance group,
535 of which the office is the lead state regulator, as determined
536 by the procedures in the most recent National Association of
537 Insurance Commissioners Financial Analysis Handbook, shall
538 submit a corporate governance annual disclosure to the office by
539 June 1 of each calendar year. The initial corporate governance
540 annual disclosure must be submitted by December 31, 2018.

541 b. An insurer or insurance group not required to submit a
542 corporate governance annual disclosure under sub-subparagraph a.
543 shall do so at the request of the office, but not more than once
544 per calendar year. The insurer or insurance group shall notify
545 the office of the proposed submission date within 30 days after
546 the request of the office.

547 c. Before December 31, 2018, the office may require an
548 insurer or insurance group to provide a corporate governance
549 annual disclosure:

550 (I) Based on unique circumstances, including, but not
551 limited to, the type and volume of business written, the
552 ownership and organizational structure, federal agency requests,
553 and international supervisor requests;

554 (II) If the insurer has risk-based capital for a company
555 action level event pursuant to s. 624.4085(3), meets one or more
556 of the standards of an insurer deemed to be in hazardous
557 financial condition under s. 624.805 ~~as defined in rules adopted~~
558 ~~pursuant to s. 624.81(11)~~, or exhibits qualities of an insurer
559 in hazardous financial condition as determined by the office;

560 (III) If the insurer is the member of an insurer group of
561 which the office acts as the lead state regulator as determined



451290

562 by the procedures in the most recent National Association of
563 Insurance Commissioners Financial Analysis Handbook; or

564 (IV) If the office determines that it is in the best
565 interest of the state.

566 2. The chief executive officer or corporate secretary of
567 the insurer or the insurance group must sign the corporate
568 governance annual disclosure attesting that, to the best of his
569 or her knowledge and belief, the insurer has implemented the
570 corporate governance practices and provided a copy of the
571 disclosure to the board of directors or the appropriate board
572 committee.

573 3.a. Depending on the structure of its system of corporate
574 governance, the insurer or insurance group may provide corporate
575 governance information at one of the following levels:

576 (I) The ultimate controlling parent level;

577 (II) An intermediate holding company level; or

578 (III) The individual legal entity level.

579 b. The insurer or insurance group may make the corporate
580 governance annual disclosure at:

581 (I) The level used to determine the risk appetite of the
582 insurer or insurance group;

583 (II) The level at which the earnings, capital, liquidity,
584 operations, and reputation of the insurer are collectively
585 overseen and the supervision of those factors is coordinated and
586 exercised; or

587 (III) The level at which legal liability for failure of
588 general corporate governance duties would be placed.

589
590 An insurer or insurance group must indicate the level of



451290

591 reporting used and explain any subsequent changes in the
592 reporting level.

593 4. The review of the corporate governance annual disclosure
594 and any additional requests for information shall be made
595 through the lead state as determined by the procedures in the
596 most recent National Association of Insurance Commissioners
597 Financial Analysis Handbook.

598 5. An insurer or insurance group may comply with this
599 paragraph by cross-referencing other existing relevant and
600 applicable documents, including, but not limited to, the ORSA
601 summary report, Holding Company Form B or F filings, Securities
602 and Exchange Commission proxy statements, or foreign regulatory
603 reporting requirements, if the documents contain information
604 substantially similar to the information described in paragraph
605 (c). The insurer or insurance group shall clearly identify and
606 reference the specific location of the relevant and applicable
607 information within the corporate governance annual disclosure
608 and attach the referenced document if it has not already been
609 filed with, or made available to, the office.

610 6. Each year following the initial filing of the corporate
611 governance annual disclosure, the insurer or insurance group
612 shall file an amended version of the previously filed corporate
613 governance annual disclosure indicating changes that have been
614 made. If changes have not been made in the previously filed
615 disclosure, the insurer or insurance group should so indicate.

616 Section 11. Paragraph (c) of subsection (3) of section
617 626.207, Florida Statutes, is amended to read:

618 626.207 Disqualification of applicants and licensees;
619 penalties against licensees; rulemaking authority.-



451290

620 (3) An applicant who has been found guilty of or has
621 pleaded guilty or nolo contendere to a crime not included in
622 subsection (2), regardless of adjudication, is subject to:

623 (c) A 7-year disqualifying period for all misdemeanors
624 directly related to the financial services business or any
625 violation of the Florida Insurance Code.

626 Section 12. Subsections (2) and (3) of section 626.9521,
627 Florida Statutes, are amended to read:

628 626.9521 Unfair methods of competition and unfair or
629 deceptive acts or practices prohibited; penalties.—

630 (2) Except as provided in subsection (3), any person who
631 violates any provision of this part is subject to a fine in an
632 amount not greater than \$12,500 ~~\$5,000~~ for each nonwillful
633 violation and not greater than \$100,000 ~~\$40,000~~ for each willful
634 violation. Fines under this subsection imposed against an
635 insurer may not exceed an aggregate amount of \$50,000 ~~\$20,000~~
636 for all nonwillful violations arising out of the same action or
637 an aggregate amount of \$500,000 ~~\$200,000~~ for all willful
638 violations arising out of the same action. The fines may be
639 imposed in addition to any other applicable penalty.

640 (3) (a) If a person violates s. 626.9541(1)(1), the offense
641 known as "twisting," or violates s. 626.9541(1)(aa), the offense
642 known as "churning," the person commits a misdemeanor of the
643 first degree, punishable as provided in s. 775.082, and an
644 administrative fine not greater than \$12,500 ~~\$5,000~~ shall be
645 imposed for each nonwillful violation or an administrative fine
646 not greater than \$187,500 ~~\$75,000~~ shall be imposed for each
647 willful violation. To impose an administrative fine for a
648 willful violation under this paragraph, the practice of



451290

649 "churning" or "twisting" must involve fraudulent conduct.

650 (b) If a person violates s. 626.9541(1)(ee) by willfully
651 submitting fraudulent signatures on an application or policy-
652 related document, the person commits a felony of the third
653 degree, punishable as provided in s. 775.082, and an
654 administrative fine not greater than \$12,500 ~~\$5,000~~ shall be
655 imposed for each nonwillful violation or an administrative fine
656 not greater than \$187,500 ~~\$75,000~~ shall be imposed for each
657 willful violation.

658 (c) If a person violates any provision of this part and
659 such violation is related to a covered loss or covered claim
660 caused by an emergency for which the Governor declared a state
661 of emergency pursuant to s. 252.36, such person is subject to a
662 fine in an amount not greater than \$25,000 for each nonwillful
663 violation and not greater than \$200,000 for each willful
664 violation. Fines imposed under this paragraph against an insurer
665 may not exceed an aggregate amount of \$100,000 for all
666 nonwillful violations arising out of the same action or an
667 aggregate amount of \$1 million for all willful violations
668 arising out of the same action.

669 (d) Administrative fines under paragraphs (a) and (b) ~~this~~
670 ~~subsection~~ may not exceed an aggregate amount of \$125,000
671 ~~\$50,000~~ for all nonwillful violations arising out of the same
672 action or an aggregate amount of \$625,000 ~~\$250,000~~ for all
673 willful violations arising out of the same action.

674 Section 13. Paragraphs (i) and (w) of subsection (1) of
675 section 626.9541, Florida Statutes, are amended to read:

676 626.9541 Unfair methods of competition and unfair or
677 deceptive acts or practices defined.—



451290

678 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
679 ACTS.—The following are defined as unfair methods of competition
680 and unfair or deceptive acts or practices:

681 (i) *Unfair claim settlement practices.*—

682 1. Attempting to settle claims on the basis of an
683 application, when serving as a binder or intended to become a
684 part of the policy, or any other material document which was
685 altered without notice to, or knowledge or consent of, the
686 insured;

687 2. A material misrepresentation made to an insured or any
688 other person having an interest in the proceeds payable under
689 such contract or policy, for the purpose and with the intent of
690 effecting settlement of such claims, loss, or damage under such
691 contract or policy on less favorable terms than those provided
692 in, and contemplated by, such contract or policy;

693 3. Committing or performing with such frequency as to
694 indicate a general business practice any of the following:

695 a. Failing to adopt and implement standards for the proper
696 investigation of claims;

697 b. Misrepresenting pertinent facts or insurance policy
698 provisions relating to coverages at issue;

699 c. Failing to acknowledge and act promptly upon
700 communications with respect to claims;

701 d. Denying claims without conducting reasonable
702 investigations based upon available information;

703 e. Failing to affirm or deny full or partial coverage of
704 claims, and, as to partial coverage, the dollar amount or extent
705 of coverage, or failing to provide a written statement that the
706 claim is being investigated, upon the written request of the



451290

707 insured within 30 days after proof-of-loss statements have been
708 completed;

709 f. Failing to promptly provide a reasonable explanation in
710 writing to the insured of the basis in the insurance policy, in
711 relation to the facts or applicable law, for denial of a claim
712 or for the offer of a compromise settlement;

713 g. Failing to promptly notify the insured of any additional
714 information necessary for the processing of a claim;

715 h. Failing to clearly explain the nature of the requested
716 information and the reasons why such information is necessary;

717 ~~or~~

718 i. Failing to pay personal injury protection insurance
719 claims within the time periods required by s. 627.736(4) (b). The
720 office may order the insurer to pay restitution to a
721 policyholder, medical provider, or other claimant, including
722 interest at a rate consistent with the amount set forth in s.
723 55.03(1), for the time period within which an insurer fails to
724 pay claims as required by law. Restitution is in addition to any
725 other penalties allowed by law, including, but not limited to,
726 the suspension of the insurer's certificate of authority; or

727 j. Altering or amending an insurance adjuster's report
728 without:

729 (I) Providing a detailed explanation as to why any change
730 that has the effect of reducing the estimate of the loss was
731 made; and

732 (II) Including on the report or as an addendum to the
733 report a detailed list of all changes made to the report and the
734 identity of the person who ordered each change; or

735 (III) Retaining all versions of the report, and including



451290

736 within each such version, for each change made within such
737 version of the report, the identity of each person who made or
738 ordered such change; or

739 4. Failing to pay undisputed amounts of partial or full
740 benefits owed under first-party property insurance policies
741 within 60 days after an insurer receives notice of a residential
742 property insurance claim, determines the amounts of partial or
743 full benefits, and agrees to coverage, unless payment of the
744 undisputed benefits is prevented by factors beyond the control
745 of the insurer as defined in s. 627.70131(5).

746 (w) Soliciting or accepting new or renewal insurance risks
747 by insolvent or impaired insurer or receipt of certain bonuses
748 by an officer or director of an insolvent insurer prohibited;
749 penalty.-

750 1. Whether or not delinquency proceedings as to the insurer
751 have been or are to be initiated, but while such insolvency or
752 impairment exists, no director or officer of an insurer, except
753 with the written permission of the office, shall authorize or
754 permit the insurer to solicit or accept new or renewal insurance
755 risks in this state after such director or officer knew, or
756 reasonably should have known, that the insurer was insolvent or
757 impaired.

758 2. Regardless of whether delinquency proceedings as to the
759 insurer have been or are to be initiated, but while such
760 insolvency or impairment exists, a director or an officer of an
761 impaired insurer may not receive a bonus from such insurer, nor
762 may such director or officer receive a bonus from a holding
763 company or an affiliate that shares common ownership or control
764 with such insurer.



451290

765 3. As used in this paragraph, the term:
766 a. "Bonus" means a payment, in addition to an officer's or
767 a director's usual compensation, which is in addition to any
768 amounts contracted for or otherwise legally due.
769 b. "Impaired" includes impairment of capital or surplus, as
770 defined in s. 631.011(12) and (13).
771 4.2- Any such director or officer, upon conviction of a
772 violation of this paragraph, commits ~~is guilty of~~ a felony of
773 the third degree, punishable as provided in s. 775.082, s.
774 775.083, or s. 775.084.
775 Section 14. Subsection (6) of section 626.989, Florida
776 Statutes, is amended, and subsection (10) is added to that
777 section, to read:
778 626.989 Investigation by department or Division of
779 Investigative and Forensic Services; compliance; immunity;
780 confidential information; reports to division; division
781 investigator's power of arrest.-
782 (6) (a) Any person, other than an insurer, agent, or other
783 person licensed under the code, or an employee thereof, having
784 knowledge or who believes that a fraudulent insurance act or any
785 other act or practice which, upon conviction, constitutes a
786 felony or a misdemeanor under the code, or under s. 817.234, is
787 being or has been committed may send to the Division of
788 Investigative and Forensic Services a report or information
789 pertinent to such knowledge or belief and such additional
790 information relative thereto as the department may request. Any
791 professional practitioner licensed or regulated by the
792 Department of Business and Professional Regulation, except as
793 otherwise provided by law, any medical review committee as



451290

794 defined in s. 766.101, any private medical review committee, and
795 any insurer, agent, or other person licensed under the code, or
796 an employee thereof, having knowledge or who believes that a
797 fraudulent insurance act or any other act or practice which,
798 upon conviction, constitutes a felony or a misdemeanor under the
799 code, or under s. 817.234, is being or has been committed shall
800 send to the Division of Investigative and Forensic Services a
801 report or information pertinent to such knowledge or belief and
802 such additional information relative thereto as the department
803 may require.

804 **(b)** The Division of Investigative and Forensic Services
805 shall review such information or reports and select such
806 information or reports as, in its judgment, may require further
807 investigation. It shall then cause an independent examination of
808 the facts surrounding such information or report to be made to
809 determine the extent, if any, to which a fraudulent insurance
810 act or any other act or practice which, upon conviction,
811 constitutes a felony or a misdemeanor under the code, or under
812 s. 817.234, is being committed.

813 **(c)** The Division of Investigative and Forensic Services
814 shall report any alleged violations of law which its
815 investigations disclose to the appropriate licensing agency and
816 state attorney or other prosecuting agency having jurisdiction,
817 including, but not limited to, the statewide prosecutor for
818 crimes that impact two or more judicial circuits in this state,
819 with respect to any such violation, as provided in s. 624.310.
820 If prosecution by the state attorney or other prosecuting agency
821 having jurisdiction with respect to such violation is not begun
822 within 60 days of the division's report, the state attorney or



823 other prosecuting agency having jurisdiction with respect to
824 such violation shall inform the division of the reasons for the
825 lack of prosecution.

826 (10) The Division of Investigative and Forensic Services
827 Bureau of Insurance Fraud shall prepare and submit a performance
828 report to the President of the Senate and the Speaker of the
829 House of Representatives by January 1 of each year. The annual
830 report must include, but need not be limited to:

831 (a) The total number of initial referrals received, cases
832 opened, cases presented for prosecution, cases closed, and
833 convictions resulting from cases presented for prosecution by
834 the Bureau of Insurance Fraud, by type of insurance fraud and
835 circuit.

836 (b) The number of referrals received from insurers, the
837 office, and the Division of Consumer Services of the department,
838 and the outcome of those referrals.

839 (c) The number of investigations undertaken by the Bureau
840 of Insurance Fraud which were not the result of a referral from
841 an insurer and the outcome of those referrals.

842 (d) The number of investigations that resulted in a
843 referral to a regulatory agency and the disposition of those
844 referrals.

845 (e) The number of cases presented by the Bureau of
846 Insurance Fraud which local prosecutors or the statewide
847 prosecutor declined to prosecute and the reasons provided for
848 declining prosecution.

849 (f) A summary of the annual report required under s.
850 626.9896.

851 (g) The total number of employees assigned to the Bureau of



852 Insurance Fraud, delineated by location of staff assigned, and
853 the number and location of employees assigned to the Bureau of
854 Insurance Fraud who were assigned to work other types of fraud
855 cases.

856 (h) The average caseload and turnaround time by type of
857 case for each investigator.

858 (i) The training provided during the year to insurance
859 fraud investigators.

860 Section 15. Subsections (1), (3), and (4) of section
861 627.0629, Florida Statutes, are amended to read:

862 627.0629 Residential property insurance; rate filings.-

863 (1) It is the intent of the Legislature that insurers
864 provide savings to consumers who install or implement windstorm
865 damage mitigation techniques, alterations, or solutions to their
866 properties to prevent windstorm losses. A rate filing for
867 residential property insurance must include actuarially
868 reasonable discounts, credits, or other rate differentials, or
869 appropriate reductions in deductibles, for properties on which
870 fixtures or construction techniques demonstrated to reduce the
871 amount of loss in a windstorm have been installed or
872 implemented. The fixtures or construction techniques must
873 include, but are not limited to, fixtures or construction
874 techniques that enhance roof strength, roof covering
875 performance, roof-to-wall strength, wall-to-floor-to-foundation
876 strength, opening protection, and window, door, and skylight
877 strength. Credits, discounts, or other rate differentials, or
878 appropriate reductions in deductibles, for fixtures and
879 construction techniques that meet the minimum requirements of
880 the Florida Building Code must be included in the rate filing.



451290

881 The office shall determine the discounts, credits, other rate
882 differentials, and appropriate reductions in deductibles that
883 reflect the full actuarial value of such revaluation, which may
884 be used by insurers in rate filings. Effective October 1, 2023,
885 each insurer subject to the requirements of this section must
886 provide information on the insurer's website describing the
887 hurricane mitigation discounts available to policyholders. Such
888 information must be accessible on, or through a hyperlink
889 located on, the home page of the insurer's website or the
890 primary page of the insurer's website for property insurance
891 policyholders or applicants for such coverage in this state. On
892 or before January 1, 2025, and every 5 years thereafter, the
893 office shall reevaluate and update the fixtures or construction
894 techniques demonstrated to reduce the amount of loss in a
895 windstorm and the discounts, credits, other rate differentials,
896 and appropriate reductions in deductibles that reflect the full
897 actuarial value of such fixtures or construction techniques. The
898 office shall adopt rules and forms necessitated by such
899 reevaluation.

900 (3) A rate filing ~~made on or after July 1, 1995,~~ for mobile
901 home owner insurance must include appropriate discounts,
902 credits, or other rate differentials for mobile homes
903 constructed to comply with American Society of Civil Engineers
904 Standard ANSI/ASCE 7-88, adopted by the United States Department
905 of Housing and Urban Development on July 13, 1994, and that also
906 comply with all applicable tie-down requirements provided by
907 state law.

908 (4) The Legislature finds that separate consideration and
909 notice of hurricane insurance premiums will assist consumers by



910 providing greater assurance that hurricane premiums are lawful
911 and by providing more complete information regarding the
912 components of property insurance premiums. ~~Effective January 1,~~
913 ~~1997,~~ A rate filing for residential property insurance shall be
914 separated into two components, rates for hurricane coverage and
915 rates for all other coverages. A premium notice reflecting a
916 rate implemented on the basis of such a filing shall separately
917 indicate the premium for hurricane coverage and the premium for
918 all other coverages.

919 Section 16. Paragraph (11) is added to subsection (6) of
920 section 627.351, Florida Statutes, to read:

921 627.351 Insurance risk apportionment plans.—

922 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—

923 (11) The corporation may not determine that a risk is
924 ineligible for coverage with the corporation solely because such
925 risk has unrepaired damage caused by a covered loss that is the
926 subject of a claim that has been filed with the Florida
927 Insurance Guaranty Association. This paragraph applies to a risk
928 until the earlier of 36 months after the date the Florida
929 Insurance Guaranty Association began servicing such claim or the
930 Florida Insurance Guaranty Association closes the claim.

931 Section 17. Subsection (4) of section 627.410, Florida
932 Statutes, is amended to read:

933 627.410 Filing, approval of forms.—

934 (4) The office may, by order, exempt from the requirements
935 of this section for so long as it deems proper any insurance
936 document or form or type thereof as specified in such order, to
937 which, in its opinion, this section may not practicably be
938 applied, or the filing and approval of which are, in its



451290

939 opinion, not desirable or necessary for the protection of the
940 public. The office may not exempt from the requirements of this
941 section the insurance documents or forms of any insurer, against
942 whom the office enters a final order determining that such
943 insurer violated any provision of this code, for a period of 36
944 months after the date of such order, and may not be deemed
945 approved under subsection (2).

946 Section 18. Section 627.4108, Florida Statutes, is created
947 to read:

948 627.4108 Claims-handling manuals; submission; attestation.—

949 (1) Each authorized residential property insurer conducting
950 business in this state must create and use a claims-handling
951 manual that provides guidelines and procedures and that complies
952 with the requirements of this code and comports to usual and
953 customary industry claims-handling practices. Such manual must
954 include guidelines and procedures for:

955 (a) Initially receiving and acknowledging initial receipt
956 of the claim and reviewing and evaluating the claim;

957 (b) Communicating with policyholders, beginning with the
958 receipt of the claim and continuing until closure of the claim;

959 (c) Setting the claim reserve;

960 (d) Investigating the claim, including conducting
961 inspections of the property that is the subject of the claim;

962 (e) Making preliminary estimates and estimates of the
963 covered damages to the insured property and communicating such
964 estimates to the policyholder;

965 (f) The payment, partial payment, or denial of the claim
966 and communicating such claim decision to the policyholder;

967 (g) Closing claims; and



451290

968 (h) Any aspect of the claims-handling process which the
969 office determines should be included in the claims-handling
970 manual in order to:

971 1. Comply with the laws of this state or rules or orders of
972 the office or department;

973 2. Ensure the claims-handling manual comports with usual
974 and customary industry claims-handling guidelines; or

975 3. Protect policyholders of the insurer or the general
976 public.

977 (2) At any time, the office may request that a residential
978 property insurer submit a physical or electronic copy of the
979 insurer's currently applicable, or otherwise specifically
980 requested, claims-handling manuals. Upon receiving such a
981 request, a residential property insurer must submit to the
982 office within 5 business days:

983 (a) A true and correct copy of each claims-handling manual
984 requested; and

985 (b) An attestation, on a form prescribed by the commission,
986 that certifies:

987 1. That the insurer has provided a true and correct copy of
988 each currently applicable, or otherwise specifically requested,
989 claims-handling manual; and

990 2. The timeframe for which each submitted claims-handling
991 manual was or is in effect.

992 (3) (a) Annually, each authorized residential property
993 insurer must certify and attest, on a form prescribed by the
994 commission, that:

995 1. Each of the insurer's current claims-handling manuals
996 complies with the requirements of this code and comports to



451290

997 usual and customary industry claims-handling practices; and
998 2. The insurer maintains adequate resources available to
999 implement the requirements of each of its claims-handling
1000 manuals at all times, including during natural disasters and
1001 catastrophic events.

1002 (b) Such attestation must be submitted to the office:
1003 1. On or before August 1, 2023; and
1004 2. Annually thereafter, on or before May 1 of each calendar
1005 year.

1006 (4) The commission is authorized, and all conditions are
1007 deemed met, to adopt emergency rules under s. 120.54(4), for the
1008 purpose of implementing this section. Notwithstanding any other
1009 law, emergency rules adopted under this section are effective
1010 for 6 months after adoption and may be renewed during the
1011 pendency of procedures to adopt permanent rules addressing the
1012 subject of the emergency rules.

1013 Section 19. Paragraph (d) of subsection (2) of section
1014 627.4133, Florida Statutes, is amended to read:
1015 627.4133 Notice of cancellation, nonrenewal, or renewal
1016 premium.—

1017 (2) With respect to any personal lines or commercial
1018 residential property insurance policy, including, but not
1019 limited to, any homeowner, mobile home owner, farmowner,
1020 condominium association, condominium unit owner, apartment
1021 building, or other policy covering a residential structure or
1022 its contents:

1023 ~~(d)1. Upon a declaration of an emergency pursuant to s.~~
1024 ~~252.36 and the filing of an order by the Commissioner of~~
1025 ~~Insurance Regulation, An authorized insurer may not cancel or~~



451290

1026 nonrenew a personal residential or commercial residential
1027 property insurance policy covering a dwelling or residential
1028 property located in this state:

1029 a. For a period of 90 days after the dwelling or
1030 residential property has been repaired, if such property which
1031 has been damaged as a result of a hurricane or wind loss that is
1032 the subject of the declaration of emergency pursuant to s.
1033 252.36 and the filing of an order by the Commissioner of
1034 Insurance Regulation for a period of 90 days after the dwelling
1035 or residential property has been repaired. A structure is deemed
1036 to be repaired when substantially completed and restored to the
1037 extent that it is insurable by another authorized insurer that
1038 is writing policies in this state.

1039 b. Until the earlier of when the dwelling or residential
1040 property has been repaired or 1 year after the insurer issues
1041 the final claim payment, if such property was damaged by any
1042 covered peril and sub-subparagraph a. does not apply.

1043 2. However, an insurer or agent may cancel or nonrenew such
1044 a policy prior to the repair of the dwelling or residential
1045 property:

1046 a. Upon 10 days' notice for nonpayment of premium; or

1047 b. Upon 45 days' notice:

1048 (I) For a material misstatement or fraud related to the
1049 claim;

1050 (II) If the insurer determines that the insured has
1051 unreasonably caused a delay in the repair of the dwelling; or

1052 (III) If the insurer has paid policy limits.

1053 3. If the insurer elects to nonrenew a policy covering a
1054 property that has been damaged, the insurer shall provide at



451290

1055 least 90 days' notice to the insured that the insurer intends to
1056 nonrenew the policy 90 days after the dwelling or residential
1057 property has been repaired. Nothing in this paragraph shall
1058 prevent the insurer from canceling or nonrenewing the policy 90
1059 days after the repairs are complete for the same reasons the
1060 insurer would otherwise have canceled or nonrenewed the policy
1061 but for the limitations of subparagraph 1. The Financial
1062 Services Commission may adopt rules, and the Commissioner of
1063 Insurance Regulation may issue orders, necessary to implement
1064 this paragraph.

1065 4. This paragraph shall also apply to personal residential
1066 and commercial residential policies covering property that was
1067 damaged as the result of Hurricane Ian or Hurricane Nicole
1068 ~~Tropical Storm Bonnie, Hurricane Charley, Hurricane Frances,~~
1069 ~~Hurricane Ivan, or Hurricane Jeanne.~~

1070 5. For purposes of this paragraph:

1071 a. A structure is deemed to be repaired when substantially
1072 completed and restored to the extent that it is insurable by
1073 another authorized insurer writing policies in this state.

1074 b. The term "insurer" means an authorized insurer.

1075 Section 20. Subsection (3) is added to section 627.426,
1076 Florida Statutes, to read:

1077 627.426 Claims administration.—

1078 (3) (a) Upon receiving actual notice of an incident or a
1079 loss that could give rise to a covered liability claim under an
1080 insurance policy, each liability insurer must do all of the
1081 following:

1082 1. Assign a licensed and appointed insurance adjuster to
1083 investigate the extent of the insured's probable exposure and



451290

1084 diligently attempt to resolve any questions concerning the
1085 existence or extent of the insured's coverage.

1086 2. Evaluate the claim fairly, honestly, and with due regard
1087 for the interests of the insured based on available information;
1088 consider the extent of the claimant's recoverable damages; and
1089 consider the information in a reasonable and prudent manner.

1090 3. Request from the insured or claimant additional relevant
1091 information the insurer reasonably deems necessary to evaluate
1092 whether to settle a claim.

1093 4. Conduct all oral and written communications with the
1094 insured with honesty and candor.

1095 5. Make reasonable efforts to explain to persons not
1096 represented by counsel matters requiring expertise beyond the
1097 level normally expected of a layperson with no training in
1098 insurance or claims-handling issues.

1099 6. Retain all written and recorded communications and
1100 create and retain a summary of all verbal communications in a
1101 reasonable manner for a period of not less than 5 years after
1102 the later of the entry of a judgment against the insured in
1103 excess of policy limits becoming final or the conclusion of the
1104 extracontractual claim, if any, including any related appeals.

1105 7. Within 30 days after a request, provide the insured with
1106 all communications related to the insurer's handling of the
1107 claim which are not privileged as to the insured.

1108 8. Provide, upon request and at the insurer's expense,
1109 reasonable accommodations necessary to communicate effectively
1110 with an insured covered under the Americans with Disabilities
1111 Act.

1112 9. Communicate to an insured all of the following within 15



451290

1113 days after notice of the existence of a third-party claim:
1114 a. The identity of any other person or entity the insurer
1115 has reason to believe may be liable.
1116 b. The insurer's evaluation of the claim, given the facts
1117 known by the insurer at that time.
1118 c. The likelihood and possible extent of an excess
1119 judgment.
1120 d. Steps the insured can take to avoid exposure to an
1121 excess judgment, including the right to secure personal counsel
1122 at the insured's expense.
1123 e. The insured's duty to cooperate with the insurer,
1124 including any specific requests required because of a settlement
1125 opportunity or by the insurer in accordance with the policy, the
1126 purpose of the required cooperation, and the consequences of
1127 refusing to cooperate.
1128 f. Any settlement demands or offers.
1129 10. Initiate settlement negotiations by tendering its
1130 policy limits to the claimant in exchange for a general release
1131 of the insured if the facts available to the insurer indicate
1132 that the insured's liability is likely to exceed the policy
1133 limits.
1134 11. Give fair consideration to a settlement offer that is
1135 not unreasonable under the facts available to the insurer and
1136 settle in exchange for a general release of the insured, if
1137 possible, when a reasonably prudent person, faced with the
1138 prospect of paying the total probable exposure of the insured,
1139 would do so. The insurer shall provide reasonable assistance to
1140 the insured to comply with the insured's obligations to
1141 cooperate and act reasonably to attempt to satisfy any



451290

1142 conditions of a claimant's settlement offer. If it is not
1143 possible to settle a liability claim within the available policy
1144 limits in exchange for a general release of the insured, the
1145 insurer shall act reasonably to attempt to minimize the excess
1146 exposure to the insured.

1147 12. Attempt to minimize the magnitude of possible excess
1148 judgments against the insured when multiple claims arise out of
1149 a single occurrence and the combined value of all claims exceeds
1150 the total of all applicable policy limits. The insurer is
1151 entitled to great discretion to decide how much to offer each
1152 respective claimant in its attempt to settle with such claimant
1153 in exchange for a general release of the insured. This
1154 subparagraph may not be interpreted to prevent an insurer from
1155 using either process provided under s. 624.155(6). An insurer
1156 does not violate this subsection simply because it is unable to
1157 settle all claims in a multiple claimant case.

1158 13. Attempt to settle the claim in exchange for a general
1159 release of all insureds against whom a claim may be presented if
1160 a loss creates the potential for a third-party claim against
1161 more than one insured. If it is not possible to settle in
1162 exchange for a general release of all insureds, the insurer, in
1163 consultation with the insureds, must attempt to enter into
1164 reasonable settlements of claims against certain insureds in
1165 exchange for a general release of such insureds to the exclusion
1166 of other insureds.

1167 14. Respond to any request for insurance information in
1168 compliance with s. 626.9372 or s. 627.4137, as applicable.

1169 15. Take reasonable measures to preserve evidence, for a
1170 reasonable period of time, which is needed for the defense of



1171 the liability claim if it appears the insured's probable
1172 exposure is greater than policy limits.

1173 16. Comply with subsections (1) and (2), if applicable.
1174 17. Comply with the Unfair Insurance Trade Practices Act.
1175 (b) As used in this subsection, the term "actual notice"
1176 means the insurer's receipt of notice of an incident or a loss
1177 that could give rise to a covered claim that is communicated to
1178 the insurer or an agent of the insurer:

1179 1. By any manner permitted by the policy or other documents
1180 provided to the insured by the insurer;
1181 2. Through the claims link on the insurer's website; or
1182 3. Through the e-mail address designated by the insurer
1183 under s. 624.422.

1184 (c) In determining whether an insurer violated this
1185 subsection, it is relevant whether the insured, claimant, and
1186 any representative of the insured or claimant was acting in good
1187 faith toward the insurer in furnishing information regarding the
1188 claim, in making demands of the insurer, in setting deadlines,
1189 and in attempting to settle the claim. Such matters include
1190 whether:

1191 1. The insured met its duty to cooperate with the insurer
1192 in the defense of the claim and in making settlements by taking
1193 reasonable actions requested by the claimant or required by the
1194 policy which are necessary to assist the insurer in settling a
1195 covered claim, including:

1196 a. Executing affidavits regarding the facts within the
1197 insured's knowledge regarding the covered loss; and
1198 b. Providing documents, including if reasonably necessary
1199 to settle a covered claim valued in excess of policy limits and



451290

1200 upon the request of the claimant, a summary of the insured's
1201 assets, liabilities, obligations, other insurance policies that
1202 may provide coverage for the claim, and the name and contact
1203 information of the insured's employer when the insured is a
1204 natural person who was acting in the course and scope of
1205 employment when the incident giving rise to the claim occurred.
1206 2. The claimant and any claimant's representative:
1207 a. Acted honestly in furnishing information regarding the
1208 claim;
1209 b. Acted reasonably in setting deadlines; and
1210 c. Refrained from taking actions that may be reasonably
1211 expected to prevent an insurer from accepting the settlement
1212 demand, such as providing insufficient detail within the demand,
1213 providing unreasonable deadlines for acceptance of the demand,
1214 or including unreasonable conditions to settlement.
1215 (d) Any violation of this subsection, when found by the
1216 office in any investigation or examination, constitutes a
1217 violation of the Florida Insurance Code and is subject to any
1218 applicable enforcement provisions therein. Administrative fines
1219 imposed for violations of this subsection are subject to a 2.0
1220 multiplier and may exceed the limits on fine amounts and
1221 aggregate fine amounts provided for under this code.
1222 (e) This subsection does not create a civil cause of
1223 action, nor does it abrogate or diminish any civil cause of
1224 action currently existing in statutory or common law.
1225 (f) Any proceedings, determinations, or enforcement actions
1226 taken by the office against an insurer for violations of this
1227 subsection are not admissible in any civil action.
1228 Section 21. Paragraph (a) of subsection (10) of section



451290

1229 627.701, Florida Statutes, is amended to read:
1230 627.701 Liability of insureds; coinsurance; deductibles.—
1231 (10) (a) Notwithstanding any other provision of law, an
1232 insurer issuing a personal lines residential property insurance
1233 policy may include in such policy a separate roof deductible
1234 that meets all of the following requirements:
1235 1. The insurer has complied with the offer requirements
1236 under subsection (7) regarding a deductible applicable to losses
1237 from perils other than a hurricane.
1238 2. The roof deductible may not exceed the lesser of 2
1239 percent of the Coverage A limit of the policy or 50 percent of
1240 the cost to replace the roof.
1241 3. The premium that a policyholder is charged for the
1242 policy includes an actuarially sound credit or premium discount
1243 for the roof deductible.
1244 4. The roof deductible applies only to a claim adjusted on
1245 a replacement cost basis.
1246 5. The roof deductible does not apply to any of the
1247 following events:
1248 a. A total loss to a primary structure in accordance with
1249 the valued policy law under s. 627.702 which is caused by a
1250 covered peril.
1251 b. A roof loss resulting from a hurricane as defined in s.
1252 627.4025(2) (c) .
1253 c. A roof loss resulting from a tree fall or other hazard
1254 that damages the roof and punctures the roof deck.
1255 d. A roof loss requiring the repair of less than 50 percent
1256 of the roof.
1257



451290

1258 If a roof deductible is applied, no other deductible under the
1259 policy may be applied to the loss or to any other loss to the
1260 property caused by the same covered peril.

1261 Section 22. Subsection (2) of section 627.70132, Florida
1262 Statutes, is amended to read:

1263 627.70132 Notice of property insurance claim.—

1264 (2) A claim or reopened claim, but not a supplemental
1265 claim, under an insurance policy that provides property
1266 insurance, as defined in s. 624.604, including a property
1267 insurance policy issued by an eligible surplus lines insurer,
1268 for loss or damage caused by any peril is barred unless notice
1269 of the claim was given to the insurer in accordance with the
1270 terms of the policy within 1 year after the date of loss. A
1271 supplemental claim is barred unless notice of the supplemental
1272 claim was given to the insurer in accordance with the terms of
1273 the policy within 18 months after the date of loss. The time
1274 limitations of this subsection are tolled during any term of
1275 deployment to a combat zone or combat support posting which
1276 materially affects the ability of a servicemember as defined in
1277 s. 250.01 to file a claim, supplemental claim, or reopened
1278 claim.

1279 Section 23. Chapter 2022-271, Laws of Florida, shall not be
1280 construed to impair any right under an insurance contract in
1281 effect on or before the effective date of that chapter law. To
1282 the extent that chapter 2022-271, Laws of Florida, affects a
1283 right under an insurance contract, that chapter law applies to
1284 an insurance contract issued or renewed after the effective date
1285 of that chapter law. This section is intended to clarify
1286 existing law and is remedial in nature.



451290

1287 Section 24. (1) Every residential property insurer and
1288 every motor vehicle insurer rate filing made or pending with the
1289 Office of Insurance Regulation on or after July 1, 2023, must
1290 reflect the projected savings or reduction in claim frequency,
1291 claim severity, and loss adjustment expenses, including for
1292 attorney fees, payment of attorney fees to claimants, and any
1293 other reduction actuarially indicated, due to the combined
1294 effect of the applicable provisions of chapters 2021-77, 2022-
1295 268, 2022-271, and 2023-15, Laws of Florida, in order to ensure
1296 that rates for such insurance accurately reflect the risk of
1297 providing such insurance.

1298 (2) The Office of Insurance Regulation must consider in its
1299 review of such rate filings the projected savings or reduction
1300 in claim frequency, claim severity, and loss adjustment
1301 expenses, including for attorney fees, payment of attorney fees
1302 to claimants, and any other reduction actuarially indicated, due
1303 to the combined effect of the applicable provisions of chapters
1304 2021-77, 2022-268, 2022-271, and 2023-15, Laws of Florida. The
1305 office may develop methodology and data that incorporate
1306 generally accepted actuarial techniques and standards to be used
1307 in its review of rate filings governed by this section. The
1308 office may contract with an appropriate vendor to advise the
1309 office in developing such methodology and data to consider. Such
1310 methodology and data are not intended to create a mandatory
1311 minimum rate decrease for all motor vehicle insurers and
1312 property insurers, respectively, but rather to ensure that the
1313 rates for such coverage meet the requirements of s. 627.062,
1314 Florida Statutes, and thus are not excessive, inadequate, or
1315 unfairly discriminatory and allow such insurers a reasonable



1316 rate of return.

1317 (3) This section does not apply to rate filings made
1318 pursuant to s. 627.062(2)(k), Florida Statutes.

1319 (4) For the 2023-2024 fiscal year, the sum of \$500,000 in
1320 nonrecurring funds is appropriated from the Insurance Regulatory
1321 Trust Fund in the Department of Financial Services to the Office
1322 of Insurance Regulation to implement this section.

1323 Section 25. For the 2023-2024 fiscal year, 18 full-time
1324 equivalent positions with associated salary rate of 1,116,500
1325 are authorized and the sum of \$1,879,129 in recurring funds and
1326 \$185,086 in nonrecurring funds is appropriated from the
1327 Insurance Regulatory Trust Fund to the Office of Insurance
1328 Regulation to implement this act.

1329 Section 26. For the 2023-2024 fiscal year, seven full-time
1330 equivalent positions with associated salary rate of 350,000 are
1331 authorized and the sum of \$574,036 in recurring funds and
1332 \$33,467 in nonrecurring funds is appropriated from the Insurance
1333 Regulatory Trust Fund to the Department of Financial Services to
1334 implement this act.

1335 Section 27. This act shall take effect July 1, 2023.

1336
1337 ===== T I T L E A M E N D M E N T =====

1338 And the title is amended as follows:

1339 Delete everything before the enacting clause
1340 and insert:

1341 A bill to be entitled
1342 An act relating to insurer accountability; amending s.
1343 624.307, F.S.; authorizing electronic responses to
1344 certain requests from the Division of Consumer



451290

1345 Services of the Department of Financial Services
1346 concerning consumer complaints; revising the timeframe
1347 in which responses must be made; revising
1348 administrative penalties; amending s. 624.315, F.S.;
1349 requiring the Office of Insurance Regulation to
1350 annually and quarterly create and publish specified
1351 reports relating to the enforcement of insurer
1352 compliance; requiring the office to submit such
1353 reports to the Financial Services Commission and the
1354 Legislature by specified dates; amending s. 624.316,
1355 F.S.; requiring the office to create a specified
1356 methodology for scheduling examinations of insurers;
1357 specifying requirements for such methodology;
1358 providing construction; authorizing the commission to
1359 adopt rules; amending s. 624.3161, F.S.; revising
1360 requirements and conditions for certain insurer market
1361 conduct examinations after a hurricane; providing
1362 construction; requiring the office to create, and the
1363 commission to adopt by rule, a specified selection
1364 methodology for examinations; specifying requirements
1365 for such methodology; specifying rulemaking
1366 requirements; amending s. 624.4211, F.S.; revising
1367 administrative fines the office may impose in lieu of
1368 revocation or suspension; creating s. 624.4301, F.S.;
1369 specifying requirements for residential property
1370 insurers temporarily suspending writing new policies
1371 in notifying the office; authorizing the commission to
1372 adopt rules; creating s. 624.805, F.S.; specifying
1373 factors the office may consider in determining whether



451290

1374 the continued operation of an insurer may be deemed to
1375 be hazardous to its policyholders or creditors or to
1376 the general public; specifying actions the office may
1377 take in determining an insurer's financial condition;
1378 authorizing the office to issue an order requiring a
1379 hazardous insurer to take specified actions; providing
1380 construction; authorizing the office to issue
1381 immediate final orders; amending s. 624.81, F.S.;
1382 deleting certain rulemaking authority of the
1383 commission; creating s. 624.865, F.S.; authorizing the
1384 commission to adopt certain rules; amending s.
1385 628.8015, F.S.; conforming provisions to changes made
1386 by the act; amending s. 626.207, F.S.; revising a
1387 condition for disqualification of an insurance
1388 representative applicant or licensee; amending s.
1389 626.9521, F.S.; revising and specifying applicable
1390 fines for unfair methods of competition and unfair or
1391 deceptive acts or practices; amending s. 626.9541,
1392 F.S.; adding an unfair claim settlement practice by an
1393 insurer; prohibiting an officer or a director of an
1394 impaired insurer from receiving a bonus from such
1395 insurer or from certain holding companies or
1396 affiliates; defining the term "bonus"; providing a
1397 criminal penalty; amending s. 626.989, F.S.; revising
1398 a reporting requirement for the department's Division
1399 of Investigative and Forensic Services; requiring the
1400 division to submit an annual performance report to the
1401 Legislature; specifying requirements for the report;
1402 amending s. 627.0629, F.S.; specifying requirements



1403 for residential property insurers in providing certain
1404 hurricane mitigation discount information to
1405 policyholders in a specified manner; specifying
1406 requirements for the office in reevaluating and
1407 updating certain fixtures and construction techniques;
1408 deleting obsolete dates; amending s. 627.351, F.S.;
1409 prohibiting Citizens Property Insurance Corporation
1410 from determining that a risk is ineligible for
1411 coverage solely on a specified basis; providing
1412 applicability; amending s. 627.410, F.S.; prohibiting
1413 the office from exempting specified insurers from form
1414 filing requirements for a specified period; providing
1415 construction; creating s. 627.4108, F.S.; specifying
1416 requirements for residential property insurers in
1417 creating and using claims-handling manuals;
1418 authorizing the office to request submission of such
1419 manuals; providing requirements for such submissions;
1420 requiring authorized insurers to annually submit a
1421 certified attestation to the office; authorizing the
1422 commission to adopt emergency rules; amending s.
1423 627.4133, F.S.; revising prohibitions on insurers
1424 against the cancellation or nonrenewal of property
1425 insurance policies; revising applicability; providing
1426 construction; defining the term "insurer"; amending s.
1427 627.426, F.S.; specifying duties of a liability
1428 insurer upon receiving actual notice of certain
1429 incidents or losses; defining the term "actual
1430 notice"; providing construction; specifying penalties;
1431 amending s. 627.701, F.S.; providing that if a roof



451290

1432 deductible is applied under a personal lines
1433 residential property insurance policy, no other
1434 deductible under the policy may be applied to any
1435 other loss to the property caused by the same covered
1436 peril; amending s. 627.70132, F.S.; providing for the
1437 tolling of certain timeframes for filing notices of
1438 property insurance claims for servicemembers under
1439 specified circumstances; providing construction
1440 relating to chapter 2022-271, Laws of Florida;
1441 requiring residential property insurers and motor
1442 vehicle insurer rate filings to reflect certain
1443 projected savings and reductions in expenses;
1444 specifying requirements for the office in reviewing
1445 rate filings; authorizing the office to develop
1446 certain methodology and data and contract with a
1447 vendor for a certain purpose; providing applicability;
1448 providing appropriations; providing an effective date.

By the Committee on Banking and Insurance

597-03563-23

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1 A bill to be entitled
 2 An act relating to insurer accountability; amending s.
 3 624.307, F.S.; authorizing electronic responses to
 4 certain requests from the Division of Consumer
 5 Services of the Department of Financial Services
 6 concerning consumer complaints; revising the timeframe
 7 in which responses must be made; revising
 8 administrative penalties; amending s. 624.315, F.S.;
 9 specifying reporting requirements for the Office of
 10 Insurance Regulation's internal auditor in the
 11 office's annual report relating to the enforcement of
 12 insurer compliance; creating s. 624.3152, F.S.;
 13 specifying requirements for the office to report
 14 quarterly to the Legislature relating to the
 15 enforcement of insurer compliance; amending s.
 16 624.316, F.S.; requiring the office to create a
 17 specified methodology for scheduling examinations of
 18 insurers; specifying requirements for such
 19 methodology; providing construction; amending s.
 20 624.3161, F.S.; providing that authorized property
 21 insurers must, rather than may, be subject to an
 22 additional market conduct examination after a
 23 hurricane if specified conditions are met; revising
 24 the applicability of such conditions; requiring the
 25 office to create, and the Financial Services
 26 Commission to adopt by rule, a specified methodology
 27 for scheduling examinations of insurers; specifying
 28 requirements for such methodology; providing
 29 construction; amending s. 624.4211, F.S.; revising

Page 1 of 46

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597-03563-23

20237052__

30 administrative fines the office may impose in lieu of
 31 revocation or suspension; amending s. 624.424, F.S.;
 32 revising reporting requirements for insurers that pay
 33 financial consideration or payment to affiliates;
 34 revising factors the office must consider in
 35 determining whether such financial consideration or
 36 payment is fair and reasonable; specifying reporting
 37 requirements for insurers relating to agreements with
 38 affiliates; creating s. 624.4301, F.S.; specifying
 39 requirements for insurers temporarily suspending
 40 writing new policies in notifying the office; amending
 41 s. 626.207, F.S.; revising a condition for
 42 disqualification of an insurance representative
 43 applicant or licensee; amending s. 626.9521, F.S.;
 44 revising and specifying applicable fines for unfair
 45 methods of competition and unfair or deceptive acts or
 46 practices; amending s. 626.9541, F.S.; adding an
 47 unfair claim settlement practice by an insurer;
 48 prohibiting an officer or a director of an impaired
 49 insurer to authorize or permit the insurer to pay a
 50 bonus to any officer or director of the insurer;
 51 defining the term "bonus"; providing a criminal
 52 penalty; amending s. 626.9743, F.S.; revising
 53 applicability of provisions relating to motor vehicle
 54 insurance claim settlement practices; specifying
 55 requirements, procedures, and authorized actions for
 56 insurers relating to communications, investigations,
 57 estimates, and recordkeeping; defining the terms
 58 "factors beyond the control of the insurer" and

Page 2 of 46

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597-03563-23

20237052__

59 "insurer"; specifying required notices by insurers;
 60 specifying requirements and procedures for insurers in
 61 paying or denying claims; providing construction and
 62 applicability; amending s. 626.989, F.S.; revising a
 63 reporting requirement for the department's Division of
 64 Investigative and Forensic Services; requiring the
 65 division to submit an annual performance report to the
 66 Legislature; specifying requirements for the report;
 67 amending s. 627.0629, F.S.; specifying requirements
 68 for residential property insurers in providing certain
 69 hurricane mitigation discount information to
 70 policyholders in a specified manner; specifying
 71 requirements for the office in reevaluating and
 72 updating certain fixtures and construction techniques;
 73 deleting obsolete dates; amending s. 627.351, F.S.;
 74 prohibiting Citizens Property Insurance Corporation
 75 from determining that a risk is ineligible for
 76 coverage solely on a specified basis; amending s.
 77 627.410, F.S.; prohibiting the office from exempting
 78 specified insurers from form filing requirements;
 79 creating s. 627.4108, F.S.; providing legislative
 80 intent; specifying requirements for insurers in
 81 submitting claims-handling manuals to the office;
 82 authorizing the office to conduct examinations;
 83 authorizing the commission to adopt emergency rules;
 84 amending s. 627.4133, F.S.; revising prohibitions on
 85 insurers against the cancellation or nonrenewal of
 86 property insurance policies; revising applicability;
 87 providing construction; defining the term "insurer";

Page 3 of 46

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597-03563-23

20237052__

88 amending s. 627.426, F.S.; requiring the office to
 89 ensure that each liability insurer, upon receiving
 90 certain notice, takes specified actions; providing
 91 construction; amending s. 627.701, F.S.; providing
 92 that if a roof deductible is applied under a personal
 93 lines residential property insurance policy, no other
 94 deductible under the policy may be applied to any
 95 other loss to the property caused by the same covered
 96 peril; amending s. 627.70132, F.S.; providing for the
 97 tolling of certain timeframes for filing notices of
 98 property insurance claims for servicemembers; amending
 99 s. 627.7019, F.S.; providing that surplus lines
 100 insurers are subject to the commission's rulemaking
 101 authority as to requirements of insurers after natural
 102 disasters; amending s. 627.782, F.S.; revising rate
 103 filing requirements for title insurers; providing that
 104 the office, rather than the commission, must review
 105 premium rates; providing construction relating to
 106 chapter 2022-271, Laws of Florida; requiring
 107 residential property insurers and motor vehicle
 108 insurer rate filings to reflect certain savings and
 109 reductions in expenses; specifying requirements for
 110 the office in reviewing rate filings; authorizing the
 111 office to develop certain factors and contract with a
 112 vendor for a certain purpose; providing
 113 appropriations; providing an effective date.

114
115 Be It Enacted by the Legislature of the State of Florida:

116

Page 4 of 46

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597-03563-23

20237052__

117 Section 1. Paragraph (b) of subsection (10) of section
118 624.307, Florida Statutes, is amended to read:

119 624.307 General powers; duties.—
120 (10)

121 (b) Any person licensed or issued a certificate of
122 authority by the department or the office shall respond, in
123 writing or electronically, to the division within 14 ~~20~~ days
124 after receipt of a written request for documents and information
125 from the division concerning a consumer complaint. The response
126 must address the issues and allegations raised in the complaint
127 and include any requested documents concerning the consumer
128 complaint not subject to attorney-client or work-product
129 privilege. The division may impose an administrative penalty for
130 failure to comply with this paragraph of up to \$5,000 ~~\$2,500~~ per
131 violation upon any entity licensed by the department or ~~the~~
132 ~~office and \$250 for the first violation, \$500 for the second~~
133 ~~violation, and up to \$1,000 per for the third or subsequent~~
134 ~~violation by upon~~ any individual licensed by the department or
135 the office.

136 Section 2. Present subsection (4) of section 624.315,
137 Florida Statutes, is redesignated as subsection (5), and a new
138 subsection (4) is added to that section, to read:

139 624.315 Annual report.—

140 (4) The internal auditor of the office shall detail all
141 actions of the office to enforce insurer compliance during the
142 previous year. For each of the following, the report must detail
143 the insurer or other licensee or registrant against whom such
144 action was taken; whether the office found any violation of law
145 or rule by such party, and, if so, detail such violation; and

597-03563-23

20237052__

146 the resolution of such action, including any penalties imposed
147 by the office. The report must be published on the website of
148 the office and submitted to the Governor, the President of the
149 Senate, and the Speaker of the House of Representatives on or
150 before February 15 of each year. The report must include, but
151 need not be limited to:

152 (a) The revocation, denial, or suspension of any license or
153 registration issued by the office.

154 (b) All actions taken pursuant to s. 624.310.

155 (c) Fines imposed by the office for violations of this
156 code.

157 (d) Consent orders entered into by the office.

158 (e) Examinations and investigations conducted and completed
159 by the office pursuant to ss. 624.316 and 624.3161.

160 (f) Investigations conducted and completed, by line of
161 insurance, for which the office found violations of law or rule
162 but did not take enforcement action.

163 Section 3. Section 624.3152, Florida Statutes, is created
164 to read:

165 624.3152 Quarterly report of enforcement activity.—Each
166 quarter, the office shall create a report detailing all actions
167 of the office to enforce insurer compliance. The report must be
168 submitted to the commission, the President of the Senate, the
169 Speaker of the House of Representatives, and the legislative
170 committees with jurisdiction over matters of insurance. For each
171 of the following, the report must detail the insurer or other
172 licensee or registrant against whom such action was taken;
173 whether the office found any violation of law or rule by such
174 party, and, if so, detail such violation; and the resolution of

597-03563-23 20237052__

175 such action, including any penalties imposed by the office. The
 176 report is due on or before April 30, July 31, October 31, and
 177 January 31, respectively, for the immediately preceding quarter.
 178 The report must include, but need not be limited to:

179 (1) The revocation, denial, or suspension of any license or
 180 registration issued by the office.

181 (2) All actions taken pursuant to s. 624.310.

182 (3) Fines imposed by the office for violations of this
 183 code.

184 (4) Consent orders entered into by the office.

185 (5) Examinations and investigations conducted and completed
 186 by the office pursuant to ss. 624.316 and 624.3161.

187 (6) Investigations conducted and completed, by line of
 188 insurance, for which the office found violations of law or rule
 189 but did not take enforcement action.

190 Section 4. Subsection (3) is added to section 624.316,
 191 Florida Statutes, to read:
 192 624.316 Examination of insurers.—
 193 (3) The office shall create a risk-based selection
 194 methodology for scheduling examinations of insurers subject to
 195 this section. This requirement does not restrict the authority
 196 of the office to conduct market conduct examinations as often as
 197 it deems advisable. Such methodology must include:

198 (a) Use of currently required risk-based capital reports to
 199 prioritize financial examinations of insurers when such
 200 reporting indicates a decline in the insurer's financial
 201 condition.

202 (b) Consideration of any downgrade or threatened downgrade
 203 in the insurer's financial strength rating.

597-03563-23 20237052__

204 (c) Prioritization of property insurers for which the
 205 office identifies significant concerns about an insurer's
 206 solvency pursuant to s. 627.7154.

207 (d) Any other conditions the office deems necessary for the
 208 protection of the public.

209 Section 5. Subsection (7) of section 624.3161, Florida
 210 Statutes, is amended, and subsection (8) is added to that
 211 section, to read:
 212 624.3161 Market conduct examinations.—
 213 (7) Notwithstanding subsection (1), any authorized insurer
 214 transacting property insurance business in this state must ~~may~~
 215 be subject to an additional market conduct examination after a
 216 hurricane if, at any time more than 90 days after the end of the
 217 hurricane, the insurer:

218 (a) Is among the top 20 percent of insurers based upon a
 219 calculation of the ratio of hurricane-related property insurance
 220 claims filed to the number of property insurance policies in
 221 force;

222 (b) Is among the top 20 percent of insurers based upon a
 223 calculation of the ratio of consumer complaints made to the
 224 department to hurricane-related claims;

225 (c) Has made significant payments to its managing general
 226 agent since the hurricane; or

227 (d) Is identified by the office as necessitating a market
 228 conduct exam for any other reason.

229

230 All relevant criteria under this section and s. 624.316 shall be
 231 applied to the market conduct examination under this subsection.
 232 Such an examination must be initiated within 18 months after the

597-03563-23

20237052__

233 landfall of a hurricane that results in an executive order or a
 234 state of emergency issued by the Governor. This requirement does
 235 not limit in any way the authority of the office to conduct at
 236 any time a market conduct examination of a property insurer in
 237 the aftermath of a hurricane. An examination of an insurer under
 238 this subsection must also include an examination of its managing
 239 general agent as if it were the insurer.

240 (8) The office shall create, and the commission shall adopt
 241 by rule, a risk-based selection methodology for scheduling and
 242 conducting market conduct examinations of insurers and other
 243 entities regulated by the office. This requirement does not
 244 restrict the authority of the office to conduct market conduct
 245 examinations as often as it deems necessary. Under such
 246 selection methodology, the office must initiate a market conduct
 247 examination if any of the following conditions exist relating to
 248 an insurer or other entity regulated by the office:

249 (a) An insurance regulator in another state has initiated
 250 or taken regulatory action against the insurer or entity,
 251 including, but not limited to:

252 1. A licensure denial, suspension, or revocation;
 253 2. Imposition of administrative fines; or
 254 3. Issuance of a cease and desist order, consent order, or
 255 other order regarding actions or omissions of the insurer or
 256 entity.

257 (b) Given the insurer's market share in this state, the
 258 department or the office has received a disproportionate number
 259 of the following types of claims-handling complaints against the
 260 insurer:

261 1. Failure to timely communicate with respect to claims;

597-03563-23

20237052__

262 2. Failure to timely pay claims;

263 3. Untimely payments giving rise to the payment of
 264 statutory interest;

265 4. Failure to adjust and pay claims in accordance with the
 266 terms and conditions of the policy or contract and in compliance
 267 with state law;

268 5. Violations of the Unfair Insurance Trade Practices Act
 269 in part IX of chapter 626;

270 6. Failure to use licensed and duly appointed claims
 271 adjusters;

272 7. Failure to maintain reasonable claims records; or

273 8. Failure to adhere to the company's claims-handling
 274 manual.

275 (c) The results of a National Association of Insurance
 276 Commissioners Market Conduct Annual Statement indicate the
 277 insurer is a negative outlier with regard to particular metrics.

278 (d) There is evidence the insurer is engaged in a pattern
 279 or practice of violations of the Unfair Insurance Trade
 280 Practices Act.

281 (e) The insurer meets the criteria in subsection (7).

282 (f) Any other conditions the office deems necessary for the
 283 protection of the public.

284 Section 6. Section 624.4211, Florida Statutes, is amended
 285 to read:

286 624.4211 Administrative fine in lieu of suspension or
 287 revocation.—

288 (1) If the office finds that one or more grounds exist for
 289 the discretionary revocation or suspension of a certificate of
 290 authority issued under this chapter, the office may, in lieu of

597-03563-23

20237052__

291 such revocation or suspension, impose a fine upon the insurer.

292 (2) (a) With respect to a any nonwillful violation, such
293 fine may not exceed:

294 1. Twenty-five thousand dollars per violation, up to an
295 aggregate amount of \$100,000 for all nonwillful violations
296 arising out of the same action, related to a covered loss or
297 claim caused by an emergency for which the Governor declared a
298 state of emergency pursuant to s. 252.36.

299 2. Twelve thousand five hundred dollars \$5,000 per
300 violation, up to. In no event shall such fine exceed an
301 aggregate amount of \$50,000 \$20,000 for all other nonwillful
302 violations arising out of the same action.

303 (b) If an insurer discovers a nonwillful violation, the
304 insurer shall correct the violation and, if restitution is due,
305 make restitution to all affected persons. Such restitution shall
306 include interest at 12 percent per year from either the date of
307 the violation or the date of inception of the affected person's
308 policy, at the insurer's option. The restitution may be a credit
309 against future premiums due provided that interest accumulates
310 until the premiums are due. If the amount of restitution due to
311 any person is \$50 or more and the insurer wishes to credit it
312 against future premiums, it shall notify such person that she or
313 he may receive a check instead of a credit. If the credit is on
314 a policy that is not renewed, the insurer shall pay the
315 restitution to the person to whom it is due.

316 (3) (a) With respect to a any knowing and willful violation
317 of a lawful order or rule of the office or commission or a
318 provision of this code, the office may impose a fine upon the
319 insurer in an amount not to exceed:

Page 11 of 46

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597-03563-23

20237052__

320 1. Two hundred thousand dollars for each such violation, up
321 to an aggregate amount of \$1 million for all knowing and willful
322 violations arising out of the same action, related to a covered
323 loss or claim caused by an emergency for which the Governor
324 declared a state of emergency pursuant to s. 252.36.

325 2. One hundred thousand dollars \$40,000 for each such
326 violation, up to. In no event shall such fine exceed an
327 aggregate amount of \$500,000 \$200,000 for all other knowing and
328 willful violations arising out of the same action.

329 (b) In addition to such fines, the insurer shall make
330 restitution when due in accordance with subsection (2).

331 (4) The failure of an insurer to make restitution when due
332 as required under this section constitutes a willful violation
333 of this code. However, if an insurer in good faith is uncertain
334 as to whether any restitution is due or as to the amount of such
335 restitution, it shall promptly notify the office of the
336 circumstances; and the failure to make restitution pending a
337 determination thereof shall not constitute a violation of this
338 code.

339 Section 7. Subsection (13) of section 624.424, Florida
340 Statutes, is amended to read:

341 624.424 Annual statement and other information.—

342 (13) (a) Each insurer doing business in this state which
343 pays a fee, commission, or other financial consideration or
344 payment to any affiliate directly or indirectly must be required
345 upon request to provide to the office documentation supporting
346 that such any information the office deems necessary. The fee,
347 commission, or other financial consideration or payment to any
348 affiliate is ~~must be~~ fair and reasonable for each service being

Page 12 of 46

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597-03563-23 20237052__

349 provided by contract. In determining whether the fee,
 350 commission, or other financial consideration or payment is fair
 351 and reasonable, the office shall consider, at a minimum, the
 352 following:

353 1. The actual cost of each service provided by an
 354 affiliate;

355 2. The cost of that service, if provided by a nonaffiliate;
 356 3. The relative financial condition of the insurer and of
 357 the managing general agent;

358 4. The level of holding company debt and how that debt is
 359 serviced;

360 5. The amount of dividends paid by the managing general
 361 agent and for what purpose; and

362 6. Whether the terms of the written contract benefit the
 363 insurer and are in the best interest of policyholders.

364 (b) For each agreement with an affiliate in force on July
 365 1, 2023, each insurer shall provide to the office no later than
 366 October 1, 2023, the cost incurred by the affiliate to provide
 367 each service, the amount charged to the insurer for each
 368 service, and the dollar amount of fees forgiven, waived, or
 369 reimbursed by the affiliate for the two most recent preceding
 370 years. If the total dollar amount charged to the insurer was
 371 greater than the total cost to provide services for either year,
 372 the insurer must explain how it determined the fee was fair and
 373 reasonable. For any proposed contract with an affiliate
 374 effective after July 1, 2023, the insurer may include a proposal
 375 for the same services by an unaffiliated third party to support
 376 that the fee, commission, or other financial consideration or
 377 payment to the affiliate is fair and reasonable among other

597-03563-23 20237052__

378 ~~things, the actual cost of the service being provided.~~
 379 Section 8. Section 624.4301, Florida Statutes, is created
 380 to read:

381 624.4301 Notice of temporary discontinuance of writing new
 382 policies.—Any insurer, before temporarily suspending writing new
 383 policies in this state, must give written notice to the office
 384 of the insurer’s reasons for such action, the effective dates of
 385 the temporary suspension, and the proposed communication to its
 386 agents. The insurer shall submit such notice to the office the
 387 earlier of 20 business days before the effective date of the
 388 temporary suspension of writing or 5 business days before
 389 notifying its agents of the temporary suspension of writing. The
 390 insurer must provide any other information requested by the
 391 office related to the insurer’s temporary suspension of writing.

392 Section 9. Paragraph (c) of subsection (3) of section
 393 626.207, Florida Statutes, is amended to read:

394 626.207 Disqualification of applicants and licensees;
 395 penalties against licensees; rulemaking authority.—

396 (3) An applicant who has been found guilty of or has
 397 pleaded guilty or nolo contendere to a crime not included in
 398 subsection (2), regardless of adjudication, is subject to:

399 (c) A 7-year disqualifying period for all misdemeanors
 400 directly related to the financial services business or any
 401 violation of the Florida Insurance Code.

402 Section 10. Subsections (2) and (3) of section 626.9521,
 403 Florida Statutes, are amended to read:

404 626.9521 Unfair methods of competition and unfair or
 405 deceptive acts or practices prohibited; penalties.—

406 (2) Except as provided in subsection (3), any person who

597-03563-23

20237052__

407 violates any provision of this part is subject to a fine in an
 408 amount not greater than \$12,500 ~~\$5,000~~ for each nonwillful
 409 violation and not greater than \$100,000 ~~\$40,000~~ for each willful
 410 violation. Fines under this subsection imposed against an
 411 insurer may not exceed an aggregate amount of \$50,000 ~~\$20,000~~
 412 for all nonwillful violations arising out of the same action or
 413 an aggregate amount of \$500,000 ~~\$200,000~~ for all willful
 414 violations arising out of the same action. The fines may be
 415 imposed in addition to any other applicable penalty.

416 (3) (a) If a person violates s. 626.9541(1) (l), the offense
 417 known as "twisting," or violates s. 626.9541(1) (aa), the offense
 418 known as "churning," the person commits a misdemeanor of the
 419 first degree, punishable as provided in s. 775.082, and an
 420 administrative fine not greater than \$12,500 ~~\$5,000~~ shall be
 421 imposed for each nonwillful violation or an administrative fine
 422 not greater than \$187,500 ~~\$75,000~~ shall be imposed for each
 423 willful violation. To impose an administrative fine for a
 424 willful violation under this paragraph, the practice of
 425 "churning" or "twisting" must involve fraudulent conduct.

426 (b) If a person violates s. 626.9541(1) (ee) by willfully
 427 submitting fraudulent signatures on an application or policy-
 428 related document, the person commits a felony of the third
 429 degree, punishable as provided in s. 775.082, and an
 430 administrative fine not greater than \$12,500 ~~\$5,000~~ shall be
 431 imposed for each nonwillful violation or an administrative fine
 432 not greater than \$187,500 ~~\$75,000~~ shall be imposed for each
 433 willful violation.

434 (c) If a person violates any provision of this part and
 435 such violation is related to a covered loss or covered claim

Page 15 of 46

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597-03563-23

20237052__

436 caused by an emergency for which the Governor declared a state
 437 of emergency pursuant to s. 252.36, such person is subject to a
 438 fine in an amount not greater than \$25,000 for each nonwillful
 439 violation and not greater than \$200,000 for each willful
 440 violation. Fines under this paragraph imposed against an insurer
 441 may not exceed an aggregate amount of \$100,000 for all
 442 nonwillful violations arising out of the same action or an
 443 aggregate amount of \$1 million for all willful violations
 444 arising out of the same action.

445 (d) Administrative fines under paragraphs (a) and (b) this
 446 subsection may not exceed an aggregate amount of \$125,000
 447 \$50,000 for all nonwillful violations arising out of the same
 448 action or an aggregate amount of \$625,000 ~~\$250,000~~ for all
 449 willful violations arising out of the same action.

450 Section 11. Paragraphs (i) and (w) of subsection (1) of
 451 section 626.9541, Florida Statutes, are amended to read:

452 626.9541 Unfair methods of competition and unfair or
 453 deceptive acts or practices defined.—

454 (1) UNFAIR METHODS OF COMPETITION AND UNFAIR OR DECEPTIVE
 455 ACTS.—The following are defined as unfair methods of competition
 456 and unfair or deceptive acts or practices:

457 (i) *Unfair claim settlement practices.*—

458 1. Attempting to settle claims on the basis of an
 459 application, when serving as a binder or intended to become a
 460 part of the policy, or any other material document which was
 461 altered without notice to, or knowledge or consent of, the
 462 insured;

463 2. A material misrepresentation made to an insured or any
 464 other person having an interest in the proceeds payable under

Page 16 of 46

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597-03563-23

20237052__

465 such contract or policy, for the purpose and with the intent of
 466 effecting settlement of such claims, loss, or damage under such
 467 contract or policy on less favorable terms than those provided
 468 in, and contemplated by, such contract or policy;

469 3. Committing or performing with such frequency as to
 470 indicate a general business practice any of the following:

471 a. Failing to adopt and implement standards for the proper
 472 investigation of claims;

473 b. Misrepresenting pertinent facts or insurance policy
 474 provisions relating to coverages at issue;

475 c. Failing to acknowledge and act promptly upon
 476 communications with respect to claims;

477 d. Denying claims without conducting reasonable
 478 investigations based upon available information;

479 e. Failing to affirm or deny full or partial coverage of
 480 claims, and, as to partial coverage, the dollar amount or extent
 481 of coverage, or failing to provide a written statement that the
 482 claim is being investigated, upon the written request of the
 483 insured within 30 days after proof-of-loss statements have been
 484 completed;

485 f. Failing to promptly provide a reasonable explanation in
 486 writing to the insured of the basis in the insurance policy, in
 487 relation to the facts or applicable law, for denial of a claim
 488 or for the offer of a compromise settlement;

489 g. Failing to promptly notify the insured of any additional
 490 information necessary for the processing of a claim;

491 h. Failing to clearly explain the nature of the requested
 492 information and the reasons why such information is necessary;

493 ~~or~~

597-03563-23

20237052__

494 i. Failing to pay personal injury protection insurance
 495 claims within the time periods required by s. 627.736(4)(b). The
 496 office may order the insurer to pay restitution to a
 497 policyholder, medical provider, or other claimant, including
 498 interest at a rate consistent with the amount set forth in s.
 499 55.03(1), for the time period within which an insurer fails to
 500 pay claims as required by law. Restitution is in addition to any
 501 other penalties allowed by law, including, but not limited to,
 502 the suspension of the insurer's certificate of authority; or

503 j. Altering or amending an insurance adjuster's report
 504 without including on the report or as an addendum to the report
 505 a detailed list of all changes made to the report and the
 506 identity of the person who ordered each change. Any change that
 507 has the effect of reducing the estimate of the loss must include
 508 a detailed explanation why such change was made; or

509 4. Failing to pay undisputed amounts of partial or full
 510 benefits owed under first-party property insurance policies
 511 within 60 days after an insurer receives notice of a residential
 512 property insurance claim, determines the amounts of partial or
 513 full benefits, and agrees to coverage, unless payment of the
 514 undisputed benefits is prevented by factors beyond the control
 515 of the insurer as defined in s. 627.70131(5).

516 (w) *Soliciting or accepting new or renewal insurance risks*
 517 *or payment of certain bonuses by insolvent or impaired insurer*
 518 *prohibited; penalty.-*

519 1. Whether or not delinquency proceedings as to the insurer
 520 have been or are to be initiated, but while such insolvency or
 521 impairment exists, no director or officer of an insurer, except
 522 with the written permission of the office, shall authorize or

597-03563-23 20237052__

523 permit the insurer to solicit or accept new or renewal insurance
524 risks in this state after such director or officer knew, or
525 reasonably should have known, that the insurer was insolvent or
526 impaired.

527 2. Regardless of whether delinquency proceedings as to the
528 insurer have been or are to be initiated, but while such
529 insolvency or impairment exists, a director or an officer of an
530 impaired insurer may not authorize or permit the insurer to pay
531 a bonus to any officer or director of the insurer.

532 3. As used in this paragraph, the term:

533 a. "Bonus" means a payment, in addition to an officer's or
534 a director's usual compensation, that is in addition to any
535 amounts contracted for or otherwise legally due.

536 b. "Impaired" includes impairment of capital or surplus, as
537 defined in s. 631.011(12) and (13).

538 4.2- Any such director or officer, upon conviction of a
539 violation of this paragraph, commits is guilty of a felony of
540 the third degree, punishable as provided in s. 775.082, s.
541 775.083, or s. 775.084.

542 Section 12. Section 626.9743, Florida Statutes, is amended
543 to read:

544 626.9743 Claim settlement practices relating to motor
545 vehicle insurance.-

546 (1) This section shall apply to the adjustment and
547 settlement of first- and third-party personal and commercial
548 motor vehicle insurance claims.

549 (2) (a) Upon an insurer's receiving a communication with
550 respect to a claim, the insurer shall within 7 calendar days
551 review and acknowledge receipt of such communication unless

597-03563-23 20237052__

552 payment is made within that period of time or unless the failure
553 to acknowledge is caused by factors beyond the control of the
554 insurer. If the acknowledgment is not in writing, a notification
555 indicating acknowledgement must be made in the insurer's claim
556 file and dated. A communication made to or by a representative
557 of an insurer with respect to a claim constitutes communication
558 to or by the insurer.

559 (b) Such acknowledgment must be responsive to the
560 communication. If the communication constitutes notification of
561 a claim, unless the acknowledgment reasonably advises the
562 claimant that the claim appears not to be covered by the
563 insurer, the acknowledgment must provide necessary claim forms
564 and instructions, including an appropriate telephone number.

565 (3) (a) Unless otherwise provided by the policy of insurance
566 or by law, within 7 days after an insurer receives proof-of-loss
567 statements, the insurer shall begin such investigation as is
568 reasonably necessary unless the failure to begin such
569 investigation is caused by factors beyond the control of the
570 insurer.

571 (b) If such investigation involves a physical inspection of
572 the motor vehicle, the licensed adjuster assigned by the insurer
573 must provide the policyholder with a printed or electronic
574 document containing his or her name and state adjuster license
575 number. An insurer must conduct any such physical inspection
576 within 7 days after its receipt of the proof-of-loss statements.

577 (c) Any subsequent communication with the policyholder
578 regarding the claim must also include the name and license
579 number of the adjuster communicating about the claim.
580 Communication of the adjuster's name and license number may be

597-03563-23

20237052__

581 included with other information provided to the policyholder.
 582 (d) An insurer may use electronic methods to investigate
 583 the loss. Such electronic methods may include any method that
 584 provides the insurer with clear color pictures or video
 585 documenting the loss, including, but not limited to, electronic
 586 photographs or video recordings of the loss and video
 587 conferencing between the adjuster and the policyholder which
 588 includes video recording of the loss. The insurer may also allow
 589 the policyholder to use such methods to assist in the
 590 investigation of the loss. An insurer may void the insurance
 591 policy if the policyholder or any other person at the direction
 592 of the policyholder, with intent to injure, defraud, or deceive
 593 any insurer, commits insurance fraud by providing false,
 594 incomplete, or misleading information concerning any fact or
 595 thing material to a claim using electronic methods. The use of
 596 electronic methods to investigate the loss does not prohibit an
 597 insurer from assigning a licensed adjuster to physically inspect
 598 the motor vehicle.
 599 (e) The insurer must send the policyholder a copy of any
 600 detailed estimate of the amount of the loss within 7 days after
 601 the estimate is generated by the insurer's adjuster. This
 602 paragraph does not require that an insurer create a detailed
 603 estimate of the amount of the loss if such estimate is not
 604 reasonably necessary as part of the claim investigation.
 605 (4) An insurer shall maintain:
 606 (a) A record or log of each adjuster who communicates with
 607 the policyholder as provided in paragraphs (3) (b) and (c) and
 608 provide a list of such adjusters to the insured, the office, or
 609 the department upon request.

Page 21 of 46

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597-03563-23

20237052__

610 (b) Claim records, including dates of:
 611 1. Any claim-related communication made between the insurer
 612 and the policyholder or the policyholder's representative;
 613 2. The insurer's receipt of the policyholder's proof of
 614 loss statement;
 615 3. Any claim-related request for information made by the
 616 insurer to the policyholder or the policyholder's
 617 representative;
 618 4. Any claim-related inspections of the property made by
 619 the insurer, including physical inspections and inspections made
 620 by electronic means;
 621 5. Any detailed estimate of the amount of the loss
 622 generated by the insurer's adjuster;
 623 6. The beginning and end of any tolling period provided for
 624 in subsection (8); and
 625 7. The insurer's payment or denial of the claim.
 626 (5) For purposes of this section, the term:
 627 (a) "Factors beyond the control of the insurer" means:
 628 1. Any of the following events which is the basis for the
 629 office issuing an order finding that such event renders all or
 630 specified residential property insurers reasonably unable to
 631 meet the requirements of this section in specified locations,
 632 and ordering that such insurer or insurers may have additional
 633 time as specified by the office to comply with the requirements
 634 of this section: a state of emergency declared by the Governor
 635 under s. 252.36, a breach of security that must be reported
 636 under s. 501.171(3), or an information technology issue. The
 637 office may not extend the period for payment or denial of a
 638 claim for more than 30 additional days.

Page 22 of 46

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597-03563-23

20237052__

639 2. Actions by the policyholder or the policyholder's
 640 representative which constitute fraud, lack of cooperation, or
 641 intentional misrepresentation regarding the claim for which
 642 benefits are owed when such actions reasonably prevent the
 643 insurer from complying with any requirement of this section.

644 (b) "Insurer" means any motor vehicle insurer.

645 (6) (a) When providing a preliminary or partial estimate of
 646 damage regarding a claim, an insurer shall include with the
 647 estimate the following statement printed in at least 12-point
 648 bold, uppercase type: "THIS ESTIMATE REPRESENTS OUR CURRENT
 649 EVALUATION OF THE COVERED DAMAGES TO YOUR INSURED PROPERTY AND
 650 MAY BE REVISED AS WE CONTINUE TO EVALUATE YOUR CLAIM. IF YOU
 651 HAVE QUESTIONS, CONCERNS, OR ADDITIONAL INFORMATION REGARDING
 652 YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT US."

653 (b) When providing a payment on a claim which is not the
 654 full and final payment for the claim, an insurer shall include
 655 with the payment the following statement printed in at least 12-
 656 point bold, uppercase type: "WE ARE CONTINUING TO EVALUATE YOUR
 657 CLAIM INVOLVING YOUR INSURED PROPERTY AND MAY ISSUE ADDITIONAL
 658 PAYMENTS. IF YOU HAVE QUESTIONS, CONCERNS, OR ADDITIONAL
 659 INFORMATION REGARDING YOUR CLAIM, WE ENCOURAGE YOU TO CONTACT
 660 US."

661 (7) Within 60 days after an insurer receives notice of an
 662 initial or supplemental motor vehicle claim from a first- or
 663 third-party claimant, the insurer shall pay or deny such claim
 664 or a portion of the claim unless the failure to pay is caused by
 665 factors beyond the control of the insurer. The insurer shall
 666 provide a reasonable explanation in writing to the policyholder
 667 of the basis in the insurance policy, in relation to the facts

Page 23 of 46

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597-03563-23

20237052__

668 or applicable law, for the payment, denial, or partial denial of
 669 a claim. If the insurer's claim payment is less than specified
 670 in any insurer's detailed estimate of the amount of the loss,
 671 the insurer must provide a reasonable explanation in writing of
 672 the difference to the policyholder. Any payment of an initial or
 673 supplemental claim or portion of such claim made 60 days after
 674 the insurer receives notice of the claim, or made after the
 675 expiration of any additional timeframe provided to pay or deny a
 676 claim or a portion of a claim made pursuant to an order of the
 677 office finding factors beyond the control of the insurer,
 678 whichever is later, bears interest at the rate set forth in s.
 679 55.03. Interest begins to accrue from the date the insurer
 680 receives notice of the claim. This subsection may not be waived,
 681 voided, or nullified by the terms of the insurance policy. If
 682 there is a right to prejudgment interest, the insured must
 683 select whether to receive prejudgment interest or interest under
 684 this subsection. Interest is payable when the claim or portion
 685 of the claim is paid. Failure to comply with this subsection
 686 constitutes a violation of this code. However, failure to comply
 687 with this subsection does not form the sole basis for a private
 688 cause of action.

689 (8) The requirements of this section are tolled:

690 (a) During the pendency of any mediation proceeding under
 691 s. 627.745 or any alternative dispute resolution proceeding
 692 provided for in the insurance contract. The tolling period ends
 693 upon the end of the mediation or alternative dispute resolution
 694 proceeding.

695 (b) Upon the failure of a policyholder or a representative
 696 of the policyholder to provide material claims information

Page 24 of 46

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597-03563-23 20237052__
 697 requested by the insurer within 10 days after the request was
 698 received. The tolling period ends upon the insurer's receipt of
 699 the requested information. Tolling under this paragraph applies
 700 only to requests sent by the insurer to the policyholder or a
 701 representative of the policyholder at least 15 days before the
 702 insurer is required to pay or deny the claim or a portion of the
 703 claim under subsection (7).

704 (9) This section also applies to surplus lines insurers and
 705 surplus lines insurance authorized under ss. 626.913-626.937
 706 providing motor vehicle coverage.

707 (10)-(2) An insurer may not, when liability and damages owed
 708 under the policy are reasonably clear, recommend that a third-
 709 party claimant make a claim under his or her own policy solely
 710 to avoid paying the claim under the policy issued by that
 711 insurer. However, the insurer may identify options to a third-
 712 party claimant relative to the repair of his or her vehicle.

713 (11)-(3) An insurer that elects to repair a motor vehicle
 714 and specifically requires a particular repair shop for vehicle
 715 repairs shall cause the damaged vehicle to be restored to its
 716 physical condition as to performance and appearance immediately
 717 prior to the loss at no additional cost to the insured or third-
 718 party claimant other than as stated in the policy.

719 (12)-(4) An insurer may not require the use of replacement
 720 parts in the repair of a motor vehicle which are not at least
 721 equivalent in kind and quality to the damaged parts prior to the
 722 loss in terms of fit, appearance, and performance.

723 (13)-(5) When the insurance policy provides for the
 724 adjustment and settlement of first-party motor vehicle total
 725 losses on the basis of actual cash value or replacement with

597-03563-23 20237052__
 726 another of like kind and quality, the insurer shall use one of
 727 the following methods:

728 (a) The insurer may elect a cash settlement based upon the
 729 actual cost to purchase a comparable motor vehicle, including
 730 sales tax, if applicable pursuant to subsection (17) (9). Such
 731 cost may be derived from:

732 1. When comparable motor vehicles are available in the
 733 local market area, the cost of two or more such comparable motor
 734 vehicles available within the preceding 90 days;

735 2. The retail cost as determined from a generally
 736 recognized used motor vehicle industry source such as:

737 a. An electronic database if the pertinent portions of the
 738 valuation documents generated by the database are provided by
 739 the insurer to the first-party insured upon request; or

740 b. A guidebook that is generally available to the general
 741 public if the insurer identifies the guidebook used as the basis
 742 for the retail cost to the first-party insured upon request; or

743 3. The retail cost using two or more quotations obtained by
 744 the insurer from two or more licensed dealers in the local
 745 market area.

746 (b) The insurer may elect to offer a replacement motor
 747 vehicle that is a specified comparable motor vehicle available
 748 to the insured, including sales tax if applicable pursuant to
 749 subsection (17) (9), paid for by the insurer at no cost other
 750 than any deductible provided in the policy and betterment as
 751 provided in subsection (14) (6). The offer must be documented in
 752 the insurer's claim file. For purposes of this subsection, a
 753 comparable motor vehicle is one that is made by the same
 754 manufacturer, of the same or newer model year, and of similar

597-03563-23

20237052__

755 body type and that has similar options and mileage as the
 756 insured vehicle. Additionally, a comparable motor vehicle must
 757 be in as good or better overall condition than the insured
 758 vehicle and available for inspection within a reasonable
 759 distance of the insured's residence.

760 (c) When a motor vehicle total loss is adjusted or settled
 761 on a basis that varies from the methods described in paragraph
 762 (a) or paragraph (b), the determination of value must be
 763 supported by documentation, and any deductions from value must
 764 be itemized and specified in appropriate dollar amounts. The
 765 basis for such settlement shall be explained to the claimant in
 766 writing, if requested, and a copy of the explanation shall be
 767 retained in the insurer's claim file.

768 (d) Any other method agreed to by the claimant.

769 (14)~~(6)~~ When the amount offered in settlement reflects a
 770 reduction by the insurer because of betterment or depreciation,
 771 information pertaining to the reduction shall be maintained with
 772 the insurer's claim file. Deductions shall be itemized and
 773 specific as to dollar amount and shall accurately reflect the
 774 value assigned to the betterment or depreciation. The basis for
 775 any deduction shall be explained to the claimant in writing, if
 776 requested, and a copy of the explanation shall be maintained
 777 with the insurer's claim file.

778 (15)~~(7)~~ Every insurer shall, if partial losses are settled
 779 on the basis of a written estimate prepared by or for the
 780 insurer, supply the insured a copy of the estimate upon which
 781 the settlement is based.

782 (16)~~(8)~~ Every insurer shall provide notice to an insured
 783 before termination of payment for previously authorized storage

597-03563-23

20237052__

784 charges, and the notice shall provide 72 hours for the insured
 785 to remove the vehicle from storage before terminating payment of
 786 the storage charges.

787 (17)~~(9)~~ If sales tax will necessarily be incurred by a
 788 claimant upon replacement of a total loss or upon repair of a
 789 partial loss, the insurer may defer payment of the sales tax
 790 unless and until the obligation has actually been incurred.

791 (18)~~(10)~~ Nothing in this section shall be construed to
 792 authorize or preclude enforcement of policy provisions relating
 793 to settlement disputes.

794 Section 13. Subsection (6) of section 626.989, Florida
 795 Statutes, is amended, and subsection (10) is added to that
 796 section, to read:

797 626.989 Investigation by department or Division of
 798 Investigative and Forensic Services; compliance; immunity;
 799 confidential information; reports to division; division
 800 investigator's power of arrest.—

801 (6) (a) Any person, other than an insurer, agent, or other
 802 person licensed under the code, or an employee thereof, having
 803 knowledge or who believes that a fraudulent insurance act or any
 804 other act or practice which, upon conviction, constitutes a
 805 felony or a misdemeanor under the code, or under s. 817.234, is
 806 being or has been committed may send to the Division of
 807 Investigative and Forensic Services a report or information
 808 pertinent to such knowledge or belief and such additional
 809 information relative thereto as the department may request. Any
 810 professional practitioner licensed or regulated by the
 811 Department of Business and Professional Regulation, except as
 812 otherwise provided by law, any medical review committee as

597-03563-23 20237052__

813 defined in s. 766.101, any private medical review committee, and
 814 any insurer, agent, or other person licensed under the code, or
 815 an employee thereof, having knowledge or who believes that a
 816 fraudulent insurance act or any other act or practice which,
 817 upon conviction, constitutes a felony or a misdemeanor under the
 818 code, or under s. 817.234, is being or has been committed shall
 819 send to the Division of Investigative and Forensic Services a
 820 report or information pertinent to such knowledge or belief and
 821 such additional information relative thereto as the department
 822 may require.

823 (b) The Division of Investigative and Forensic Services
 824 shall review such information or reports and select such
 825 information or reports as, in its judgment, may require further
 826 investigation. It shall then cause an independent examination of
 827 the facts surrounding such information or report to be made to
 828 determine the extent, if any, to which a fraudulent insurance
 829 act or any other act or practice which, upon conviction,
 830 constitutes a felony or a misdemeanor under the code, or under
 831 s. 817.234, is being committed.

832 (c) The Division of Investigative and Forensic Services
 833 shall report any alleged violations of law which its
 834 investigations disclose to the appropriate licensing agency and
 835 state attorney or other prosecuting agency having jurisdiction,
 836 including, but not limited to, the statewide prosecutor for
 837 crimes that impact two or more judicial circuits in this state,
 838 with respect to any such violation, as provided in s. 624.310.
 839 If prosecution by the state attorney or other prosecuting agency
 840 having jurisdiction with respect to such violation is not begun
 841 within 60 days of the division's report, the state attorney or

597-03563-23 20237052__

842 other prosecuting agency having jurisdiction with respect to
 843 such violation shall inform the division of the reasons for the
 844 lack of prosecution.

845 (10) The Division of Investigative and Forensic Services
 846 Bureau of Insurance Fraud shall prepare and submit a performance
 847 report to the President of the Senate and the Speaker of the
 848 House of Representatives by January 1 of each year. The annual
 849 report must include, but need not be limited to:

850 (a) The total number of initial referrals received, cases
 851 opened, cases presented for prosecution, cases closed, and
 852 convictions resulting from cases presented for prosecution by
 853 the Bureau of Insurance Fraud, by type of insurance fraud and
 854 circuit.

855 (b) The number of referrals received from insurers, the
 856 office, and the Division of Consumer Services of the department,
 857 and the outcome of those referrals.

858 (c) The number of investigations undertaken by the Bureau
 859 of Insurance Fraud which were not the result of a referral from
 860 an insurer and the outcome of those referrals.

861 (d) The number of investigations that resulted in a
 862 referral to a regulatory agency and the disposition of those
 863 referrals.

864 (e) The number of cases presented by the Bureau of
 865 Insurance Fraud which local prosecutors or the statewide
 866 prosecutor declined to prosecute and the reasons provided for
 867 declining prosecution.

868 (f) A summary of the annual report required under s.
 869 626.9896.

870 (g) The total number of employees assigned to the Bureau of

597-03563-23 20237052__

871 Insurance Fraud, delineated by location of staff assigned; and
 872 the number and location of employees assigned to the Bureau of
 873 Insurance Fraud who were assigned to work other types of fraud
 874 cases.

875 (h) The average caseload and turnaround time by type of
 876 case for each investigator.

877 (i) The training provided during the year to insurance
 878 fraud investigators.

879 Section 14. Subsections (1), (3), and (4) of section
 880 627.0629, Florida Statutes, are amended to read:

881 627.0629 Residential property insurance; rate filings.—

882 (1) It is the intent of the Legislature that insurers
 883 provide savings to consumers who install or implement windstorm
 884 damage mitigation techniques, alterations, or solutions to their
 885 properties to prevent windstorm losses. A rate filing for
 886 residential property insurance must include actuarially
 887 reasonable discounts, credits, or other rate differentials, or
 888 appropriate reductions in deductibles, for properties on which
 889 fixtures or construction techniques demonstrated to reduce the
 890 amount of loss in a windstorm have been installed or
 891 implemented. The fixtures or construction techniques must
 892 include, but are not limited to, fixtures or construction
 893 techniques that enhance roof strength, roof covering
 894 performance, roof-to-wall strength, wall-to-floor-to-foundation
 895 strength, opening protection, and window, door, and skylight
 896 strength. Credits, discounts, or other rate differentials, or
 897 appropriate reductions in deductibles, for fixtures and
 898 construction techniques that meet the minimum requirements of
 899 the Florida Building Code must be included in the rate filing.

Page 31 of 46

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597-03563-23 20237052__

900 The office shall determine the discounts, credits, other rate
 901 differentials, and appropriate reductions in deductibles that
 902 reflect the full actuarial value of such reevaluation, which may
 903 be used by insurers in rate filings. Effective July 1, 2023,
 904 each insurer subject to the requirements of this section must
 905 provide information on the insurer's website describing the
 906 hurricane mitigation discounts available to policyholders. Such
 907 information must be accessible on, or through a hyperlink
 908 located on, the home page of the insurer's website or the
 909 primary page of the insurer's website for property insurance
 910 policyholders or applicants for such coverage in this state. On
 911 or before January 1, 2025, and every 5 years thereafter, the
 912 office shall reevaluate and update the fixtures or construction
 913 techniques demonstrated to reduce the amount of loss in a
 914 windstorm and the discounts, credits, other rate differentials,
 915 and appropriate reductions in deductibles that reflect the full
 916 actuarial value of such fixtures or construction techniques. The
 917 office shall adopt rules and forms necessitated by such
 918 reevaluation.

919 (3) A rate filing ~~made on or after July 1, 1995,~~ for mobile
 920 home owner insurance must include appropriate discounts,
 921 credits, or other rate differentials for mobile homes
 922 constructed to comply with American Society of Civil Engineers
 923 Standard ANSI/ASCE 7-88, adopted by the United States Department
 924 of Housing and Urban Development on July 13, 1994, and that also
 925 comply with all applicable tie-down requirements provided by
 926 state law.

927 (4) The Legislature finds that separate consideration and
 928 notice of hurricane insurance premiums will assist consumers by

Page 32 of 46

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597-03563-23 20237052__

929 providing greater assurance that hurricane premiums are lawful
 930 and by providing more complete information regarding the
 931 components of property insurance premiums. ~~Effective January 1,~~
 932 ~~1997,~~ A rate filing for residential property insurance shall be
 933 separated into two components, rates for hurricane coverage and
 934 rates for all other coverages. A premium notice reflecting a
 935 rate implemented on the basis of such a filing shall separately
 936 indicate the premium for hurricane coverage and the premium for
 937 all other coverages.

938 Section 15. Paragraph (11) is added to subsection (6) of
 939 section 627.351, Florida Statutes, to read:

940 627.351 Insurance risk apportionment plans.—
 941 (6) CITIZENS PROPERTY INSURANCE CORPORATION.—
 942 (11) The corporation may not determine that a risk is
 943 ineligible for coverage with the corporation solely because such
 944 risk has unrepaired damage caused by a covered loss that is the
 945 subject of a claim that has been filed with the Florida
 946 Insurance Guaranty Association.

947 Section 16. Subsection (4) of section 627.410, Florida
 948 Statutes, is amended to read:

949 627.410 Filing, approval of forms.—
 950 (4) The office may, by order, exempt from the requirements
 951 of this section for so long as it deems proper any insurance
 952 document or form or type thereof as specified in such order, to
 953 which, in its opinion, this section may not practicably be
 954 applied, or the filing and approval of which are, in its
 955 opinion, not desirable or necessary for the protection of the
 956 public. The office may not exempt from the requirements of this
 957 section the insurance documents or forms of any insurer, against

597-03563-23 20237052__

958 whom the office enters a final order determining that such
 959 insurer violated any provision of this code, for a period of 36
 960 months after the date of such order.

961 Section 17. Section 627.4108, Florida Statutes, is created
 962 to read:

963 627.4108 Submission of claims-handling manuals;
 964 attestation.—

965 (1) This section is intended to ensure that insurers are
 966 able to properly handle insurance claims, particularly during
 967 natural disasters, catastrophes, and other emergencies.

968 (2) Each authorized insurer and eligible surplus lines
 969 insurer conducting business in this state shall submit any and
 970 all claims-handling manuals to the office:

971 (a) On or before August 1, 2023;
 972 (b) Annually thereafter, on or before May 1 of each
 973 calendar year; and

974 (c) Within 30 days after any updates or amendments to such
 975 manual.

976 (3) The insurer shall include with each such submission an
 977 attestation on a form prescribed by the commission, stating
 978 that:

979 (a) The insurer's claims-handling manual complies with the
 980 requirements of this code and comports to usual and customary
 981 industry claims-handling practices; and

982 (b) The insurer maintains adequate resources available to
 983 implement the requirements of its claims-handling manual at all
 984 times, including during extreme catastrophic events.

985 (4) The office may, as often as it deems necessary, conduct
 986 market conduct examinations under s. 624.3161 of insurers to

597-03563-23

20237052__

987 ensure compliance with this section.

988 (5) The commission is authorized, and all conditions are
 989 deemed met, to adopt emergency rules under s. 120.54(4), for the
 990 purpose of implementing this section. Notwithstanding any other
 991 law, emergency rules adopted under this section are effective
 992 for 6 months after adoption and may be renewed during the
 993 pendency of procedures to adopt permanent rules addressing the
 994 subject of the emergency rules.

995 Section 18. Paragraph (d) of subsection (2) of section
 996 627.4133, Florida Statutes, is amended to read:

997 627.4133 Notice of cancellation, nonrenewal, or renewal
 998 premium.—

999 (2) With respect to any personal lines or commercial
 1000 residential property insurance policy, including, but not
 1001 limited to, any homeowner, mobile home owner, farmowner,
 1002 condominium association, condominium unit owner, apartment
 1003 building, or other policy covering a residential structure or
 1004 its contents:

1005 ~~(d)1. Upon a declaration of an emergency pursuant to s.~~
 1006 ~~252.36 and the filing of an order by the Commissioner of~~

1007 Insurance Regulation, An authorized insurer or surplus lines
 1008 insurer may not cancel or nonrenew a personal residential or
 1009 commercial residential property insurance policy covering a
 1010 dwelling or residential property located in this state:

1011 a. For a period of 90 days after the dwelling or
 1012 residential property has been repaired, if such property which
 1013 has been damaged as a result of a hurricane or wind loss that is
 1014 the subject of the declaration of emergency pursuant to s.
 1015 252.36 and the filing of an order by the Commissioner of

Page 35 of 46

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597-03563-23

20237052__

1016 ~~Insurance Regulation for a period of 90 days after the dwelling~~
 1017 ~~or residential property has been repaired. A structure is deemed~~
 1018 ~~to be repaired when substantially completed and restored to the~~
 1019 ~~extent that it is insurable by another authorized insurer that~~
 1020 ~~is writing policies in this state.~~

1021 b. Until the dwelling or residential property has been
 1022 repaired, if such property was damaged by any covered peril and
 1023 the provisions of sub-subparagraph a. do not apply.

1024 2. However, an insurer or agent may cancel or nonrenew such
 1025 a policy prior to the repair of the dwelling or residential
 1026 property:

1027 a. Upon 10 days' notice for nonpayment of premium; or
 1028 b. Upon 45 days' notice:

1029 (I) For a material misstatement or fraud related to the
 1030 claim;

1031 (II) If the insurer determines that the insured has
 1032 unreasonably caused a delay in the repair of the dwelling; or

1033 (III) If the insurer has paid policy limits.

1034 3. If the insurer elects to nonrenew a policy covering a
 1035 property that has been damaged, the insurer shall provide at
 1036 least 90 days' notice to the insured that the insurer intends to
 1037 nonrenew the policy 90 days after the dwelling or residential
 1038 property has been repaired. Nothing in this paragraph shall
 1039 prevent the insurer from canceling or nonrenewing the policy 90
 1040 days after the repairs are complete for the same reasons the
 1041 insurer would otherwise have canceled or nonrenewed the policy
 1042 but for the limitations of subparagraph 1. The Financial
 1043 Services Commission may adopt rules, and the Commissioner of
 1044 Insurance Regulation may issue orders, necessary to implement

Page 36 of 46

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597-03563-23

20237052__

1045 this paragraph.

1046 4. This paragraph shall also apply to personal residential
1047 and commercial residential policies covering property that was
1048 damaged as the result of Hurricane Ian or Hurricane Nicole
1049 ~~Tropical Storm Bonnie, Hurricane Charley, Hurricane Frances,~~
1050 ~~Hurricane Ivan, or Hurricane Jeanne.~~

1051 5. For purposes of this paragraph:

1052 a. A structure is deemed to be repaired when substantially
1053 completed and restored to the extent that it is insurable by
1054 another authorized insurer writing policies in this state.

1055 b. "Insurer" means an authorized insurer or an eligible
1056 surplus lines insurer.

1057 Section 19. Subsection (3) is added to section 627.426,
1058 Florida Statutes, to read:

1059 627.426 Claims administration.—

1060 (3) (a) The office shall ensure that each liability insurer,
1061 upon receiving actual notice of an incident or a loss that could
1062 give rise to a covered liability claim under an insurance
1063 policy:

1064 1. Assigns a duly licensed and appointed insurance adjuster
1065 to investigate the extent of the insured's probable exposure and
1066 diligently attempts to resolve any questions concerning the
1067 existence or extent of the insured's coverage.

1068 2. Based on available information, ethically evaluates
1069 every claim fairly, honestly, and with due regard for the
1070 interests of the insured; considers the extent of the claimant's
1071 recoverable damages; and considers the information in a
1072 reasonable and prudent manner.

1073 3. Requests from the insured or claimant additional

Page 37 of 46

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597-03563-23

20237052__

1074 relevant information the insurer reasonably deems necessary to
1075 evaluate whether to settle a claim.

1076 4. Conducts all oral and written communications with the
1077 insured with the utmost honesty and complete candor.

1078 5. Makes reasonable efforts to explain to persons not
1079 represented by counsel matters requiring expertise beyond the
1080 level normally expected of a layperson with no training in
1081 insurance or claims-handling issues.

1082 6. Retains all written communications and notes and retains
1083 a summary of all verbal communications in a reasonable manner
1084 for a period of not less than 5 years after the later of the
1085 entry of a judgment against the insured in excess of policy
1086 limits becomes final or the conclusion of the extracontractual
1087 claim, if any, including any related appeals.

1088 7. Provides the insured, upon request, with all
1089 communications related to the insurer's handling of the claim
1090 which are not privileged as to the insured.

1091 8. Provides, at the insurer's expense, reasonable
1092 accommodations necessary to communicate effectively with an
1093 insured covered under the Americans with Disabilities Act.

1094 9. In handling third-party claims, communicates to an
1095 insured all of the following:

1096 a. The identity of any other person or entity the insurer
1097 has reason to believe may be liable.

1098 b. The insurer's evaluation of the claim.

1099 c. The likelihood and possible extent of an excess
1100 judgment.

1101 d. Steps the insured can take to avoid exposure to an
1102 excess judgment, including the right to secure personal counsel

Page 38 of 46

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597-03563-23

20237052__

1103 at the insured's expense.

1104 e. The insured's duty to cooperate with the insurer,
 1105 including any specific requests required because of a settlement
 1106 opportunity or by the insurer in accordance with the policy, the
 1107 purpose of the required cooperation, and the consequences of
 1108 refusing to cooperate; and any settlement demands or offers.

1109 10. If, after the expiration of the safe harbor periods in
 1110 s. 624.155(4) or (6), as applicable, the facts available to the
 1111 insurer indicate that the insured's liability is likely to
 1112 exceed the policy limits, initiates settlement negotiations by
 1113 tendering its policy limits to the claimant in exchange for a
 1114 general release of the insured.

1115 11. Gives fair consideration to a settlement offer that is
 1116 not unreasonable under the facts available to the insurer and
 1117 settle, if possible, when a reasonably prudent person, faced
 1118 with the prospect of paying the total probable exposure of the
 1119 insured, would do so. The insurer shall provide reasonable
 1120 assistance to the insured to comply with the insured's
 1121 obligations to cooperate and act reasonably to attempt to
 1122 satisfy any conditions of a claimant's settlement offer. If it
 1123 is not possible to settle a liability claim within the available
 1124 policy limits, the insurer shall act reasonably to attempt to
 1125 minimize the excess exposure to the insured.

1126 12. When multiple claims arise out of a single occurrence,
 1127 the combined value of all claims exceeds the total of all
 1128 applicable policy limits, and the claimants are unwilling to
 1129 globally settle within the policy limits, thereafter attempts to
 1130 minimize the magnitude of possible excess judgments against the
 1131 insured. The insurer is entitled to great discretion to decide

Page 39 of 46

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597-03563-23

20237052__

1132 how much to offer each respective claimant in its attempt to
 1133 protect the insured. The insurer may, in its effort to minimize
 1134 the excess liability of the insured, use its discretion to offer
 1135 the full available policy limits to one or more claimants to the
 1136 exclusion of other claimants and may leave the insured exposed
 1137 to some liability after all the policy limits are paid. An
 1138 insurer does not violate this section simply because it is
 1139 unable to settle all claims in a multiple claimant case.

1140 13. When a loss creates the potential for a third-party
 1141 claim against more than one insured, attempts to settle the
 1142 claim on behalf of all insureds against whom a claim may be
 1143 presented. If it is not possible to settle on behalf of all
 1144 insureds, the insurer, in consultation with the insureds, must
 1145 attempt to enter into reasonable settlements of claims against
 1146 certain insureds to the exclusion of other insureds.

1147 14. Responds to any request for insurance information in
 1148 compliance with s. 626.9372 or s. 627.4137, as applicable.

1149 15. Where it appears the insured's probable exposure is
 1150 greater than policy limits, takes reasonable measures to
 1151 preserve, for a reasonable period of time, evidence that is
 1152 needed for the defense of the liability claim.

1153 16. Complies with s. 627.426, if applicable.

1154 17. Complies with any provision of the Unfair Insurance
 1155 Trade Practices Act.

1156 (b) Violations of this section constitute violations of the
 1157 Florida Insurance Code and are subject to any applicable
 1158 enforcement provisions therein.

1159 Section 20. Paragraph (a) of subsection (10) of section
 1160 627.701, Florida Statutes, is amended to read:

Page 40 of 46

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597-03563-23

20237052__

1161 627.701 Liability of insureds; coinsurance; deductibles.-
 1162 (10) (a) Notwithstanding any other provision of law, an
 1163 insurer issuing a personal lines residential property insurance
 1164 policy may include in such policy a separate roof deductible
 1165 that meets all of the following requirements:
 1166 1. The insurer has complied with the offer requirements
 1167 under subsection (7) regarding a deductible applicable to losses
 1168 from perils other than a hurricane.
 1169 2. The roof deductible may not exceed the lesser of 2
 1170 percent of the Coverage A limit of the policy or 50 percent of
 1171 the cost to replace the roof.
 1172 3. The premium that a policyholder is charged for the
 1173 policy includes an actuarially sound credit or premium discount
 1174 for the roof deductible.
 1175 4. The roof deductible applies only to a claim adjusted on
 1176 a replacement cost basis.
 1177 5. The roof deductible does not apply to any of the
 1178 following events:
 1179 a. A total loss to a primary structure in accordance with
 1180 the valued policy law under s. 627.702 which is caused by a
 1181 covered peril.
 1182 b. A roof loss resulting from a hurricane as defined in s.
 1183 627.4025(2) (c).
 1184 c. A roof loss resulting from a tree fall or other hazard
 1185 that damages the roof and punctures the roof deck.
 1186 d. A roof loss requiring the repair of less than 50 percent
 1187 of the roof.
 1188
 1189 If a roof deductible is applied, no other deductible under the

Page 41 of 46

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597-03563-23

20237052__

1190 policy may be applied to the loss or to any other loss to the
 1191 property caused by the same covered peril.
 1192 Section 21. Subsection (2) of section 627.70132, Florida
 1193 Statutes, is amended to read:
 1194 627.70132 Notice of property insurance claim.-
 1195 (2) A claim or reopened claim, but not a supplemental
 1196 claim, under an insurance policy that provides property
 1197 insurance, as defined in s. 624.604, including a property
 1198 insurance policy issued by an eligible surplus lines insurer,
 1199 for loss or damage caused by any peril is barred unless notice
 1200 of the claim was given to the insurer in accordance with the
 1201 terms of the policy within 1 year after the date of loss. A
 1202 supplemental claim is barred unless notice of the supplemental
 1203 claim was given to the insurer in accordance with the terms of
 1204 the policy within 18 months after the date of loss. The time
 1205 limitations of this subsection are tolled during any term of
 1206 federal or state active duty which materially affects the
 1207 ability of a servicemember as defined in s. 250.01 to file a
 1208 claim, supplemental claim, or reopened claim.
 1209 Section 22. Section 627.7019, Florida Statutes, is amended
 1210 to read:
 1211 627.7019 Standardization of requirements applicable to
 1212 insurers after natural disasters.-
 1213 (1) The commission shall adopt by rule, pursuant to s.
 1214 120.54(1)-(3), standardized requirements that may be applied to
 1215 insurers and surplus lines insurers as a consequence of a
 1216 hurricane or other natural disaster. The rules shall address the
 1217 following areas:
 1218 (a) Claims reporting requirements.

Page 42 of 46

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-03563-23 20237052__

1219 (b) Grace periods for payment of premiums and performance
 1220 of other duties by insureds.

1221 (c) Temporary postponement of cancellations and
 1222 nonrenewals.

1223 (2) The rules adopted under this section shall require the
 1224 office to issue an order within 72 hours after the occurrence of
 1225 a hurricane or other natural disaster specifying, by line of
 1226 insurance, which of the standardized requirements apply, the
 1227 geographic areas in which they apply, the time at which
 1228 applicability commences, and the time at which applicability
 1229 terminates.

1230 (3) Any emergency rule adopted under s. 120.54(4) which is
 1231 in conflict with any provision of the rules adopted under this
 1232 section must be by unanimous vote of the commission.

1233 Section 23. Section 627.782, Florida Statutes, is amended
 1234 to read:

1235 627.782 Adoption of rates.—

1236 (1) Rates for title insurance are subject to the rating
 1237 provisions of this section. Title insurers shall file with the
 1238 office under the procedures set forth in s. 627.062(2)(a)1. or
 1239 2. rates, rating schedules, rating manuals, premium credits or
 1240 discount schedules, and surcharge schedules, and changes
 1241 thereto, ~~code, the commission must adopt a rule specifying the~~
 1242 premium to be charged in this state ~~by title insurers~~ for the
 1243 respective types of title insurance contracts and, for policies
 1244 issued through agents or agencies, the percentage of such
 1245 premium ~~required~~ to be retained by the title insurer ~~which shall~~
 1246 ~~not be less than 30 percent~~. However, in a transaction subject
 1247 to the Real Estate Settlement Procedures Act of 1974, 12 U.S.C.

597-03563-23 20237052__

1248 ss. 2601 et seq., as amended, no portion of the premium
 1249 attributable to providing a primary title service shall be paid
 1250 to or retained by any person who does not actually perform or is
 1251 not liable for the performance of such service.

1252 (2) In ~~reviewing~~ adopting premium rates, the office
 1253 ~~commission~~ must give due consideration to the following:

1254 (a) The title insurers' loss experience and prospective
 1255 loss experience under closing protection letters and policy
 1256 liabilities.

1257 (b) A reasonable margin for underwriting profit and
 1258 contingencies, including contingent liability under s. 627.7865,
 1259 sufficient to allow title insurers, agents, and agencies to earn
 1260 a rate of return on their capital that will attract and retain
 1261 adequate capital investment in the title insurance business and
 1262 maintain an efficient title insurance delivery system.

1263 (c) Past expenses and prospective expenses for
 1264 administration and handling of risks.

1265 (d) Liability for defalcation.

1266 (e) Other relevant factors.

1267 (3) Rates may be grouped by classification or schedule and
 1268 may differ as to class of risk assumed.

1269 (4) Rates may not be excessive, inadequate, or unfairly
 1270 discriminatory.

1271 (5) The premium applies to each \$100 of insurance issued to
 1272 an insured.

1273 (6) ~~The premium rates apply throughout this state.~~

1274 ~~(7) The commission shall, in accordance with the standards~~
 1275 ~~provided in subsection (2), review the premium as needed, but~~
 1276 ~~not less frequently than once every 3 years, and shall, based~~

597-03563-23 20237052__

1277 ~~upon the review required by this subsection, revise the premium~~
 1278 ~~if the results of the review so warrant.~~

1279 ~~(8)~~ Each title insurance agency and insurer licensed to do
 1280 business in this state and each insurer's direct or retail
 1281 business in this state shall maintain and submit information,
 1282 including revenue, loss, and expense data, as the office
 1283 determines necessary to assist in the analysis of title
 1284 insurance premium rates, title search costs, and the condition
 1285 of the title insurance industry in this state. Such information
 1286 shall be transmitted to the office annually by May 31 of the
 1287 year after the reporting year. The commission shall adopt rules
 1288 relating to the collection and analysis of the data from the
 1289 title insurance industry.

1290 Section 24. Chapter 2022-271, Laws of Florida, shall not be
 1291 construed to impair any right under an insurance contract in
 1292 effect on or before the effective date of that chapter law. To
 1293 the extent that chapter 2022-271, Laws of Florida, affects a
 1294 right under an insurance contract, that chapter law applies to
 1295 an insurance contract issued or renewed after the effective date
 1296 of that chapter law. This section is intended to clarify
 1297 existing law and is remedial in nature.

1298 Section 25. (1) Every residential property insurer and
 1299 every motor vehicle insurer rate filing made or pending with the
 1300 Office of Insurance Regulation on or after July 1, 2023, must
 1301 reflect the savings or reduction in claim frequency, claim
 1302 severity, and loss adjustment expenses, including for attorney
 1303 fees, payment of attorney fees to claimants, and any other
 1304 reduction actuarially indicated, due to the combined effect of
 1305 the applicable provisions of chapters 2021-77, 2022-268, 2022-

597-03563-23 20237052__

1306 271, and 2023-15, Laws of Florida, in order to provide rate
 1307 relief to policyholders as soon as practicable.

1308 (2) The Office of Insurance Regulation must consider in its
 1309 review of such rate filings the savings or reduction in claim
 1310 frequency, claim severity, and loss adjustment expenses,
 1311 including for attorney fees, payment of attorney fees to
 1312 claimants, and any other reduction actuarially indicated, due to
 1313 the combined effect of the applicable provisions of chapters
 1314 2021-77, 2022-268, 2022-271, and 2023-15, Laws of Florida. The
 1315 office may develop a factor or factors using generally accepted
 1316 actuarial techniques and standards to be used in its review of
 1317 rate filings governed by this section. The office may contract
 1318 with an appropriate vendor to advise the office in determining
 1319 such factor or factors.

1320 (3) For the 2023-2024 fiscal year, the sum of \$500,000 in
 1321 nonrecurring funds is appropriated from the Insurance Regulatory
 1322 Trust Fund in the Department of Financial Services to the Office
 1323 of Insurance Regulation to implement this section.

1324 Section 26. For the 2023-2024 fiscal year, five positions
 1325 with associated salary rate of 325,000 and the sum of \$494,774
 1326 in recurring funds and \$23,410 in nonrecurring funds is
 1327 appropriated from the Insurance Regulatory Trust Fund to the
 1328 Department of Financial Services to implement this act.

1329 Section 27. This act shall take effect July 1, 2023.

4/20

The Florida Senate APPEARANCE RECORD

7052

Meeting Date

FISCAL POLICY

Committee

Deliver both copies of this form to
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Bill Number or Topic

Amendment Barcode (if applicable)

Name AUSTIN STOWERS

Phone 850 413 5939

Address ZOO E GAINES
Street

Email austin.stowers@myfloridacfo.com

TALLAHASSEE FL 32399
City State Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

CFU JIMMY PATRONIS

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 7052

Bill Number or Topic

4-20-23

Meeting Date

Fiscal

Committee

Amendment Barcode (if applicable)

Name

GARY ROSEN, Ph. D.

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Street

Davie

State

FL

Zip

33328

City

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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04.20.23

Meeting Date

Fiscal Policy

Committee

7052

Bill Number or Topic

451290

Amendment Barcode (if applicable)

Name Kathy Maus

Phone (850) 894-4111

Address 3600 Maclay Boulevard Suite 101

Email kmaus@butler.legal

Street

Tallahassee

FL

City

State

Zip

Speaking: For Against Information **OR** Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Justice Reform Institute

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

S-001 (08/10/2021)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 7054

INTRODUCER: Banking and Insurance Committee

SUBJECT: Central Bank Digital Currency

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Moody</u>	<u>Knudson</u>		BI Submitted as Comm. Bill/Fav.
2.	<u>Moody</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 7054 aims to protect Floridians’ privacy and other rights by prohibiting a United States Federal Reserve central bank digital currency (CBDC), to the extent one is developed, and foreign CBDC from being treated as money under the Florida Uniform Commercial Code (Florida UCC). The bill defines CBDC in the Florida UCC, in summary, as a digital currency that is issued by the U.S. Federal Reserve, foreign reserve system, or other specified entity, or that is processed or validated directly by them. The bill excludes CBDC from the definition of “money” in s. 671.201, F.S.

The bill has no impact on state or local revenues and expenditures and an indeterminate impact on the private sector. See Section V. Fiscal Impact Statement.

The bill provides an effective date of July 1, 2023.

II. Present Situation:

Money in the United States

The U.S. Constitution provides Congress with the power to “...coin Money, regulate the Value thereof, and of foreign Coin, and fix the Standard of Weights and Measures.”¹ The Supreme Court has construed this provision to mean that Congress has exclusive power to regulate every phase of currency.² The Supreme Court has found that “the authority to impose requirements of uniformity and parity is an essential feature of the control of currency,” and Congress may do so by adopting legislation.³

¹ Art. I, s. 8, cl. 5, U.S. Constitution

² Congress.gov, *Constitution Annotated, Art1.S8.C5.1 Congress’s Coinage Power*, available at: [Congress's Coinage Power | Constitution Annotated | Congress.gov | Library of Congress](#) (last visited Mar. 31, 2023) (citing *Houston v. Moore*, 18 U.S. 1, 49 (1820); *Sturges v. Crowninshield*, 17 U.S. 122, 125 (1819)).

³ *Norman v. Baltimore & O.R. Co.*, 294 U.S. 240, 304 (1935) (citing *Veazie Bank v. Fenno*, 8 Wall. 533, 549, 19 L.Ed. 482).

On April 2, 1792, Congress adopted the Mint Act which established the coinage system and the dollar as the unit of U.S. currency.⁴ In 1793, the first U.S. coins were produced at the Philadelphia Mint and issued “Treasury notes” thereafter during times of financial stress, such as during the War of 1812, and the Mexican War of 1846.⁵ In 1861, the first paper money was issued.⁶

In 1931, Congress codified the Federal Reserve Act that established the United States’ Federal Reserve System and authorized the issuance of Federal Reserve notes which began in 1914.⁷ In 1871, Western Union introduced the electronic fund transfer system which enabled the first electronic payment.⁸

Money serves as a medium of exchange,⁹ a store of value,¹⁰ and a unit of account.¹¹ In the U.S., money takes multiple forms:

- Central bank money that is a liability of the Federal Reserve Bank that comes in the form of physical currency issued by the Federal Reserve and digital balances held by commercial banks at the Federal Reserve.
- Commercial bank money is generally used by the public and is the digital form of money held in accounts at commercial banks.
- Nonbank money is digital money held as balances at nonbank financial service providers which is usually transferred by firms on their own books by using technology, such as mobile apps.¹²

Most money, over 97%, in circulation today is transacted electronically where dollars deposited online are converted into a string of digital code by commercial banks.¹³ The digital processing of credit and debit card transactions and the creation of banking apps has resulted in many cash-based transactions being digitized.¹⁴

⁴ National Credit Union Administration, *History of the United States Currency*, available at: [History of United States Currency | MyCreditUnion.gov](https://www.nCUA.org/History-of-the-U.S.-Currency) (hereinafter cited as “NCUA Article on the History of the U.S. Currency”) (last visited Apr. 1, 2023).

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ CSG Forte, *Electronic Payments: A Brief History*, Jul. 27, 2001, available at: [What Are Electronic Payments? | Electronic Payments History \(forte.net\)](https://www.forte.net/What-Are-Electronic-Payments/) (last visited Apr. 1, 2023).

⁹ “Medium of exchange” is defined as “anything generally accepted as payment in a transaction and recognized as a standard of value. Money is a medium of exchange. Garner, B., *Definition of Medium of Exchange*, Black’s Law Dictionary (11th ed. 2019), available at: [MEDIUM OF EXCHANGE | Secondary Sources | FE | Westlaw Edge](https://www.westlaw.com/definitions/medium-of-exchange) (last visited Apr. 1, 2023).

¹⁰ “Store of Value” is a “currency that can be stored and retrieved at a later date, without depreciating.” Amoussou, M., *What is a ‘Store of Value’?*, Securities.io, Jan. 4, 2023, [What is a ‘Store of Value’? - Securities.io](https://www.securities.io/what-is-a-store-of-value/) (last visited Apr. 1, 2023).

¹¹ “Unit of account” means economics the function of money that enables the user to keep account and value transactions. Dictionary.com, *Unit of Account*, available at: [Unit of account Definition & Meaning | Dictionary.com](https://www.dictionary.com/terms/unit-of-account) (last visited Apr. 1, 2023).

¹² Board of Governors of the Federal Reserve System, *Money and Payments: The U.S. Digital Dollar in the Age of Digital Transformation*, Jan. 2022, available at: [Money and Payments: The U.S. Dollar in the Age of Digital Transformation \(federalreserve.gov\)](https://www.federalreserve.gov/money-and-payments/) (hereinafter cited as “Federal Reserve Report on Money and Payments”) (last visited Apr. 1, 2023).

¹³ Mookerjee, A., *What if Central Banks Issued Digital Currency?*, Harvard Business Review, Oct. 15, 2021, available at: [What If Central Banks Issued Digital Currency? \(hbr.org\)](https://hbr.org/2021/10/what-if-central-banks-issued-digital-currency/) (last visited Apr. 1, 2023).

¹⁴ *Id.*

Digital Currencies

Digital currency is “a digital representation of value that is not available in physical form but which can be used as a medium of exchange, a unit of account, or a store of value.”¹⁵ Digital currency is transacted and stored electronically and therefore is not validated as legal tender¹⁶ in any jurisdiction.¹⁷ Under federal law, U.S. coins and currency, including Federal Reserve notes, but not foreign gold or silver, are “legal tender for all debts, public charges, taxes, and dues.”¹⁸

Digital currencies can be issued in two ways: centralized or decentralized. Most privately held digital currencies, usually referred to as cryptocurrencies such as Bitcoin, are decentralized. CBDC are centralized currencies issued by central banks.¹⁹ The Internal Revenue Service (IRS) lists cryptocurrency and stablecoins, but not CBDCs, as examples of digital assets²⁰ subject to taxable gains or losses that may result from transactions, such as the sale of cryptocurrency for fiat or an exchange of a digital asset for property, goods, or services.²¹

CBDC Generally

Westlaw defines CBDC as a digital or virtual currency that is “issued by a sovereign central bank as a digital representation of a certain denomination of fiat currency, such as one US dollar.”²² The value of CBDC is stable and the value changes only in relation to the underlying fiat currency changes in comparison to other fiat currencies.²³ Federal Reserve notes is the only U.S. currency still being manufactured today.²⁴ There are wholesale and retail CBDC. Wholesale CBDCs are primarily utilized by financial institutions and retail CBDCs are primarily used by individuals.²⁵

Proponents of CBDC claim it would accomplish goals of financial inclusion and promoting the U.S. currency’s international role as a reserve currency and a medium of exchange for

¹⁵ Westlaw, *Definition of Virtual Currency*, available at: [Virtual Currency | Practical Law \(westlaw.com\)](#) (last visited Apr. 1, 2023).

¹⁶ “Legal tender” is money approved in a country for the payment of debts, the purchase of goods, and other exchanges for value. Black’s Law Dictionary (11th ed. 2019), *Definition of Legal Tender*, available at: [LEGAL TENDER | Secondary Sources | FE | Westlaw Edge](#) (last visited Apr. 1, 2023).

¹⁷ *Id.*

¹⁸ 31 U.S.C. s. 5103.

¹⁹ Frankenfield, J., *Digital Currency Types, Characteristics, Pros & Cons, Future Uses*, Investopedia, Jan. 13, 2022, available at: [Digital Currency Types, Characteristics, Pros & Cons, Future Uses \(investopedia.com\)](#) (last visited Mar. 31, 2023).

²⁰ The IRS defines “digital asset” as “any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as specified by the Secretary. The Internal Revenue Service, *Digital Assets*, available at: [Digital Assets | Internal Revenue Service \(irs.gov\)](#) (last visited Apr. 1, 2023).

²¹ *Id.*

²² Westlaw, *Definition of Central Bank Digital Currency*, available at: [Central Bank Digital Currency \(CBDC\) | Practical Law \(westlaw.com\)](#) (last visited Apr. 1, 2023).

²³ *Id.*

²⁴ NCUA Article on the History of the U.S. Currency.

²⁵ CFI Team, *Central Bank Digital Currency (CBDC): A Form of Fiat Currency Issued by Central Banks*, CFI, Jan. 19, 2023, available at: [Central Bank Digital Currency \(CBDC\) - Overview, Types, Benefits \(corporatefinanceinstitute.com\)](#) (last visited Apr. 1, 2023).

international trade.²⁶ Others claim the issuance of a CBDC is not needed to digitize U.S. currency since U.S. currency is largely digital today.²⁷ Moreover, the issuance of a CBDC would fundamentally change the infrastructure of the U.S. banking and financial system by altering the relationship between citizens and the Federal Reserve.²⁸ According to the Acting Comptroller of the Currency Michael Hsu, the United States' current two-tier banking system (i.e. the use of commercial banks as intermediaries between the public and the Federal Reserve) "is not an accident. It is the result of a carefully architected monetary and banking system."²⁹ Further, the American Banking Association submits that a U.S. CBDC has uncertain benefits that are unlikely to be realized, there are costs associated with such a CBDC for which the Federal Reserve has not accounted, and there are more advantageous ways to achieve our shared objectives that minimize any potential risks.³⁰

Eleven countries have launched a CBDC, including the Bahamas, Jamaica, Nigeria, and eight Eastern Caribbean countries.³¹ Eighteen countries are operating pilot programs for CBDC, such as China, Russia, Hong Kong, Iran, Australia, and Singapore.³² The U.S. is reportedly in the development phase of a bank-to-bank digital currency.³³

CBDC in the U.S.

On March 9, 2022, President Biden issued an executive order directing federal agencies to assess and report, amongst other things, the benefits and potential risks of the development and integration of a CBDC in the U.S.³⁴ The report made four recommendations, including:

- Advance work on a U.S. CBDC should be pursued;
- Use of an instant payment system is encouraged;
- Regulation relating to a federal framework for payments should be established; and

²⁶ Federal Reserve Report on Money and Payments.

²⁷ Morgan, R., *ABA Comments on Federal Reserve Discussion Paper Money and Payments: The US Dollar in the Age of Digital Transformation*, p. 1, May 20, 2022, available at: [aba-comments-on-fed-discussion-paper-money-and-payments-05202022.pdf](https://www.aba.com/aba-comments-on-fed-discussion-paper-money-and-payments-05202022.pdf) (hereinafter cited as "ABA Comments on Federal Reserve Discussion Paper on Money and Payments") (last visited Apr. 1, 2023).

²⁸ *Id.*

²⁹ Acting Comptroller of the Currency Michael J. Hsu, Remarks Before the Institute of International Economic Law at Georgetown University Law Center, *Thoughts on the Architecture of Stablecoins*, at p. 4, Apr. 8, 2022, available at: [Acting Comptroller of the Currency Michael J. Hsu Remarks Before the Institute of International Economic Law at Georgetown University Law Center](https://www.occ.gov/news-issuances/speeches/2022/040822-hsu-remarks) "Thoughts on the Architecture of Stablecoins" on April 8, 2022 (occ.gov) (last visited Apr. 1, 2023) (citing Cheng, J., and Torregrossa, J., *A Lawyer's Perspective on U.S. Payment System Evolution and Money in the Digital Age*, Feb. 4, 2022).

³⁰ ABA Comments on Federal Reserve Discussion Paper on Money and Payments at p. 4.

³¹ Atlantic Council, *Central Bank Digital Currency Tracker*, available at: [Central Bank Digital Currency Tracker - Atlantic Council](https://www.atlanticcouncil.org/central-bank-digital-currency-tracker/) (last visited Mar. 31, 2023).

³² *Id.*

³³ *Id.*; Lipsky, J., Kumar, A., *It's Official: The United State is Developing a Bank-to-Bank Digital Currency*, The Atlantic Council, Dec. 15, 2022, available at: [It's official: The United States is developing a bank-to-bank digital currency - Atlantic Council](https://www.atlanticcouncil.org/its-official-the-united-states-is-developing-a-bank-to-bank-digital-currency/) (last visited Apr. 1, 2023).

³⁴ The American Presidency Project, *Executive Order 14067 – Ensuring Responsible Development of Digital Assets*, Mar. 9, 2022, available at: [Executive Order 14067—Ensuring Responsible Development of Digital Assets | The American Presidency Project \(ucsb.edu\)](https://www.americanpresidencyproject.com/14067/) (last visited Mar. 31, 2023).

- Improvement of cross-border payments should be prioritized.³⁵

Since the report, ten banks working with an organization that is part of the Federal Reserve Bank of New York recently participated in a test for 12 weeks of an interoperable digital money platform that operates exclusively in U.S. dollars. The ten banks include: BNY Mellon, Citi, HSBC, MasterCard, PNC Bank, Swift, TD Bank, Truist, U.S. Bank, and Wells Fargo.³⁶

Further, the Federal Reserve has developed the FedNow system which is an instant payment system that can “clear and settle payments in near real-time and at any time, any day of the year.”³⁷ FedNow is expected to launch in July 2023 and it will roll out in phases.³⁸ The Federal Reserve will begin the formal certification of financial institutions to participate in the system beginning the first week of April 2023.³⁹

U.S. legislation has recently been filed to restrict the federal government from pursuing a U.S. CBDC, such as a bill titled “CBDC Anti-surveillance Act” to prohibit the use of CBDC to implement monetary policy,⁴⁰ and other legislation that prohibits efforts to issue a U.S. CBDC.⁴¹

Uniform Commercial Code

2022 Amendments to Model Code

While the Federal Reserve has not made a decision about whether to issue a CBDC,⁴² the Uniform Law Commission (ULC) and American Law Institute (ALI) have drafted model amendments to the Uniform Commercial Code (UCC) to provide, amongst other things, updated rules for commercial transactions involving virtual currencies and other technological developments.⁴³ The UCC model amendments add to the definition of “money:”

“The term does not include an electronic record that is a medium of exchange recorded and transferable in a system that existed and operated for the medium of

³⁵ The U.S. Department of Treasury, Office of Public Affairs, *Fact Sheet: Treasury Report on the Future of Money and Payments*, Sept. 20, 2022, available at: [FactSheet-Treasury-Report-Future-Money-Payments.pdf](#) (last visited Mar. 31, 2023).

³⁶ PYMNTS, *10 US Banks Participating in Test of Interoperable Digital Money Platform*, Nov. 15, 2022, available at: [LTK Now Enables Delivery of Social Media Ads Via Creators' Accounts \(pymnts.com\)](#) (last visited Apr. 1, 2023).

³⁷ The Board of Governors of the Federal Reserve System, *FedNow Service*, available at: [Federal Reserve Board - FedNowSM Service](#) (last visited Mar. 31, 2023).

³⁸ The Board of Governors of the Federal Reserve System, *Federal Reserve Announces July Launch for the FedNow Service*, Mar. 15, 2023, available at: [Federal Reserve Board - Federal Reserve announces July launch for the FedNow Service](#), (last visited Mar. 31, 2023).

³⁹ *Id.*

⁴⁰ H.R. 1122, *CBDC Anti-Surveillance State Act (2023-2024)*.

⁴¹ See S. 967, *A Bill to Amend the Federal Reserve Act to Limit the Ability of Federal Reserve Banks to Issue Central Bank Digital Currency (2023-2024)*; Revell, E., *Ted Cruz Introduces Bill Blocking Fed from Adopting Central Bank Digital Currency*, FoxNews, Mar. 21, 2023, available at: [Ted Cruz introduces bill blocking Fed from adopting central bank digital currency | Fox Business](#) (last visited Apr. 1, 2023).

⁴² The Board of Governors of the Federal Reserve System, *Central Bank Digital Currency*, available at: [Federal Reserve Board - Central Bank Digital Currency \(CBDC\)](#) (last visited Mar. 31, 2023).

⁴³ Uniform Law Commission, *UCC, 2022 Amendments to*, available at: [UCC, 2022 Amendments to - Uniform Law Commission \(uniformlaws.org\)](#) (last visited Apr. 1, 2023).

exchange before the medium of exchange was authorized or adopted by the government.”⁴⁴

In other words, the definition of “money” in the UCC model amendment excludes digital currency that is recorded and transferrable before it has been authorized or adopted by the federal government. In effect, the UCC model amendment opens the door for the implementation of a U.S. CBDC while excluding any other digital currency not recorded and transferrable before it was authorized by the government (e.g. Bitcoin was transferrable before it was authorized by a government as currency).⁴⁵ These suggested model amendments have not been adopted by Florida.

Florida UCC

Florida’s UCC codified at chs. 670 - 680, F.S., regulates commercial and secured transactions in the state. Florida’s UCC currently defines “money” as “a medium of exchange currently authorized or adopted by a domestic or foreign government. The term includes a monetary unit of account established by an intergovernmental organization or by agreement between two or more countries.”⁴⁶

III. Effect of Proposed Changes:

Section 1 creates the following definition of “central bank digital currency” in s. 671.201, F.S., of the Florida UCC general provisions:

“[A] digital currency, a digital medium of exchange, or a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank, or a foreign reserve system, that is made directly available to a consumer by such entities. The term includes a digital currency, a digital medium of exchange, or a digital monetary unit of account issued by the United States Federal Reserve System, a federal agency, a foreign government, a foreign central bank, or a foreign reserve system, that is processed or validated directly by such entities.”

The definition of “money” in the Florida UCC under s. 671.201(24), F.S., is amended to exclude CBDC. Thus, the provisions relating to money under the Florida UCC do not apply to CBDC (as defined in the bill).

Sections 2 to 5 makes conforming cross-references to ss. 328.0015, 559.9232, 563.022, and 668.50, F.S.

Section 6 provides an effective date of July 1, 2023.

⁴⁴ Uniform Law Commission and the American Law Institute, *Uniform Commercial Code Amendments (2022)*, Mar. 24, 2023, p. 7, available at: [UCC Amendments \(2022\) Final Act with Comments_6.pdf](#) (last visited Apr. 1, 2023).

⁴⁵ *Id.* at pp. 13-14.

⁴⁶ Section 671.201(24), F.S.

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

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

If the federal government enacts a U.S. CBDC, the bill could implicate the Supremacy Clause of the United States Constitution.⁴⁷ Notwithstanding whether or not the federal government enacts a U.S. CBDC, the bill could also implicate the Dormant Commerce Clause.⁴⁸

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

None.

B. Private Sector Impact:

CBDC, as defined in the bill, may not be used as “money” for purposes of the Florida UCC. This could have an indeterminate fiscal impact on financial transactions in Florida.

⁴⁷ “The Constitution’s Supremacy Clause provides that federal law is ‘the Supreme Law of the Land’ notwithstanding any state law to the contrary. This language is the foundation for the doctrine of federal preemption, according to which federal law supersedes conflicting state laws.” Congressional Research Service, *Federal Preemption: A Legal Primer*, Jul. 23, 2019, available at: [Federal Preemption: A Legal Primer \(congress.gov\)](https://www.congress.gov/reports/2019/07-23/441011/main/Federal-Preemption-A-Legal-Primer) (last visited Apr. 1, 2023).

⁴⁸ “In contrast to the doctrine of preemption, which generally applies in areas where Congress has acted, the so-called Dormant Commerce Clause may bar state or local regulations even where there is no relevant congressional legislation. Although the Commerce Clause is framed as a positive grant of power to Congress and not an explicit limit on states’ authority, the Supreme Court has also interpreted the Clause to prohibit state laws that unduly restrict interstate commerce even in the absence of congressional legislation – i.e. where Congress is dormant...[Under the Dormant Commerce Clause,] states may not take actions that are facially neutral but unduly burden interstate commerce.” Constitution Annotation, *Art1.S8.C3.7.1 Overview of Dormant Commerce Clause*, [Overview of Dormant Commerce Clause | Constitution Annotated | Congress.gov | Library of Congress](https://www.congress.gov/reports/2019/07-23/441011/main/Federal-Preemption-A-Legal-Primer) (last visited Apr. 1, 2023).

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends sections 328.0015, 559.9232, 563.022, 668.50, and 671.201 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

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

None.

B. Amendments:

None.

By the Committee on Banking and Insurance

597-03564-23

20237054__

1 A bill to be entitled
 2 An act relating to central bank digital currency;
 3 amending s. 671.201, F.S.; defining the term "central
 4 bank digital currency" and revising the definition of
 5 the term "money" for purposes of the Uniform
 6 Commercial Code; amending ss. 328.0015, 559.9232,
 7 563.022, and 668.50, F.S.; conforming cross-references
 8 to changes made by the act; providing an effective
 9 date.

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

11
 12
 13 Section 1. Subsections (10) through (46) of section
 14 671.201, Florida Statutes, are renumbered as subsections (11)
 15 through (47), respectively, present subsections (24), (25), and
 16 (26) of that section are amended, and a new subsection (10) is
 17 added to that section, to read:

18 671.201 General definitions.—Unless the context otherwise
 19 requires, words or phrases defined in this section, or in the
 20 additional definitions contained in other chapters of this code
 21 which apply to particular chapters or parts thereof, have the
 22 meanings stated. Subject to definitions contained in other
 23 chapters of this code which apply to particular chapters or
 24 parts thereof, the term:

25 (10) "Central bank digital currency" means a digital
 26 currency, a digital medium of exchange, or a digital monetary
 27 unit of account issued by the United States Federal Reserve
 28 System, a federal agency, a foreign government, a foreign
 29 central bank, or a foreign reserve system, that is made directly

Page 1 of 4

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

597-03564-23

20237054__

30 available to a consumer by such entities. The term includes a
 31 digital currency, a digital medium of exchange, or a digital
 32 monetary unit of account issued by the United States Federal
 33 Reserve System, a federal agency, a foreign government, a
 34 foreign central bank, or a foreign reserve system, that is
 35 processed or validated directly by such entities.

36 ~~(25)-(24)~~ "Money" means a medium of exchange that is
 37 currently authorized or adopted by a domestic or foreign
 38 government. The term includes a monetary unit of account
 39 established by an intergovernmental organization or by agreement
 40 between two or more countries. The term does not include a
 41 central bank digital currency.

42 ~~(26)-(25)~~ Subject to subsection (28) ~~(27)~~, a person has
 43 "notice" of a fact if the person:

44 (a) Has actual knowledge of it;
 45 (b) Has received a notice or notification of it; or
 46 (c) From all the facts and circumstances known to the
 47 person at the time in question, has reason to know that it
 48 exists. A person "knows" or has "knowledge" of a fact when the
 49 person has actual knowledge of it. "Discover" or "learn" or a
 50 word or phrase of similar import refers to knowledge rather than
 51 to reason to know. The time and circumstances under which a
 52 notice or notification may cease to be effective are not
 53 determined by this section.

54 ~~(27)-(26)~~ A person "notifies" or "gives" a notice or
 55 notification to another person by taking such steps as may be
 56 reasonably required to inform the other person in ordinary
 57 course, whether or not the other person actually comes to know
 58 of it. Subject to subsection (28) ~~(27)~~, a person "receives" a

Page 2 of 4

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597-03564-23

20237054__

59 notice or notification when:

60 (a) It comes to that person's attention; or

61 (b) It is duly delivered in a form reasonable under the
62 circumstances at the place of business through which the
63 contract was made or at another location held out by that person
64 as the place for receipt of such communications.

65 Section 2. Paragraphs (c), (j), and (n) of subsection (2)
66 of section 328.0015, Florida Statutes, are amended to read:

67 328.0015 Definitions.—

68 (2) The following definitions and terms also apply to this
69 part:

70 (c) "Conspicuous" as defined in s. 671.201(11) ~~s.~~
71 ~~671.201(10)~~.

72 (j) "Representative" as defined in s. 671.201(37) ~~s.~~
73 ~~671.201(36)~~.

74 (n) "Send" as defined in s. 671.201(40) ~~s. 671.201(39)~~.

75 Section 3. Paragraph (f) of subsection (2) of section
76 559.9232, Florida Statutes, is amended to read:

77 559.9232 Definitions; exclusion of rental-purchase
78 agreements from certain regulations.—

79 (2) A rental-purchase agreement that complies with this act
80 shall not be construed to be, nor be governed by, any of the
81 following:

82 (f) A security interest as defined in s. 671.201(39) ~~s.~~
83 ~~671.201(38)~~.

84 Section 4. Paragraph (g) of subsection (2) of section
85 563.022, Florida Statutes, is amended to read:

86 563.022 Relations between beer distributors and
87 manufacturers.—

597-03564-23

20237054__

88 (2) DEFINITIONS.—In construing this section, unless the
89 context otherwise requires, the word, phrase, or term:

90 (g) "Good faith" means honesty in fact in the conduct or
91 transaction concerned as defined and interpreted under s.
92 671.201(21) ~~s. 671.201(20)~~.

93 Section 5. Paragraph (d) of subsection (16) of section
94 668.50, Florida Statutes, is amended to read:

95 668.50 Uniform Electronic Transaction Act.—

96 (16) TRANSFERABLE RECORDS.—

97 (d) Except as otherwise agreed, a person having control of
98 a transferable record is the holder, as defined in s.
99 671.201(22) ~~s. 671.201(21)~~, of the transferable record and has
100 the same rights and defenses as a holder of an equivalent record
101 or writing under the Uniform Commercial Code, including, if the
102 applicable statutory requirements under s. 673.3021, s. 677.501,
103 or s. 679.330 are satisfied, the rights and defenses of a holder
104 in due course, a holder to which a negotiable document of title
105 has been duly negotiated, or a purchaser, respectively.
106 Delivery, possession, and indorsement are not required to obtain
107 or exercise any of the rights under this paragraph.

108 Section 6. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

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4/20

Meeting Date

7054

Bill Number or Topic

FISCAL POLICY

Committee

Amendment Barcode (if applicable)

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Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

CFO JIMMY PATRONIS

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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S-001 (08/10/2021)

04/20/2023

Meeting Date

The Florida Senate

APPEARANCE RECORD

SB 7054

Bill Number or Topic

Fiscal Policy

Committee

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PLEASE CHECK ONE OF THE FOLLOWING:

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I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

APPEARANCE RECORD

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4/20/23

Meeting Date

Fiscal Policy

Committee

7054

Bill Number or Topic

Amendment Barcode (if applicable)

Name

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Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Florida Bankers Association

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 7056

INTRODUCER: Appropriations Committee on Health and Human Services

SUBJECT: Child Protective Investigative Services

DATE: April 19, 2023

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Sneed</u>	<u>Money</u>		AHS Submitted as Comm. Bill/Fav.
2.	<u>Sneed</u>	<u>Yeatman</u>	<u>FP</u>	Favorable

I. Summary:

SB 7056 requires the transfer of child protective investigation services from the seven sheriff's offices that provide those services back to the Department of Children and Families (DCF). Currently, the DCF contracts with Pinellas, Manatee, Broward, Pasco, Hillsborough, Seminole, and Walton counties to conduct child protective investigations for their respective counties. Ultimately, this transfer will make the DCF the sole entity performing child protective investigations in the State.

The bill specifies the timeframe and framework for the transfer, including sheriff employees' ability to transition to the DCF, the transfer of records, assets and finances, use of facilities, and a final grant accounting. The bill makes conforming changes to the statutes to remove references to sheriff's offices conducting child protective investigations.

The bill provides that all staff in good standing employed by each respective sheriff for the provision of child protective services, employed before the effective date of this legislation, will have the option to transfer their employment to the DCF.

The bill requires that any claim or cause of action brought against a sheriff in relation to child protective investigations before the applicable transfer date must be defended and indemnified in accordance with the provisions of the grant or agreement applicable at the time of the alleged incident. Any claim or cause of action brought after the applicable transfer date must be defended and indemnified by the DCF.

The bill has a significant fiscal impact to state government that is addressed in SB 2500, the Senate General Appropriations Act for Fiscal Year 2023-2024. See Section V.

The bill is effective January 1, 2024, except as otherwise expressly provided in the bill.

II. Present Situation:

An estimated 3.9 million referrals of alleged child abuse and neglect were made nationwide in 2021.¹ Of that 3.9 million, approximately 2 million met the requirements for an investigation² leading to approximately 588,000 children with a finding of maltreatment.³ More than 4.2 million children live in Florida, a vast majority of which, fortunately, never come to the attention of Florida's child welfare system.⁴ In 2021, the Department of Children and Families (DCF) investigated 256,060 reports of potential child abuse and approximately 11 percent (27,394) of those investigations resulted in a finding of maltreatment.⁵

Congress appropriates federal funds through various grants to the DCF to supplement state general revenue funds for the implementation of child welfare programs.⁶ The DCF uses these funds to contract with CBCs to provide case management, out-of-home-services, and related services for children and families.⁷

Florida's Child Welfare System

Chapter 39, F.S., creates Florida's dependency system that is charged with protecting the welfare of children; this system is often referred to as the "child welfare system." The DCF Office of Child and Family Well-Being works in partnership with local communities and the courts to ensure the safety, timely permanency, and well-being of children.

Child welfare services are directed toward the prevention of abandonment, abuse, and neglect of children.⁸ The DCF practice model is based on the safety of the child within his or her home, using in-home services such as parenting coaching and counseling to maintain and strengthen that child's natural supports in his or her home environment. Such services are coordinated by the DCF through contracts with the community-based care lead agencies (CBCs).⁹ The DCF remains responsible for a number of child welfare functions, including operating the central abuse hotline, performing child protective investigations, and providing children's legal

¹ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Report on Child Maltreatment 2021*, p. 8, available at <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2021.pdf> (last viewed April 5, 2023).

² *Id.* at 13; referred to as "screened in referrals."

³ *Id.* at 21; referred to as "victims of abuse and neglect."

⁴ U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau, *Child Population Data for Florida*, available at <https://cwoutcomes.acf.hhs.gov/cwodatasite/pdf/florida.html> (last viewed April 5, 2023).

⁵ *Id.*

⁶ The main federal grant programs that supplement state-level child welfare programs are Titles IV-E and IV-B of the Social Security Act.

⁷ Part V of ch. 409, F.S.

⁸ Section 39.001(8), F.S.

⁹ Section 409.986(1), F.S.; *See generally* The Department of Children and Families (The DCF), *About Community-Based Care*, available at <https://www.myflfamilies.com/services/child-family/child-and-family-well-being/community-based-care/about-community-based-care> (last viewed April 5, 2023).

services.¹⁰ Ultimately, the DCF is responsible for program oversight and the overall performance of the child welfare system.¹¹

Dependency Process

Current law requires any person who knows or suspects that a child has been abused, abandoned, or neglected to report such knowledge or suspicion to the central abuse hotline (hotline).¹² The hotline¹³ receives more than 350,000 child-related calls annually.¹⁴ Calls received are screened to determine if the criteria are met to initiate a protective investigation.¹⁵

Steps in the dependency process may include:

- A report to the hotline.
- A child protective investigation to determine the safety of the child.
- The court finding the child dependent.
- Case planning for the parents to address the problems resulting in their child's dependency.
- Placement in out-of-home care, if necessary.
- Reunification with the child's parent or another option to establish permanency, such as adoption.¹⁶

Child Protective Investigations

The DCF must conduct a child protective investigation if a central abuse hotline report meets the statutory definition of child abuse, abandonment or neglect. An investigation must be commenced immediately, or within 24 hours after the report is received, depending on the nature of the allegation.¹⁷ The child protective investigator assesses the safety and perceived needs of the child and family, and if services are needed, whether the child should receive in-home or out-of-home services.

Child protective investigators (CPIs) must investigate and determine whether child abuse, abandonment or neglect occurred and, if so, identify the individual responsible for the maltreatment. CPIs must conduct and complete an assessment to identify danger threats to the child and whether the parent can protect the child. The CPI must consider if services would allow the child to remain safely in the home. If not, the CPI must remove the child and place the child in a safe alternative. CPIs make critical decisions on child safety by investigating

¹⁰ Office of Program Policy Analysis and Government Accountability, *Child Welfare System Performance Mixed in First Year of Statewide Community-Based Care*, Report 06-50, June 2006, available at <https://oppaga.fl.gov/Products/ReportDetail?rn=06-50> (last viewed April 5, 2023).

¹¹ *Id.*

¹² Section 39.201(1), F.S.

¹³ The DCF, Florida Abuse Hotline, Overview, <https://www2.myflfamilies.com/service-programs/abuse-hotline/overview.shtml>, (last visited March 11, 2023).

¹⁴ The DCF, Child Welfare Key Indicators Monthly Report, Feb. 2023, System Overview, p. 8, https://www2.myflfamilies.com/service-programs/child-welfare/kids/results-oriented-accountability/performanceManagement/docs/KI_Monthly_Report_December%202022.pdf (last visited March 23, 2023).

¹⁵ *Supra* note 5.

¹⁶ The state has a compelling interest in providing stable and permanent homes for adoptive children in a prompt manner, in preventing the disruption of adoptive placements, and in holding parents accountable for meeting the needs of children. Section 63.022, F.S.

¹⁷ Section 39.301(1), F.S.

dangerous environments. CPIs must respond to a hotline report no less than 24 hours after its receipt, resulting in CPIs working nights and weekends.

Specific CPI responsibilities include, but are not limited to:

- Conducting investigations relating to allegations of abuse, abandonment, and/or special conditions for children;
- Working closely with law enforcement;
- Collecting information through observation and interviews with certain persons, including the children and parents;
- Engaging families to understand the family dynamics;
- Assessing danger threats, child vulnerabilities and caregiver protective capacities;
- Managing and modifying safety plans as necessary during the investigation;
- Arranging emergency placement for any child that cannot safely remain in the home;
- Notifying the state attorney, law enforcement, child protection team and other required individuals as appropriate;
- Providing written present and impending danger assessments;
- Completing a risk assessment for families investigated and explaining risk to the family;
- Conducting staffings required for families with high risk;
- Providing families with services linkages to agency and community resources;
- Conducting initial/ongoing child present and impending danger assessments; and
- Developing with the family a Present Danger Plan and a safety plan.¹⁸

Generally, the DCF conducts child protective investigations statewide. However, sheriffs' offices perform child protective investigations in seven counties by agreement with the DCF.¹⁹

Child Protective Investigations Conducted by Sheriffs' Offices

In 1998, the Legislature created s. 39.3065, F.S, requiring the DCF to contract with the sheriffs of Pasco, Manatee, Broward, and Pinellas counties to provide all child protective investigation services in their respective counties beginning in Fiscal Year 1999-2000.²⁰ In Fiscal Year 2000-2001, the Legislature further authorized the DCF to enter into grant agreements with sheriffs of other counties to perform child protective investigations in their respective counties.²¹ The additional agreements include the following:

- Seminole County Sheriff's Office was authorized through the Fiscal Year 2000-2001 General Appropriations Act.
- Hillsborough County Sheriff's Office was authorized through the Fiscal Year 2005-2006 General Appropriations Act.
- Citrus County Sheriff's Office was authorized through the Fiscal Year 2007-2008 General Appropriations Act. However, authority over child protective investigations was transferred back to DCF in Fiscal Year 2012-2013.²²

¹⁸ The DCF, Agency Analysis of 2023 Proposed Committee Bill Sheriffs Provision of Child Protective Investigations, p. 3, March 19, 2023.

¹⁹ Broward, Hillsborough, Manatee, Pasco, Pinellas, Seminole, and Walton.

²⁰ Chapter 98-180 s. 2, L.O.F.; codified as s. 39.3065, F.S.

²¹ Chapter 2000-139 s. 3, L.O.F.; amending s. 39.3065, F.S.

²² It is not clear why authority over child protective investigations was transferred back to DCF from the Citrus County Sheriff's Office; however, it has been reported it was based on funding issues and was not performance related.

- Walton County Sheriff’s Office was authorized through the Fiscal Year 2018-2019 General Appropriations Act.

All sheriffs performing child protective investigations must:

- Adopt the child welfare model that is used by CPIs who are employed by the DCF;²³
- Operate in accordance with the performance standards and outcome measures required for protective investigations that are conducted by the DCF;²⁴
- Operate in compliance with performance standards and metrics that are imposed by federal law, regulation, or funding requirements;²⁵
- Operate in accordance with the same child welfare practice model principals used by, and the same state performance standards and metrics that are imposed on, child protective investigators employed by the DCF.²⁶

Each CPI who is employed by the sheriff must complete the same mandatory training required of CPIs who are employed by the DCF.²⁷

The DCF and all contracted sheriffs, or his or her designee, must meet at least quarterly to collaborate on federal and state quality assurance and quality improvement initiatives.²⁸ The DCF must conduct an annual performance evaluation of all sheriffs providing services pursuant to a grant agreement.²⁹ Current law sets out criteria and standards that must be applied in conducting the annual evaluations.³⁰

Sheriffs’ Funding for CPI Contracts

All seven sheriffs conducting child protective investigations receive funding through the General Appropriations Act (GAA) for that purpose. Such funds are identified by sheriff’s office. The DCF must award grants for the full amount of the appropriations to the sheriffs’ offices. The DCF is allowed to make advance payments to the sheriffs for conducting child protective investigations. Funds provided to sheriffs’ offices for investigations may not be integrated into the sheriffs’ regular budgets, and must be maintained separately from all other records. Budget data must be reported to the DCF as set out in the grant agreement.³¹

In Fiscal Year 2022-2023, the sheriffs’ offices total contact amount for child protective investigative services was \$59.1 million,³² allocated as provided in the following table:

²³ Section 39.3065(3)(b), F.S.

²⁴ *Id.*; The DCF is required to comply with child protection and child welfare outcomes, such as children are first and foremost protected from abuse and neglect; children are safely maintained in their homes, if possible and appropriate; services are provided to protect children and prevent removal from their home; and children have permanency and stability in their living arrangements.

²⁵ *Id.*

²⁶ *Id.*

²⁷ *Id.*

²⁸ Section 39.3065(3)(d), F.S.

²⁹ Section 39.3062(3)(e), F.S.

³⁰ *Id.*

³¹ Section 39.3065(3)(c), F.S.

³² Chapter 2022-156, L.O.F. (HB 5001), Specific Appropriation 316.

Sheriffs' Office	Allocation
Broward County	\$15,270,728
Hillsborough County	13,807,564
Manatee County	4,924,225
Pasco County	7,035,690
Pinellas County	12,484,719
Seminole County	4,702,668
Walton County	929,472
Total:	\$59,155,066

Sheriff's Offices Program Performance Evaluation

The DCF conducts an annual performance evaluation of all sheriffs performing child protective investigations.³³ The seven sheriff's offices conducting child protective investigations encompass metropolitan areas where more than a quarter of the state's child population resides.³⁴ A total of 175,314 child protective investigations were conducted in Florida during fiscal year 2021-2022, and the seven counties where sheriff's offices handle investigations conducted 43,039 (24.55 percent) of the state's investigations.³⁵

Florida law requires the sheriff's offices to operate in accordance with performance standards and outcome measures established by the Legislature. Child protection and child welfare outcomes are established in s. 409.986(2), F.S.; both measures listed below are included in the sheriffs' grant agreements:

- Percent of investigations commenced within 24 hours.
 - The DCF's performance: 99.17 percent (Target: 99.5 percent)
 - Sheriffs' Office performance: 99.36 percent (Target: 99.5 percent)
- Percent of victims seen within 24 hours of receiving a report.
 - The DCF's performance: 91.53 percent (Target: 90 percent)
 - Sheriffs' Office performance: 91.93 percent (Target: 85 percent)

Historically, sheriff's offices have performed relatively close to the statewide average.

Transition of Child Protective Investigations from Sheriffs' Offices to the DCF

In February 2023, the various sheriffs' offices contracted to perform child protective investigations and the DCF agreed to transition all child protective investigation duties back to the DCF.³⁶ The DCF reports that in the two decades since allowing specified sheriff's offices to

³³ Section 39.3062(3)(e), F.S. Sheriffs Annual Performance Reports are available to view and download at: <https://www.myflfamilies.com/service-programs/child-welfare/lmr/>.

³⁴ The DCF, *Florida Sheriffs Performing Child Protective Investigations: Annual Program Performance Evaluation Report*, Fiscal Year 2021-2022, p. 1, available at https://www.myflfamilies.com/sites/default/files/2023-02/Sheriff_Offices_Annual_Peer_Review_Report_2021-22.pdf (last viewed April 4, 2023).

³⁵ *Id.*

³⁶ Letter from Secretary Shevaun Harris announcing the transition of CPI duties back to the DCF from Sheriff Offices currently providing child protective investigations. February 17, 2023 (on file with the Senate Committee on Children, Families, and Elder Affairs).

perform child protective investigations, Florida's child welfare system has evolved.³⁷ The DCF recognizes a renewed commitment to prevention-focused programming and a need to integrate this function within existing crisis-oriented systems to provide better outcomes for families.³⁸ The DCF also reports that several changes to state and federal laws require new approaches and adaptations within the child welfare system.³⁹

For these reasons, and after careful discussion between the responsible parties, the DCF and the local sheriff's offices have jointly decided to submit a proposal to the Florida Legislature to transition all responsibilities for child protective investigative services back to the DCF.

III. Effect of Proposed Changes:

The proposed bill repeals s. 39.3065, F.S., effective January 1, 2024. The delayed effective date allows time for the full transfer of the child protective investigation responsibilities to the DCF and the implementation of the substantive provisions of the bill.

The bill, effective January 1, 2024, makes conforming changes to the statutes to remove references to sheriff's offices conducting child protective investigations.

The bill, effective upon becoming law, creates an unnumbered section of law that details the timeline and process for the transfer of child protective investigation services to the DCF. The bill requires the sheriffs providing child protective investigative services for Pinellas, Manatee, Broward, Pasco, Hillsborough, Seminole, and Walton counties to transfer all responsibility for such services back to the DCF. To facilitate transition planning, the Department and each sheriff shall designate a mutually agreed upon date, no later than December 31, 2023, by which the transfer is to be finalized. This language will allow the DCF and each sheriff's office enough flexibility to select the transfer date that works best for both parties and allows for implementation of a staggered transition.

The bill provides timelines, processes, and authorizations for:

- *Transfer of Records*
 - Provides that upon the date the transfer is finalized with each respective sheriff, the DCF shall become the custodian of all files and documents previously maintained by the sheriffs related to the provision of child protective services.
- *Assets and Finances*
 - Requires the DCF and each respective sheriff providing child protective services pursuant to a grant agreement to complete an inventory of grant-related assets and all appropriate assets will be transferred to the DCF. A financial close-out of each grant must be completed no later than March 31, 2024.
- *Use of Property*
 - Allows DCF to extend a private lease of a facility currently in use by a sheriff's office for CPI services for no more than 1 year without undergoing competitive solicitation. The DCF, by written agreement, may allow transitioned child protective staff to remain in

³⁷ The DCF, *2023 Agency Legislative Bill Analysis, Proposed Committee Bill*, March 19, 2023, p. 4 (on file with Children, Families, and Elder Affairs).

³⁸ *Id.*

³⁹ *Id.*

- office space leased or owned by the sheriff for no more than six months after the date the transfer is finalized.
- *Transfer of Employees*
 - The bill outlines conditions for employees who currently perform CPI duties for the sheriff's offices if they transfer to work for the DCF. All staff in good standing employed by each respective sheriff for the provision of child protective services, employed before the effective date of this legislation, will have the option to transfer their employment to the DCF. To account for those potential employees, the DCF will be required to establish positions using Department of Management Services guidelines.
 - The bill further provides that an employee who elects to transfer to the DCF:
 - Will not be required to compete for employment through an open competitive process and must be employed in a position with the duties and responsibilities with which he or she performs for the sheriff's office at the time of transfer.
 - Will not be required to undergo an initial criminal background screening as a condition of transition to the DCF if the employee is in compliance with background screening requirements of the sheriff's office at the time of transfer.
 - Will maintain their current rate of pay at the time of transfer for the work they will perform for the DCF and be placed in a position with work duties comparable to what they performed for the sheriff's office.
 - Will be considered "non-probationary," provided the employee has completed the probationary period for their respective sheriff's office, if one exists, or has been continuously employed in their current position for more than 12 months on the date of transfer.
 - Will be eligible for all benefits afforded to a state employee as applicable to the position in which they will occupy.
 - May continue in the Florida Retirement System with no break in service.
 - May transfer all of their accrued leave, and all creditable service months worked for their respective sheriff's office will be transferred for the purpose of annual leave accrual.
 - May continue on Family and Medical Leave or an approved extended leave status, contingent upon the DCF receiving supporting documentation.

The bill requires that any claim or cause of action brought against a sheriff in relation to child protective investigations before the applicable transfer date must be defended and indemnified in accordance with the provisions of the grant or agreement applicable at the time of the alleged incident. Any claim or cause of action brought after the applicable transfer date must be defended and indemnified by the DCF.

The bill is effective January 1, 2024, except as otherwise expressly provided in the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill conforms to SB 2500, the Senate General Appropriations Act for Fiscal Year 2023-2024, which establishes 674 FTEs, 37,994,056 in salary rate, and authorizes \$1,381,681 in recurring funds from the General Revenue Fund for the DCF.

In addition, SB 2500 includes a realignment of \$59,155,066 of recurring base budget within the DCF. This includes the transfer from the Grants and Aids – Grants to Sheriffs for Protective Investigations category of \$30,348,074 in the General Revenue Fund, \$1,500,430 in the Federal Grants Trust Fund, \$18,297,468 in the Welfare Transition Trust Fund, and \$9,009,094 in the Social Services Trust Fund. These funds will be reallocated to the Salaries and Benefits (\$52,603,942), Expenses (\$4,589,763), Contracted Services (\$527,660), Motor Vehicle Leasing (\$1,250,966) and Human Resources Statewide Assessment (\$182,735) categories to enable the DCF to provide child protective services in the seven counties.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill repeals section 39.3065 of the Florida Statutes.

The bill substantially amends the following sections of the Florida Statutes: 39.013, 39.0141, 39.301, 39.3068, 39.307, 39.308, 39.4015, 39.523, 39.524, 402.40, 402.402, 409.1754, 937.021, and 1004.615.

The bill creates an undesignated section of law.

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

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

None.

B. Amendments:

None.

By the Appropriations Committee on Health and Human Services

603-03753-23

20237056__

1 A bill to be entitled
 2 An act relating to child protective investigative
 3 services; repealing s. 39.3065, F.S., relating to
 4 sheriffs of certain counties providing child
 5 protective investigative services; requiring certain
 6 sheriffs to transfer the functions of providing child
 7 protective investigative services to the Department of
 8 Children and Families; requiring the department and
 9 certain sheriffs to designate a mutually agreed-upon
 10 date to finalize such transfer; requiring the
 11 department to become the custodian of certain files
 12 and documents by a specified date; providing that
 13 certain sheriffs remain the custodians of certain
 14 files and documents; requiring the department and
 15 certain sheriffs to complete an inventory of certain
 16 assets and transfer such assets to the department;
 17 requiring a financial closeout of each grant by a
 18 specified date; authorizing the department to extend
 19 certain private leases for a specified time without
 20 undergoing a procurement; authorizing the department
 21 and certain sheriffs to enter into an agreement to
 22 allow certain employees to remain in office space
 23 owned or leased by the sheriff for a specified time;
 24 authorizing certain employees to transfer their
 25 employment to the department; requiring the department
 26 to establish positions using certain existing
 27 guidelines; specifying certain rights and requirements
 28 for an employee who transfers to the department;
 29 requiring that the defense and indemnification of

Page 1 of 25

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603-03753-23

20237056__

30 certain claims be in accordance with certain
 31 agreements; requiring that the department defend and
 32 indemnify certain claims; providing construction;
 33 amending ss. 39.013, 39.0141, 39.301, 39.3068, 39.307,
 34 39.308, 39.4015, 39.523, 39.524, 402.40, 402.402,
 35 409.1754, 937.021, and 1004.615, F.S.; conforming
 36 provisions to changes made by the act; making
 37 technical changes; providing effective dates.
 38

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

40
 41 Section 1. Section 39.3065, Florida Statutes, is repealed.
 42 Section 2. Notwithstanding s. 39.3065, Florida Statutes,
 43 the sheriffs providing child protective investigative services
 44 in Broward County, Hillsborough County, Manatee County, Pasco
 45 County, Pinellas County, Seminole County, and Walton County
 46 shall transfer functions of such services to the Department of
 47 Children and Families.
 48 (1) The department and each sheriff must mutually agree on
 49 a date, no later than December 31, 2023, by which the transfer
 50 of child protective investigative service functions must be
 51 finalized. On the dates agreed to by each sheriff and the
 52 department for the finalization of the transfer of functions,
 53 the department becomes the custodian of all department files and
 54 documents previously maintained by each sheriff related to the
 55 provision of child protective investigative services. The
 56 sheriffs remain the custodians of all nondepartment files and
 57 documents created by the sheriffs before the date of transfer.
 58 (2) The department and each sheriff providing child

Page 2 of 25

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603-03753-23 20237056__

59 protective investigative services must complete an inventory of
 60 state- or grant-funded assets, and each sheriff must transfer
 61 all applicable assets to the department. A financial closeout
 62 related to the sheriffs providing child protective investigative
 63 services of each grant must be completed no later than March 31,
 64 2024.

65 (3) Notwithstanding s. 287.057, Florida Statutes, the
 66 department may extend the private lease of a facility currently
 67 used by a sheriff for child protective investigative services
 68 for up to 1 year after the date the transfer of functions is
 69 finalized without undergoing a procurement. The department and
 70 each sheriff may enter an agreement to allow department
 71 employees to remain in office space owned or leased by the
 72 sheriff for up to 6 months after the date the transfer of
 73 functions is finalized.

74 (4) An employee in good standing, as defined by the office
 75 policies of each applicable sheriff, who is employed by a
 76 sheriff for the provision of child protective investigative
 77 services and is employed before the effective date of this act
 78 may transfer his or her employment to the department. The
 79 department shall establish positions using existing guidelines
 80 from the Department of Management Services for similarly
 81 established positions. An employee who transfers his or her
 82 employment to the department:

83 (a) Notwithstanding ss. 110.1128, 110.201, 110.211,
 84 110.213, 110.2135, 110.219, and 110.221, Florida Statutes, is
 85 not required to go through an open competitive process and must
 86 be employed in a position with duties and responsibilities
 87 comparable to those which he or she performed for the sheriff's

603-03753-23 20237056__

88 office.

89 (b) Notwithstanding s. 110.1127, Florida Statutes, and
 90 chapter 435, Florida Statutes, is not required to undergo an
 91 initial employee background screening as a condition of his or
 92 her employment with the department, if the employee is in
 93 compliance with the employee background screening requirements
 94 of the applicable sheriff's office at the time of the employee's
 95 transfer.

96 (c) Shall remain in an equivalent broadband level as
 97 defined in s. 110.107, Florida Statutes, and in a similarly
 98 established position, maintaining the same rate of pay and
 99 comparable duties and responsibilities that he or she had at the
 100 sheriff's office at the time of the employee's transfer.

101 (d) Notwithstanding s. 110.217, Florida Statutes, is
 102 considered to have attained permanent status by the department
 103 if the employee has completed the probationary period for the
 104 applicable sheriff's office, if any, or has been continuously
 105 employed in the same position at the applicable sheriff's office
 106 for more than 12 months as of the date of the employee's
 107 transfer.

108 (e) Shall remain in the Florida Retirement System and is
 109 not considered to have experienced a break in service.

110 (f) Notwithstanding s. 110.219, Florida Statutes, may
 111 transfer all accrued leave to the department. All creditable
 112 service months the employee worked at the sheriff's office will
 113 be transferred for the purpose of annual leave accrual.

114 (g) Shall continue on family and medical leave or other
 115 approved extended leave status, if any, contingent upon the
 116 department receiving supporting documentation.

603-03753-23

20237056__

117 (h) Is eligible for all benefits afforded a state employee
 118 applicable to the position he or she will occupy after the
 119 employee's transfer.

120 (5) Any claims or causes of action brought against a
 121 sheriff under state or federal law relating to the sheriff's
 122 provision of child protective investigative services filed:

123 (a) Before the applicable transfer date must be defended
 124 and indemnified in accordance with the provisions of the state
 125 or grant agreement applicable at the time of the alleged
 126 incident.

127 (b) After the applicable transfer date must be defended and
 128 indemnified by the department.

129

130 This subsection may not be construed as a waiver of s. 768.28,
 131 Florida Statutes.

132 (6) This section shall take effect upon becoming a law.

133 Section 3. Subsection (12) of section 39.013, Florida
 134 Statutes, is amended to read:

135 39.013 Procedures and jurisdiction; right to counsel.-

136 (12) The department shall be represented by counsel in each
 137 dependency proceeding. Through its attorneys, the department
 138 shall make recommendations to the court on issues before the
 139 court and may support its recommendations through testimony and
 140 other evidence by its own employees, ~~employees of sheriff's~~
 141 ~~offices providing child protection services,~~ employees of its
 142 contractors, employees of its contractor's subcontractors, or
 143 from any other relevant source.

144 Section 4. Section 39.0141, Florida Statutes, is amended to
 145 read:

603-03753-23

20237056__

146 39.0141 Missing children; report required.-Whenever the
 147 whereabouts of a child involved with the department become
 148 unknown, the department ~~or~~ the community-based care provider,
 149 ~~or the sheriff's office providing investigative services for the~~
 150 ~~department~~ shall make reasonable efforts, as defined by rule, to
 151 locate the child. If, pursuant to criteria established by rule,
 152 the child is determined to be missing, the department ~~or~~ the
 153 community-based care provider ~~must~~, ~~or the sheriff's office~~
 154 ~~shall~~ file a report that the child is missing in accordance with
 155 s. 937.021.

156 Section 5. Subsection (9) of section 39.301, Florida
 157 Statutes, is amended to read:

158 39.301 Initiation of protective investigations.-

159 (9) (a) For each report received from the central abuse
 160 hotline and accepted for investigation, the department ~~or the~~
 161 ~~sheriff providing child protective investigative services under~~
 162 ~~s. 39.3065,~~ shall perform the following child protective
 163 investigation activities to determine child safety:

164 1. Conduct a review of all relevant, available information
 165 specific to the child, ~~and~~ family, and alleged maltreatment;
 166 family child welfare history; local, state, and federal criminal
 167 records checks; and requests for law enforcement assistance
 168 provided by the abuse hotline. Based on a review of available
 169 information, including the allegations in the current report, a
 170 determination shall be made as to whether immediate consultation
 171 should occur with law enforcement, the Child Protection Team, a
 172 domestic violence shelter or advocate, or a substance abuse or
 173 mental health professional. Such consultations should include
 174 discussion as to whether a joint response is necessary and

603-03753-23

20237056__

175 feasible. A determination must ~~shall~~ be made as to whether the
 176 person making the report should be contacted before the face-to-
 177 face interviews with the child and family members.

178 2. Conduct face-to-face interviews with the child; other
 179 siblings, if any; and the parents, legal custodians, or
 180 caregivers.

181 3. Assess the child's residence, including a determination
 182 of the composition of the family and household, including the
 183 name, address, date of birth, social security number, sex, and
 184 race of each child named in the report; any siblings or other
 185 children in the same household or in the care of the same
 186 adults; the parents, legal custodians, or caregivers; and any
 187 other adults in the same household.

188 4. Determine whether there is any indication that any child
 189 in the family or household has been abused, abandoned, or
 190 neglected; the nature and extent of present or prior injuries,
 191 abuse, or neglect, and any evidence thereof; and a determination
 192 as to the person or persons apparently responsible for the
 193 abuse, abandonment, or neglect, including the name, address,
 194 date of birth, social security number, sex, and race of each
 195 such person.

196 5. Complete assessment of immediate child safety for each
 197 child based on available records, interviews, and observations
 198 with all persons named in subparagraph 2. and appropriate
 199 collateral contacts, which may include other professionals, and
 200 continually assess the child's safety throughout the
 201 investigation. The department's child protection investigators
 202 are hereby designated a criminal justice agency for the purpose
 203 of accessing criminal justice information to be used for

Page 7 of 25

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603-03753-23

20237056__

204 enforcing this state's laws concerning the crimes of child
 205 abuse, abandonment, and neglect. This information shall be used
 206 solely for purposes supporting the detection, apprehension,
 207 prosecution, pretrial release, posttrial release, or
 208 rehabilitation of criminal offenders or persons accused of the
 209 crimes of child abuse, abandonment, or neglect and may not be
 210 further disseminated or used for any other purpose.

211 6. Document the present and impending dangers to each child
 212 based on the identification of inadequate protective capacity
 213 through utilization of a standardized safety assessment
 214 instrument. If present or impending danger is identified, the
 215 child protective investigator must implement a safety plan or
 216 take the child into custody. If present danger is identified and
 217 the child is not removed, the child protective investigator must
 218 ~~shall~~ create and implement a safety plan before leaving the home
 219 or the location where there is present danger. If impending
 220 danger is identified, the child protective investigator must
 221 ~~shall~~ create and implement a safety plan as soon as necessary to
 222 protect the safety of the child. The child protective
 223 investigator may modify the safety plan if he or she identifies
 224 additional impending danger.

225 a. If the child protective investigator implements a safety
 226 plan, the plan must be specific, sufficient, feasible, and
 227 sustainable in response to the realities of the present or
 228 impending danger. A safety plan may be an in-home plan or an
 229 out-of-home plan, or a combination of both. A safety plan may
 230 include tasks or responsibilities for a parent, caregiver, or
 231 legal custodian. However, a safety plan may not rely on
 232 promissory commitments by the parent, caregiver, or legal

Page 8 of 25

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603-03753-23

20237056__

233 custodian who is currently not able to protect the child or on
 234 services that are not available or will not result in the safety
 235 of the child. A safety plan may not be implemented if for any
 236 reason the parents, guardian, or legal custodian lacks the
 237 capacity or ability to comply with the plan. If the department
 238 is not able to develop a plan that is specific, sufficient,
 239 feasible, and sustainable, the department ~~must shall~~ file a
 240 shelter petition. A child protective investigator shall
 241 implement separate safety plans for the perpetrator of domestic
 242 violence, if the investigator, using reasonable efforts, can
 243 locate the perpetrator to implement a safety plan, and for the
 244 parent who is a victim of domestic violence as defined in s.
 245 741.28. Reasonable efforts to locate a perpetrator include, but
 246 are not limited to, a diligent search pursuant to the same
 247 requirements as in s. 39.503. If the perpetrator of domestic
 248 violence is not the parent, guardian, or legal custodian of any
 249 child in the home and if the department does not intend to file
 250 a shelter petition or dependency petition that will assert
 251 allegations against the perpetrator as a parent of a child in
 252 the home, the child protective investigator must shall seek
 253 issuance of an injunction authorized by s. 39.504 to implement a
 254 safety plan for the perpetrator and impose any other conditions
 255 to protect the child. The safety plan for the parent who is a
 256 victim of domestic violence may not be shared with the
 257 perpetrator. If any party to a safety plan fails to comply with
 258 the safety plan resulting in the child being unsafe, the
 259 department ~~must shall~~ file a shelter petition.

260 b. The child protective investigator shall collaborate with
 261 the community-based care lead agency in the development of the

603-03753-23

20237056__

262 safety plan as necessary to ensure that the safety plan is
 263 specific, sufficient, feasible, and sustainable. The child
 264 protective investigator shall identify services necessary for
 265 the successful implementation of the safety plan. The child
 266 protective investigator and the community-based care lead agency
 267 shall mobilize service resources to assist all parties in
 268 complying with the safety plan. The community-based care lead
 269 agency shall prioritize safety plan services to families who
 270 have multiple risk factors, including, but not limited to, two
 271 or more of the following:

272 (I) The parent or legal custodian is of young age;

273 (II) The parent or legal custodian, or an adult currently
 274 living in or frequently visiting the home, has a history of
 275 substance abuse, mental illness, or domestic violence;

276 (III) The parent or legal custodian, or an adult currently
 277 living in or frequently visiting the home, has been previously
 278 found to have physically or sexually abused a child;

279 (IV) The parent or legal custodian, or an adult currently
 280 living in or frequently visiting the home, has been the subject
 281 of multiple allegations by reputable reports of abuse or
 282 neglect;

283 (V) The child is physically or developmentally disabled; or

284 (VI) The child is 3 years of age or younger.

285 c. The child protective investigator shall monitor the
 286 implementation of the plan to ensure the child's safety until
 287 the case is transferred to the lead agency at which time the
 288 lead agency shall monitor the implementation.

289 d. The department may file a petition for shelter or
 290 dependency without a new child protective investigation or the

603-03753-23

20237056__

291 concurrence of the child protective investigator if the child is
 292 unsafe but for the use of a safety plan and the parent or
 293 caregiver has not sufficiently increased protective capacities
 294 within 90 days after the transfer of the safety plan to the lead
 295 agency.

296 (b) For each report received from the central abuse
 297 hotline, the department ~~or the sheriff providing child~~
 298 ~~protective investigative services under s. 39.3065~~, shall
 299 determine the protective, treatment, and ameliorative services
 300 necessary to safeguard and ensure the child's safety and well-
 301 being and development, and cause the delivery of those services
 302 through the early intervention of the department or its agent.
 303 ~~If whenever~~ a delay or disability of the child is suspected, the
 304 parent must be referred to a local child developmental screening
 305 program, such as the Child Find program of the Florida
 306 Diagnostic and Learning Resource System, for screening of the
 307 child. As applicable, child protective investigators must inform
 308 parents and caregivers how and when to use the injunction
 309 process under s. 741.30 to remove a perpetrator of domestic
 310 violence from the home as an intervention to protect the child.

311 1. If the department ~~or the sheriff providing child~~
 312 ~~protective investigative services~~ determines that the interests
 313 of the child and the public will be best served by providing the
 314 child care or other treatment voluntarily accepted by the child
 315 and the parents or legal custodians, the parent or legal
 316 custodian and child may be referred for such care, case
 317 management, or other community resources.

318 2. If the department ~~or the sheriff providing child~~
 319 ~~protective investigative services~~ determines that the child is

603-03753-23

20237056__

320 in need of protection and supervision, the department may file a
 321 petition for dependency.

322 3. If a petition for dependency is not being filed by the
 323 department, the person or agency originating the report shall be
 324 advised of the right to file a petition pursuant to this part.

325 4. At the close of an investigation, the department ~~or the~~
 326 ~~sheriff providing child protective services~~ shall provide to the
 327 person who is alleged to have caused the abuse, neglect, or
 328 abandonment and the parent or legal custodian a summary of
 329 findings from the investigation and provide information about
 330 their right to access confidential reports in accordance with s.
 331 39.202.

332 Section 6. Subsection (1) of section 39.3068, Florida
 333 Statutes, is amended to read:

334 39.3068 Reports of medical neglect.—

335 (1) Upon receiving a report alleging medical neglect, the
 336 department ~~or sheriff's office~~ shall assign the case to a child
 337 protective investigator who has specialized training in
 338 addressing medical neglect or working with medically complex
 339 children if such investigator is available. If a child
 340 protective investigator with specialized training is not
 341 available, the child protective investigator must ~~shall~~ consult
 342 with department staff with such expertise.

343 Section 7. Subsection (2) of section 39.307, Florida
 344 Statutes, is amended to read:

345 39.307 Reports of child-on-child sexual abuse.—

346 (2) The department, ~~contracted sheriff's office providing~~
 347 ~~protective investigation services~~, or contracted case management
 348 personnel responsible for providing services, at a minimum,

603-03753-23

20237056__

349 shall adhere to the following procedures:

350 (a) The purpose of the response to a report alleging
351 juvenile sexual abuse behavior or inappropriate sexual behavior
352 shall be explained to the caregiver.

353 1. The purpose of the response shall be explained in a
354 manner consistent with legislative purpose and intent provided
355 in this chapter.

356 2. The name and office telephone number of the person
357 responding shall be provided to the caregiver of the alleged
358 abuser or child who has exhibited inappropriate sexual behavior
359 and the victim's caregiver.

360 3. The possible consequences of the department's response,
361 including outcomes and services, shall be explained to the
362 caregiver of the alleged abuser or child who has exhibited
363 inappropriate sexual behavior and the victim's caregiver.

364 (b) The caregiver of the alleged abuser or child who has
365 exhibited inappropriate sexual behavior and the victim's
366 caregiver shall be involved to the fullest extent possible in
367 determining the nature of the sexual behavior concerns and the
368 nature of any problem or risk to other children.

369 (c) The assessment of risk and the perceived treatment
370 needs of the alleged abuser or child who has exhibited
371 inappropriate sexual behavior, the victim, and respective
372 caregivers shall be conducted by the district staff, the Child
373 Protection Team of the Department of Health, and other providers
374 under contract with the department to provide services to the
375 caregiver of the alleged offender, the victim, and the victim's
376 caregiver.

377 (d) The assessment shall be conducted in a manner that is

603-03753-23

20237056__

378 sensitive to the social, economic, and cultural environment of
379 the family.

380 (e) If necessary, the Child Protection Team of the
381 Department of Health shall conduct a physical examination of the
382 victim, which is sufficient to meet forensic requirements.

383 (f) Based on the information obtained from the alleged
384 abuser or child who has exhibited inappropriate sexual behavior,
385 his or her caregiver, the victim, and the victim's caregiver, an
386 assessment of service and treatment needs must be completed and,
387 if needed, a case plan developed within 30 days.

388 (g) The department shall classify the outcome of the report
389 as follows:

390 1. Report closed. Services were not offered because the
391 department determined that there was no basis for intervention.

392 2. Services accepted by alleged abuser. Services were
393 offered to the alleged abuser or child who has exhibited
394 inappropriate sexual behavior and accepted by the caregiver.

395 3. Report closed. Services were offered to the alleged
396 abuser or child who has exhibited inappropriate sexual behavior,
397 but were rejected by the caregiver.

398 4. Notification to law enforcement. The risk to the
399 victim's safety and well-being cannot be reduced by the
400 provision of services or the caregiver rejected services, and
401 notification of the alleged delinquent act or violation of law
402 to the appropriate law enforcement agency was initiated.

403 5. Services accepted by victim. Services were offered to
404 the victim and accepted by the caregiver.

405 6. Report closed. Services were offered to the victim but
406 were rejected by the caregiver.

603-03753-23

20237056__

407 Section 8. Section 39.308, Florida Statutes, is amended to
408 read:

409 39.308 Guidelines for onsite child protective
410 investigation.—The Department of Children and Families, ~~in~~
411 ~~collaboration with the sheriffs' offices,~~ shall develop
412 guidelines for conducting an onsite child protective
413 investigation that specifically does not require the additional
414 activities required by the department and for conducting an
415 enhanced child protective investigation, including determining
416 whether compelling evidence exists that no maltreatment
417 occurred, conducting collateral contacts, contacting the
418 reporter, updating the risk assessment, and providing for
419 differential levels of documentation between an onsite and an
420 enhanced onsite child protective investigation.

421 Section 9. Subsection (3) of section 39.4015, Florida
422 Statutes, is amended to read:

423 39.4015 Family finding.—

424 (3) FAMILY-FINDING PROGRAM.—The department, in
425 collaboration with ~~sheriffs' offices that conduct child~~
426 ~~protective investigations and~~ community-based care lead
427 agencies, shall develop a formal family-finding program to be
428 implemented by child protective investigators and community-
429 based care lead agencies.

430 (a) Family-finding efforts shall begin as soon as a child
431 is taken into custody of the department, pursuant to s. 39.401,
432 and throughout the duration of the case as necessary, finding
433 and engaging with as many family members and fictive kin as
434 possible for each child who may help with care or support for
435 the child. The department or community-based care lead agency

Page 15 of 25

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603-03753-23

20237056__

436 must specifically document strategies taken to locate and engage
437 relatives and fictive kin. Strategies of engagement may include,
438 but are not limited to, asking the relatives and fictive kin to:

- 439 1. Participate in a family group decisionmaking conference,
- 440 family team conferencing, or other family meetings aimed at
- 441 developing or supporting the family service plan;
- 442 2. Attend visitations with the child;
- 443 3. Assist in transportation of the child;
- 444 4. Provide respite or child care services; or
- 445 5. Provide actual kinship care.

446 (b) The family-finding program shall provide the department
447 and the community-based care lead agencies with best practices
448 for identifying family and fictive kin. The family-finding
449 program must use diligent efforts in family finding and must
450 continue those efforts until multiple relatives and fictive kin
451 are identified. Family-finding efforts by the department and the
452 community-based care lead agency may include, but are not
453 limited to:

- 454 1. Searching for and locating adult relatives and fictive
455 kin.
- 456 2. Identifying and building positive connections between
457 the child and the child's relatives and fictive kin.
- 458 3. Supporting the engagement of relatives and fictive kin
459 in social service planning and delivery of services and creating
460 a network of extended family support to assist in remedying the
461 concerns that led to the child becoming involved with the child
462 welfare system, when appropriate.
- 463 4. Maintaining family connections, when possible.
- 464 5. Keeping siblings together in care, when in the best

Page 16 of 25

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603-03753-23

20237056__

465 interest of each child and when possible.

466 (c) To be compliant with this section, family-finding
467 efforts must go beyond basic searching tools by exploring
468 alternative tools and methodologies. A basic computer search
469 using the Internet or attempts to contact known relatives at a
470 last known address or telephone number do not constitute
471 effective family finding.

472 Section 10. Paragraph (e) of subsection (2) of section
473 39.523, Florida Statutes, is amended to read:

474 39.523 Placement in out-of-home care.—

475 (2) ASSESSMENT AND PLACEMENT.—When any child is removed
476 from a home and placed in out-of-home care, a comprehensive
477 placement assessment process shall be completed in accordance
478 with s. 39.4022 to determine the level of care needed by the
479 child and match the child with the most appropriate placement.

480 (e) The department, ~~a sheriff's office acting under s.~~
481 ~~39.3065~~, a community-based care lead agency, or a case
482 management organization must document all placement assessments
483 and placement decisions in the Florida Safe Families Network.

484 Section 11. Subsection (1) and paragraph (a) of subsection
485 (3) of section 39.524, Florida Statutes, are amended to read:

486 39.524 Safe-harbor placement.—

487 (1) Except as provided in s. 39.407 or s. 985.801, a
488 dependent child 6 years of age or older who is suspected of
489 being or has been found to be a victim of commercial sexual
490 exploitation as defined in s. 409.016 must be assessed, and the
491 department ~~or a sheriff's office acting under s. 39.3065~~ must
492 conduct a multidisciplinary staffing pursuant to s. 409.1754(2),
493 to determine the child's need for services and his or her need

Page 17 of 25

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603-03753-23

20237056__

494 for placement in a safe house or safe foster home as provided in
495 s. 409.1678 using the initial screening and assessment
496 instruments provided in s. 409.1754(1). If such placement is
497 determined to be appropriate for the child as a result of this
498 assessment, the child may be placed in a safe house or safe
499 foster home, if one is available. However, the child may be
500 placed in another setting, if the other setting is more
501 appropriate to the child's needs or if a safe house or safe
502 foster home is unavailable, as long as the child's behaviors are
503 managed so as not to endanger other children served in that
504 setting.

505 (3) (a) By October 1 of each year, the department, with
506 information from community-based care agencies ~~and certain~~
507 ~~sheriff's offices acting under s. 39.3065~~, shall report to the
508 Legislature on the prevalence of child commercial sexual
509 exploitation; the specialized services provided and placement of
510 such children; the local service capacity assessed pursuant to
511 s. 409.1754; the placement of children in safe houses and safe
512 foster homes during the year, including the criteria used to
513 determine the placement of children; the number of children who
514 were evaluated for placement; the number of children who were
515 placed based upon the evaluation; the number of children who
516 were not placed; and the department's response to the findings
517 and recommendations made by the Office of Program Policy
518 Analysis and Government Accountability in its annual study on
519 commercial sexual exploitation of children, as required by s.
520 409.16791.

521 Section 12. Paragraph (h) of subsection (3) and paragraphs
522 (b) and (c) of subsection (5) of section 402.40, Florida

Page 18 of 25

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603-03753-23

20237056__

523 Statutes, are amended to read:

524 402.40 Child welfare training and certification.—

525 (3) THIRD-PARTY CREDENTIALING ENTITIES.—The department
526 shall approve one or more third-party credentialing entities for
527 the purpose of developing and administering child welfare
528 certification programs for persons who provide child welfare
529 services. A third-party credentialing entity shall request such
530 approval in writing from the department. In order to obtain
531 approval, the third-party credentialing entity must:

532 (h) Maintain an advisory committee, including
533 representatives from each region of the department, ~~each~~
534 ~~sheriff's office providing child protective services,~~ and each
535 community-based care lead agency, who shall be appointed by the
536 organization they represent. The third-party credentialing
537 entity may appoint additional members to the advisory committee.

538 (5) CORE COMPETENCIES AND SPECIALIZATIONS.—

539 (b) The identification of these core competencies and
540 development of preservice curricula shall be a collaborative
541 effort that includes professionals who have expertise in child
542 welfare services, department-approved third-party credentialing
543 entities, and providers that will be affected by the curriculum,
544 including, but not limited to, representatives from the
545 community-based care lead agencies, the Florida Alcohol and Drug
546 Abuse Association, the Florida Council for Community Mental
547 Health, ~~sheriffs' offices conducting child protection~~
548 ~~investigations,~~ and child welfare legal services providers.

549 (c) Community-based care agencies, ~~sheriffs' offices,~~ and
550 the department may contract for the delivery of preservice and
551 any additional training for persons delivering child welfare

Page 19 of 25

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603-03753-23

20237056__

552 services if the curriculum satisfies the department-approved
553 core competencies.

554 Section 13. Subsection (2) of section 402.402, Florida
555 Statutes, is amended to read:

556 402.402 Child protection and child welfare personnel;
557 attorneys employed by the department.—

558 (2) SPECIALIZED TRAINING.—All child protective
559 investigators and child protective investigation supervisors
560 employed by the department ~~or a sheriff's office~~ must complete
561 the following specialized training:

562 (a) Training on the recognition of and responses to head
563 trauma and brain injury in a child under 6 years of age
564 developed by the Child Protection Team Program within the
565 Department of Health.

566 (b) Training that is either focused on serving a specific
567 population, including, but not limited to, medically fragile
568 children, sexually exploited children, children under 3 years of
569 age, or families with a history of domestic violence, mental
570 illness, or substance abuse, or focused on performing certain
571 aspects of child protection practice, including, but not limited
572 to, investigation techniques and analysis of family dynamics.

573
574 The specialized training may be used to fulfill continuing
575 education requirements under s. 402.40(3)(e). Individuals hired
576 on or after July 1, 2014, shall complete the specialized
577 training within 2 years after hire. An individual may receive
578 specialized training in multiple areas.

579 Section 14. Paragraph (d) of subsection (1), paragraphs
580 (a), (b), (d), and (e) of subsection (2), and paragraph (a) of

Page 20 of 25

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603-03753-23 20237056__

581 subsection (3) of section 409.1754, Florida Statutes, are
 582 amended to read:

583 409.1754 Commercial sexual exploitation of children;
 584 screening and assessment; training; multidisciplinary staffings;
 585 service plans.—

586 (1) SCREENING AND ASSESSMENT.—

587 (d) The department, ~~or a sheriff's office acting under s.~~
 588 ~~39.3065~~, the Department of Juvenile Justice, and community-based
 589 care lead agencies may use additional assessment instruments in
 590 the course of serving sexually exploited children.

591 (2) MULTIDISCIPLINARY STAFFINGS AND SERVICE PLANS.—

592 (a) The department, ~~or a sheriff's office acting under s.~~
 593 ~~39.3065~~, shall conduct a multidisciplinary staffing for each
 594 child who is a suspected or verified victim of commercial sexual
 595 exploitation. The department ~~or sheriff's office~~ shall
 596 coordinate the staffing and invite individuals involved in the
 597 child's care, including, but not limited to, the child, if
 598 appropriate; the child's family or legal guardian; the child's
 599 guardian ad litem; Department of Juvenile Justice staff; school
 600 district staff; local health and human services providers;
 601 victim advocates; and any other persons who may be able to
 602 assist the child.

603 (b) The staffing must use the assessment, local services,
 604 and local protocols required by this section to develop a
 605 service plan. The service plan must identify the needs of the
 606 child and his or her family, the local services available to
 607 meet those needs, and whether placement in a safe house or safe
 608 foster home is needed. If the child is dependent, the case plan
 609 required by s. 39.6011 may meet the requirement for a service

603-03753-23 20237056__

610 plan, but must be amended to incorporate the results of the
 611 multidisciplinary staffing. If the child is not dependent, the
 612 service plan is voluntary, and the department ~~must or sheriff's~~
 613 ~~office shall~~ provide the plan to the victim and his or her
 614 family or legal guardian and offer to make any needed referrals
 615 to local service providers.

616 (d) The department, ~~or a sheriff's office acting under s.~~
 617 ~~39.3065~~, shall follow up with all verified victims of commercial
 618 sexual exploitation who are dependent within 6 months of the
 619 completion of the child abuse investigation, and such
 620 information must be included in the report required under s.
 621 39.524. The follow-up followup must determine the following:

622 1. Whether a referral was made for the services recommended
 623 in the service plan;

624 2. Whether the services were received and, if not, the
 625 reasons why;

626 3. Whether the services or treatments were completed and,
 627 if not, the reasons why;

628 4. Whether the victim has experienced commercial sexual
 629 exploitation since the verified report;

630 5. Whether the victim has run away since the verified
 631 report;

632 6. The type and number of placements, if applicable;

633 7. The educational status of the child;

634 8. The employment status of the child; and

635 9. Whether the child has been involved in the juvenile or
 636 criminal justice system.

637 (e) The department, ~~or a sheriff's office acting under s.~~
 638 ~~39.3065~~, shall follow up with all verified victims of commercial

603-03753-23

20237056__

639 sexual exploitation who are not dependent within 6 months after
 640 the child abuse investigation is completed, and the information
 641 must be used in the report required under s. 39.524. The follow-
 642 up follow-up for nondependent victims and their families is
 643 voluntary, and the victim, family, or legal guardian is not
 644 required to respond. Any follow-up ~~The follow-up~~ must attempt to
 645 determine the following:

- 646 1. Whether a referral was made for the services recommended
- 647 in the service plan;
- 648 2. Whether the services were received and, if not, the
- 649 reasons why;
- 650 3. Whether the services or treatments were completed and,
- 651 if not, the reasons why;
- 652 4. Whether the victim has experienced commercial sexual
- 653 exploitation since the verified report;
- 654 5. Whether the victim has run away since the verified
- 655 report;
- 656 6. The educational status of the child;
- 657 7. The employment status of the child; and
- 658 8. Whether the child has been involved in the juvenile or
- 659 criminal justice system.

660 (3) TRAINING; LOCAL PROTOCOLS.-

661 (a) The department, ~~or a sheriff's office acting under s.~~
 662 ~~39.3065~~, and community-based care lead agencies shall ensure
 663 that cases in which a child is alleged, suspected, or known to
 664 be a victim of commercial sexual exploitation are assigned to
 665 child protective investigators and case managers who have
 666 specialized intensive training in handling cases involving a
 667 sexually exploited child. The department, ~~sheriff's office~~, and

Page 23 of 25

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603-03753-23

20237056__

668 lead agencies shall ensure that child protective investigators
 669 and case managers receive this training before accepting a case
 670 involving a commercially sexually exploited child.

671 Section 15. Paragraph (a) of subsection (4) of section
 672 937.021, Florida Statutes, is amended to read:

673 937.021 Missing child and missing adult reports.-

674 (4) (a) Upon the filing of a police report that a child is
 675 missing by the parent or guardian, the Department of Children
 676 and Families, or a community-based care provider, ~~or a sheriff's~~
 677 ~~office providing investigative services for the department~~, the
 678 law enforcement agency receiving the report shall immediately
 679 inform all on-duty law enforcement officers of the missing child
 680 report, communicate the report to every other law enforcement
 681 agency having jurisdiction in the county, and within 2 hours
 682 after receipt of the report, transmit the report for inclusion
 683 within the Florida Crime Information Center and the National
 684 Crime Information Center databases. A law enforcement agency may
 685 not require a reporter to present an order that a child be taken
 686 into custody or any other such order before accepting a report
 687 that a child is missing.

688 Section 16. Subsection (3) and paragraph (a) of subsection
 689 (9) of section 1004.615, Florida Statutes, are amended to read:

690 1004.615 Florida Institute for Child Welfare.-

691 (3) The institute shall work with the department, ~~sheriffs~~
 692 ~~providing child protective investigative services~~, community-
 693 based care lead agencies, community-based care provider
 694 organizations, the court system, the Department of Juvenile
 695 Justice, and other partners who contribute to and participate in
 696 providing child protection and child welfare services.

Page 24 of 25

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603-03753-23

20237056__

697 (9) By October 1 of each year, the institute shall provide
698 a written report to the Governor, the President of the Senate,
699 and the Speaker of the House of Representatives which outlines
700 its activities in the preceding year, reports significant
701 research findings, as well as results of other programs, and
702 provides specific recommendations for improving child protection
703 and child welfare services.

704 (a) The institute shall include an evaluation of the
705 results of the educational and training requirements for child
706 protection and child welfare personnel established under this
707 act and ~~recommendations for application of the results to child~~
708 ~~protection personnel employed by sheriff's offices providing~~
709 ~~child protection services~~ in its report due October 1, 2017.

710 Section 17. Except as otherwise expressly provided in this
711 act and except for this section, which shall take effect upon
712 this act becoming a law, this act shall take effect January 1,
713 2024.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/2023

Meeting Date

7056

Bill Number or Topic

Fiscal Policy

Committee

Amendment Barcode (if applicable)

Name

John Paul Fiore - DCF Legislative Affairs

Phone

850-488-9410

Address

2415 N. Monroe

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Street

Tallahassee FL

32303

City

State

Zip

Speaking:

For

Against

Information

OR

Waive Speaking:

In Support

Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing:

Dept. of Children and Families

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

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

Prepared By: The Professional Staff of the Committee on Fiscal Policy

BILL: SB 7064

INTRODUCER: Fiscal Policy Committee

SUBJECT: Human Trafficking

DATE: April 19, 2023

REVISED: 4/21/23

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Davis</u>	<u>Yeatman</u>		FP Submitted as Comm.Bill/Fav
2.			<u>RC</u>	

I. Summary:

SB 7064 establishes a new civil cause of action for a victim of human trafficking. The victim may recover damages and costs against an adult theatre, or its owner, operator, or manager who knowingly allows a human trafficking victim to work, perform, or dance at the adult theatre. In broad, general terms, an adult theatre is an enclosure or business used for presenting performances characterized by sexual activities for observation by its patrons, and which purports to limit admission to adults.

To comply with the statute of limitations, a lawsuit must be brought in circuit court within the same time period that is required for intentional torts based on abuse or sexual battery offenses on victims younger than 16 years. A victim who prevails in the lawsuit may recover economic and noneconomic damages, punitive damages, reasonable attorney fees, and costs.

If an adult theatre “knowingly” fails to obtain and maintain certain age verification documents of its employees and independent contractors, as required by the child labor laws contained in ch. 450, F.S., the current violation is a first degree misdemeanor. Under the bill, that penalty is increased to a third degree felony and the requirement that the violation be done “knowingly” is removed.

The bill amends the educational program penalties that must be imposed upon someone who is convicted of soliciting or enticing another to commit prostitution. In addition to other penalties, the offender must pay for and attend an educational program established by a judicial circuit that teaches the relationship between the demand for commercial sex and human trafficking and its impact on victims, if the program exists in the judicial circuit.

The statutes governing law enforcement officer training are amended to require that each certified law enforcement officer complete 4 hours of training in identifying and investigating human trafficking as part of the basic recruit training or the additional required training.

Finally, the bill establishes the state's unified Statewide Data Repository for Anonymous Human Trafficking Data at the University of South Florida Trafficking in Persons - Risk to Resilience Lab. The human trafficking data, which must be submitted by law enforcement agencies and other entities, will be used to aid in combatting human trafficking, prosecuting those engaged in human trafficking, and assisting victims of human trafficking.

The bill takes effect July 1, 2023.

II. Present Situation:

Human Trafficking

Human trafficking is defined in s. 787.06(2)(d), F.S., as the “transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploitation of that person.”

According to the Florida Department of Law Enforcement, human trafficking is the world's fastest growing criminal industry and ranks second in size only behind the international illegal drug trade. Unfortunately, the financial profits derived from human trafficking exceed the cumulative profits of several international corporations.¹

The Florida Alliance to End Human Trafficking states that Florida is believed to be the third largest center for human trafficking cases in the United States. The average minor is only 12 to 14 years old when he or she is first trafficked for commercial sex purposes although some trafficking victims have been as young as 9 years old.²

Legislative Intent and Penalties

Section 787.06(1)(a)-(d), F.S., contain the Legislature's “findings” on human trafficking. The provisions state that human trafficking is a form of modern-day slavery whose victims include young children, teenagers, and adults who are trafficked internationally and domestically. The traffickers subject the victims to different forms of force, fraud, or coercion to instill fear in them and keep them enslaved for sexual exploitation or forced labor. The findings further state that it is the intent of the Legislature to penalize the human traffickers for their crimes while the victims are protected and assisted by the state.

The penalties for anyone who knowingly, or in a reckless disregard of the facts, engages or attempts to engage in human trafficking, or benefits financially from human trafficking are set forth in s. 787.06(3) and (4), F.S.³ Of the 13 criminal offenses listed, 10 are punishable as first degree felonies, two are punishable as life felonies, and one is punishable as a second degree

¹ Florida Department of Law Enforcement, *Identify and Investigate Human Trafficking*, <http://www.fdle.state.fl.us/Media/BPDTraining/IDHumanTrafficking/index.html#/>.

² Human Trafficking Courts, *Human Trafficking in Florida: Facts, Statistics, Shelters and Prevention Organizations*, <http://www.fdle.state.fl.us/Media/BPDTraining/IDHumanTrafficking/index.html#/>.

³ Section 787.06(4)(a), F.S., provides that a parent, legal guardian, or other person having custody or control of a minor who sells or otherwise transfers custody or control of the minor or attempts to do so, with knowledge or in reckless disregard of the fact that the minor will be subject to human trafficking commits a life felony, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, F.S.

felony. If a person causes great bodily harm, permanent injury, or permanent disfigurement to another person during the commission of an offense, the degree of the offense is reclassified and a felony of the second degree becomes a felony of the first degree and a felony of the first degree is reclassified as a life felony.⁴

In a prosecution for human trafficking, a defendant's ignorance of a victim's age, a victim's misrepresentation of his or her age, or a defendant's bona fide belief of a victim's age cannot be raised as a defense.⁵ A person who is convicted of human trafficking for commercial sexual activity must register as a sexual offender.⁶

Civil Causes of Action for Human Trafficking

Federal

A victim of human trafficking may sue his or her trafficker for monetary damages in federal court under 18 U.S.C. s. 1595. The victim may sue for actual damages, punitive damages, reasonable attorney fees, and other litigation costs reasonably incurred.⁷ For an action to be maintained under this law, it must be initiated no later than 10 years after the cause of action arose or 10 years after the victim reaches the age of 18 years, if the victim was a minor at the time of the alleged offence.⁸

State

Victims of human trafficking also have a state statutory cause of action under ch. 772, F.S., a chapter that provides civil remedies for criminal practices.⁹

Section 772.104, F.S., provides a cause of action for any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of s. 772.103, F.S., due to human trafficking. The injured person is entitled to recover from the violator, threefold the amount gained from the human trafficking, or a minimum of \$200, and reasonable attorney fees and court costs. However, no punitive damages may be awarded and the defendant is entitled to recover attorney fees and costs if the claim was unsupported. Pursuant to

⁴ Section 787.06(8), F.S.

⁵ Section 787.06(9), F.S.

⁶ Section 943.0435, F.S.

⁷ JDSupra, *Legal Remedies for Sex Trafficking Victims*, (Jan. 27, 2023) <https://www.jdsupra.com/legalnews/legal-remedies-for-sex-trafficking-5286170/>; See also Congress.Gov, H.R.2620 – Trafficking Victims Protection Reauthorization Act of 2003, <https://www.congress.gov/bill/108th-congress/house-bill/2620>.

⁸ 18 U.S.C. s. 1595(2)(c).

⁹ Section 772.103, F.S., makes it unlawful for any person:

- (1) Who has with criminal intent received any proceeds derived, directly or indirectly, from a pattern of criminal activity or through the collection of an unlawful debt to use or invest, whether directly or indirectly, any part of such proceeds, or the proceeds derived from the investment or use thereof, in the acquisition of any title to, or any right, interest, or equity in, real property or in the establishment or operation of any enterprise.
- (2) Through a pattern of criminal activity or through the collection of an unlawful debt, to acquire or maintain, directly or indirectly, any interest in or control of any enterprise or real property.
- (3) Employed by, or associated with, any enterprise to conduct or participate, directly or indirectly, in such enterprise through a pattern of criminal activity or the collection of an unlawful debt.
- (4) To conspire or endeavor to violate any of the provisions of subsection (1), subsection (2), or subsection (3).

s. 772.17, F.S., a civil action brought under this statute must be brought within 5 years after the violation terminates or the cause of action accrues.

Under section 796.09(1), F.S., a person has a cause of action for compensatory and punitive damages against a person who coerced that person into prostitution or coerces that person to remain in prostitution, or uses coercion to collect or receive any part of that person's earnings derived from prostitution.

Adult Theater Age Verification Documents

An adult theater is defined in s. 847.001(2)(b), F.S., to mean:

an enclosed building or an enclosed space within a building used for presenting either films, live plays, dances, or other performances that are distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities for observation by patrons, and which restricts or purports to restrict admission only to adults, or any business that features a person who engages in specific sexual activities for observation by a patron, and which restricts or purports to restrict admission to only adults.

An adult theater is required to obtain proof of the identity and age of each of its employees or independent contractors and verify the validity of the identification and age verification document with the issuer before beginning employment or providing services as an independent contractor. According to s. 450.045(3)(a), F.S., this is required to provide the Department of Business and Professional Regulation and law enforcement agencies the means to effectively identify, investigate, and arrest persons who engage in human trafficking.

Pursuant to s. 450.045(3)(b), F.S., the adult theater must obtain and keep on record a photocopy of the person's driver license or state or federal government-issued photo identification card, along with a record of the verification of the validity of the identification and age verification document with the issuer. This information must be maintained during the entire period of employment or business relationship with the independent contractor and for at least 3 years after the employee or independent contractor ceases employment or the provision of services.

If an adult theater owner, operator, or manager knowingly violates these requirements, he or she commits a first degree misdemeanor, which is punishable by imprisonment of no more than 1 year or a fine that does not exceed \$1,000.

Law Enforcement Officer Training Requirements

Section 943.13, F.S., requires each law enforcement officer to complete a commission-approved basic recruit training program, unless he or she meets an exemption provided in statute. In addition, and pursuant to s. 943.17297, F.S., each certified law enforcement officer must successfully complete 4 hours of training in identifying and investigating human trafficking within 1 year after beginning employment.

III. Effect of Proposed Changes:

Civil Cause of Action for a Human Trafficking Victim, Section 3 (s. 787.061, F.S.)

Findings

The Legislature finds that it is necessary to create a civil cause of action for human trafficking victims in order to carry out the intent of the Legislature as expressed previously in s. 787.06(1)(d), F.S. That section details the Legislature's desire to punish human traffickers for their illegal conduct and ensure that victims be protected and assisted by the state and its agencies and helped to access social services and benefits.

Definitions

"Human trafficking" means transporting, soliciting, recruiting, harboring, providing, enticing, maintaining, purchasing, patronizing, procuring, or obtaining another person for the purpose of exploitation of that person.

A "victim of human trafficking" means a person subjected to coercion, as defined in existing s. 787.06(2), F.S.,¹⁰ or by any other means, for the purpose of being used in human trafficking; a child under 18 years of age subjected to human trafficking; or an individual subjected to human trafficking as defined by federal law.

Cause of Action

The bill establishes a civil cause of action for a victim of human trafficking to recover damages and costs against an adult theatre, or its owner, operator, or manager who knowingly allows a victim to work, perform, or dance at the adult theatre. The action may be brought in any circuit court of the state.

Recoverable Damages

Under the bill, a victim may recover economic and noneconomic damages; punitive damages, as provided in ss. 768.72, 768.725, and 768.73, F.S.; and reasonable attorney fees and costs.

Under the bill, economic damages include, but are not limited to:

- Past and future medical and mental health expenses;

¹⁰ Coercion is defined in s. 787.06(2)(a), F.S., to mean:

1. Using or threatening to use physical force against any person;
2. Restraining, isolating, or confining or threatening to restrain, isolate, or confine any person without lawful authority and against her or his will;
3. Using lending or other credit methods to establish a debt by any person when labor or services are pledged as a security for the debt, if the value of the labor or services as reasonably assessed is not applied toward the liquidation of the debt, the length and nature of the labor or services are not respectively limited and defined;
4. Destroying, concealing, removing, confiscating, withholding, or possessing any actual or purported passport, visa, or other immigration document, or any other actual or purported government identification document, of any person;
5. Causing or threatening to cause financial harm to any person;
6. Enticing or luring any person by fraud or deceit; or
7. Providing a controlled substance as outlined in Schedule I or Schedule II of s. 893.03 to any person for the purpose of exploitation of that person.

- Repatriation expenses, when a victim elects repatriation; and
- All other reasonable costs and expenses incurred by the victim in the past or estimated to be incurred by the victim in the future as a result of the human trafficking.

Noneconomic damages are nonfinancial losses that would not have occurred but for the victimization, and include:

- Pain and suffering;
- Inconvenience;
- Physical impairment;
- Mental anguish;
- Disfigurement;
- Loss of capacity for enjoyment of life; and
- Other nonfinancial losses.

The bill provides that the civil remedies provided for in this section do not preempt any other remedy or cause of action provided by law, but that a victim may not recover under both this section and existing s. 772.104(2), F.S.¹¹

Prohibited Recovery

The bill states that, if the factfinder determines that a parent or legal guardian knowingly trafficked the victim, facilitated the trafficking, or otherwise participated in the human trafficking of the victim, the court may not allow the parent or legal guardian to receive any distribution of damages awarded under this section.

Consolidation

In an action brought under this section, a court is given the specific authority to consolidate civil actions for the same defendant for the purpose of case resolution and aggregate jurisdiction.

Statute of Limitations, Section 1

The statute of limitations provision contains cross-references to s. 95.11(7) or (9), F.S., as applicable to govern an action brought under this section. Section 95.11(7), F.S., applies to limitations for intentional torts based on abuse and s. 95.11(9), F.S. addresses specified offenses on victims under age 16.

Those statutes are amended to provide that an action under this section may be brought:

¹¹ Section 772.104(1) and (2), F.S. states:

(1) Any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 shall have a cause of action for threefold the actual damages sustained and, in any such action, is entitled to minimum damages in the amount of \$200, and reasonable attorney's fees and court costs in the trial and appellate courts.

(2) As an alternative to recovery under subsection (1), any person who proves by clear and convincing evidence that he or she has been injured by reason of any violation of the provisions of s. 772.103 due to sex trafficking or human trafficking shall have a cause of action for threefold the amount gained from the sex trafficking or human trafficking and in any such action is entitled to minimum damages in the amount of \$200 and reasonable attorney's fees and court costs in the trial and appellate courts.

- Within 7 years after the victim reaches the age of majority;
- Within 4 years after the victim leaves the abuser;
- Within 4 years from the time of discovery by the victim of both the injury and the causal relationship between the injury and abuse, whichever occurs later; or
- For victims that were under the age of 16 at the time of the trafficking, at any time.

Adult Theatre Criminal Provisions, Section 2 (s. 450.045, F.S.)

The bill amends s. 450.045, F.S., to increase the penalty for the failure of an owner, operator, or manager of an adult theater to comply with the proof of age and identify verification requirements. The penalty is increased from the penalties for a first degree misdemeanor to the penalties for a third degree felony, and language is revised to no longer require that the violation be done “knowingly.” The bill does not rank this offense, and therefore by default, it is ranked as a level 1 offense on the Criminal Punishment Code Offense Severity Ranking Chart.

A third degree felony is punishable by a term of imprisonment not to exceed 5 years and a fine not to exceed \$5,000. Language is also added to the penalty provisions to permit sentencing under s. 775.084, F.S., which addresses violent career criminals, habitual felony offenders, and habitual violent felony offenders.

Additional Punishment Provisions for Prostitution-Related Convictions, Section 4 (s. 796.07, F.S.)

The bill amends s. 796.07, F.S., to require that an offender who is convicted of soliciting another person to commit prostitution, in addition to any other penalty imposed, pay for and attend an educational program, if one exists in the judicial circuit in which the offender is sentenced, that provides education on the following:

- The relationship between demand for commercial sex and human trafficking.
- The impact of human trafficking on victims.
- Coercion, consent, and sexual violence.
- The health and legal consequences of commercial sex.
- The negative impact of commercial sex on prostituted persons and the community.
- The reasons and motivations for engaging in prostitution.

The bill authorizes a judicial circuit to establish a program and allows a program to be offered by a faith-based provider.

Law Enforcement Training, Section 5 (s. 943.17297, F.S.)

The bill amends s. 943.17297, F.S., to require that each certified law enforcement officer successfully complete 4 hours of training in identifying and investigating human trafficking as part of the basic recruit training of the officer as required pursuant to s. 943.13(9), F.S., or additional training required in s. 943.131(4), F.S. The training must be developed by the Criminal Justice Standards and Training Commission in consultation with the Department of Legal Affairs and the Statewide Council on Human Trafficking.

Statewide Data Repository for Anonymous Human Trafficking Data, Section 6

The bill creates s. 1004.343, F.S., to establish the Statewide Data Repository for Anonymous Human Trafficking Data within the University of South Florida's (USF) Trafficking in Persons – Risk to Resilience Lab.

Law enforcement agencies and other entities and organizations are required to submit data to the repository. This data will then be used to develop data-driven approaches to combatting human trafficking, prosecuting those engaged in human trafficking, and assisting victims of human trafficking. Beginning July 1, 2024, and each year after, the Lab must submit an annual report and analysis of its findings to the Governor, the Attorney General, the President of the Senate, and the Speaker of the House of Representatives.

This section pertaining to the University of South Florida Trafficking in Persons – Risk to Resilience Lab will be repealed July 1, 2026, unless it is reviewed and reenacted by the Legislature before that date.

The bill takes effect July 1, 2023.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

The bill defines “victim of human trafficking” to include an “individual subjected to human trafficking as defined by federal law.” Because the Legislature may not delegate its legislative power to the federal government, the bill will not likely be interpreted to incorporate future changes to those federal definitions.¹²

¹² See *Eastern Airlines, Inc. v. Dept. of Revenue*, 455 So. 2d 311, 315-16 (Fla. 1984).

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

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

By increasing the adult theater operation penalties from a first degree misdemeanor to a third degree felony, the bill may result in more jail and prison admissions.

The bill may also have an indeterminate impact on state expenditures due to costs required to establish an educational program pertaining to human trafficking and commercial sex. Some of these costs, however, may be offset by offenders having to pay for their attendance in the educational program.

According to the Florida Department of Law Enforcement (FDLE),¹³ law enforcement agencies that currently submit crime data to FDLE's Uniform Crime Report program will not need to submit data directly to the USF data repository because FDLE will provide that information on their behalf. However, because of requirements in the bill, FDLE will need to add certain new data elements to the Florida Incident-Based Reporting System (FIBRS) to be in compliance with the reporting specifications such as the time and location of the offense, information regarding victim services referrals, as well as the disposition of the investigation or prosecution of the case. FDLE estimates that program changes to FIBRS will total approximately \$42,000 in non-recurring funds and take an estimated 9 weeks to complete. Local agencies will also incur costs because they will need to update their record management systems to collect these new data elements to be in compliance with the requirements of the bill.

In order to make program changes to the current Automated Training Management System which tracks Criminal Justice Standards and Training certified training courses, FDLE estimates a cost of approximately \$57,000 in non-recurring funds and that it will take an estimated 4 months to complete.

VI. Technical Deficiencies:

None.

VII. Related Issues:

FDLE notes that the initial data reporting date of July 1, 2023 for counties having a population of more than 500,000 will be a difficult deadline to meet. FDLE notes that it will take "multiple

¹³ Florida Department of Law Enforcement, *2023 Legislative Bill Analysis for SB 7064*, (April 17, 2023) on file with the Senate Committee on Fiscal Policy.

months” to consult with the University of South Florida to set up a repository, determine a data transfer method and update the Florida Incident Based Reporting System to collect the needed data.¹⁴

The FDLE Office of General Counsel has expressed concerns that law enforcement agencies could arguably lose public records exemptions for active criminal investigative information or active criminal intelligence information if that information is shared with a non-criminal justice agency. FDLE is concerned that this loss of exemptions on active cases could be detrimental to furthering a criminal investigation.¹⁵

FDLE is also concerned that sharing some of the detailed information required in the bill might reveal the identity of a victim which is in conflict with certain confidentiality protections. Accordingly, FDLE requests clarification in the bill stating that active cases will not be reported until the case is closed or, as an alternative, that information held by the database would maintain any exemptions or confidentiality protections that already exist.¹⁶

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 95.11, 450.045, 796.07, and 943.17297.

This bill creates the following sections of the Florida Statutes: 787.061 and 1004.343.

IX. Additional Information:

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

None.

B. **Amendments:**

None.

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

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

FOR CONSIDERATION By the Committee on Fiscal Policy

594-03890-23

20237064pb

1 A bill to be entitled
 2 An act relating to human trafficking; amending s.
 3 95.11, F.S.; conforming provisions to changes made by
 4 the act; amending s. 450.045, F.S.; increasing
 5 criminal penalties for specified offenses involving
 6 adult theaters; creating s. 787.061, F.S.; providing
 7 legislative findings; providing definitions; providing
 8 a civil cause of action for victims of human
 9 trafficking against certain entities or persons;
 10 providing procedures and requirements for claims;
 11 providing for damages, penalties, punitive damages,
 12 attorney fees, expenses, and costs; providing a
 13 statute of limitations; amending s. 796.07, F.S.;
 14 authorizing judicial circuits to establish educational
 15 programs for persons convicted of or charged with
 16 certain violations; specifying contents of such
 17 programs; providing that such programs may be offered
 18 by faith-based providers; amending s. 943.17297, F.S.;
 19 revising requirements for law enforcement training in
 20 identifying and investigating human trafficking;
 21 creating s. 1004.343, F.S.; creating the Statewide
 22 Data Repository for Anonymous Human Trafficking Data
 23 at the University of South Florida; providing purposes
 24 of the data repository; specifying duties of
 25 university faculty and staff; designating required
 26 reporting entities; requiring specified information to
 27 be reported; providing for reporting; providing for
 28 future repeal; providing an effective date.
 29

Page 1 of 11

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594-03890-23

20237064pb

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

31
 32 Section 1. Subsections (7) and (9) of section 95.11,
 33 Florida Statutes, are amended to read:

34 95.11 Limitations other than for the recovery of real
 35 property.—Actions other than for recovery of real property shall
 36 be commenced as follows:

37 (7) FOR INTENTIONAL TORTS BASED ON ABUSE.—An action founded
 38 on alleged abuse, as defined in s. 39.01, s. 415.102, or s.
 39 984.03; ~~or~~ incest, as defined in s. 826.04; or an action
 40 brought pursuant to s. 787.061, may be commenced at any time
 41 within 7 years after the age of majority, or within 4 years
 42 after the injured person leaves the dependency of the abuser, or
 43 within 4 years from the time of discovery by the injured party
 44 of both the injury and the causal relationship between the
 45 injury and the abuse, whichever occurs later.

46 (9) SPECIFIED SEXUAL BATTERY OFFENSES ON VICTIMS UNDER AGE
 47 16.—An action related to an act constituting a violation of s.
 48 794.011 or an action brought pursuant to s. 787.061 involving a
 49 victim who was under the age of 16 at the time of the act may be
 50 commenced at any time. This subsection applies to any such
 51 action other than one which would have been time barred on or
 52 before July 1, 2010.

53 Section 2. Paragraph (d) of subsection (3) of section
 54 450.045, Florida Statutes, is amended, and paragraphs (a), (b),
 55 and (c) of that subsection are republished, to read:

56 450.045 Proof of identity and age; posting of notices.—

57 (3) (a) In order to provide the department and law
 58 enforcement agencies the means to more effectively identify,

Page 2 of 11

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594-03890-23

20237064pb

59 investigate, and arrest persons engaging in human trafficking,
60 an adult theater, as defined in s. 847.001(2)(b), shall obtain
61 proof of the identity and age of each of its employees or
62 independent contractors, and shall verify the validity of the
63 identification and age verification document with the issuer,
64 before his or her employment or provision of services as an
65 independent contractor.

66 (b) The adult theater shall obtain and keep on record a
67 photocopy of the person's driver license or state or federal
68 government-issued photo identification card, along with a record
69 of the verification of the validity of the identification and
70 age verification document with the issuer, during the entire
71 period of employment or business relationship with the
72 independent contractor and for at least 3 years after the
73 employee or independent contractor ceases employment or the
74 provision of services.

75 (c) The department and its agents have the authority to
76 enter during operating hours, unannounced and without prior
77 notice, and inspect at any time a place or establishment covered
78 by this subsection and to have access to age verification
79 documents kept on file by the adult theater and such other
80 records as may aid in the enforcement of this subsection.

81 (d) A person who owns, operates, or manages an adult
82 theater ~~owner, operator, or manager~~ who knowingly violates this
83 subsection commits a felony of misdemeanor in the third first
84 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083, or
85 s. 775.084.

86 Section 3. Section 787.061, Florida Statutes, is created to
87 read:

Page 3 of 11

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594-03890-23

20237064pb

88 787.061 Civil actions by victims of human trafficking.-

89 (1) FINDINGS.-The Legislature finds that it is necessary to
90 provide a civil cause of action for the recovery of specified
91 damages and costs in order to achieve the intent of the
92 Legislature relating to human trafficking as expressed in s.
93 787.06(1)(d).

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

95 (a) "Human trafficking" has the same meaning as provided in
96 s. 787.06(2).

97 (b) "Victim of human trafficking" means a person subjected
98 to coercion, as defined in s. 787.06(2), or by any other means,
99 for the purpose of being used in human trafficking; a child
100 under 18 years of age subjected to human trafficking; or an
101 individual subjected to human trafficking as defined by federal
102 law.

103 (3) CIVIL CAUSE OF ACTION.-

104 (a) A victim of human trafficking has a civil cause of
105 action against an adult theater, as defined in s. 847.001(2)(b),
106 or an owner, an operator, or a manager of such theater, that
107 knowingly allows a victim of human trafficking to work, perform,
108 or dance at the adult theater. Such victim may recover damages
109 as provided in this section.

110 (b) The action may be brought in any circuit court of
111 competent jurisdiction in this state.

112 (c) A victim who prevails in any such action may recover
113 economic and noneconomic damages; punitive damages, as provided
114 in ss. 768.72, 768.725, and 768.73; reasonable attorney fees;
115 and costs.

116 1. Economic damages include, but are not limited to, past

Page 4 of 11

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594-03890-23

20237064pb

117 and future medical and mental health expenses; repatriation
 118 expenses, when a victim elects repatriation; and all other
 119 reasonable costs and expenses incurred by the victim in the past
 120 or estimated to be incurred by the victim in the future as a
 121 result of the human trafficking.

122 2. Noneconomic damages are nonfinancial losses that would
 123 not have occurred but for the victimization, and include pain
 124 and suffering, inconvenience, physical impairment, mental
 125 anguish, disfigurement, loss of capacity for enjoyment of life,
 126 and other nonfinancial losses.

127 (d) The civil remedies provided for in this section do not
 128 preempt any other remedy or cause of action provided by law,
 129 except that a victim may not recover against the same defendant
 130 under both this section and s. 772.104(2).

131 (e) If the factfinder determines a parent or legal guardian
 132 knowingly trafficked the victim, facilitated such trafficking,
 133 or otherwise participated in the human trafficking of the
 134 victim, the court may not allow such parent or legal guardian to
 135 receive any distribution of damages awarded under this section.

136 (f) The court shall have specific authority to consolidate
 137 civil actions for the same defendant for the purpose of case
 138 resolution and aggregate jurisdiction.

139 (4) STATUTE OF LIMITATIONS.—The statute of limitations as
 140 specified in s. 95.11(7) or (9), as applicable, governs an
 141 action brought under this section.

142 Section 4. Paragraph (b) of subsection (5) of section
 143 796.07, Florida Statutes, is amended, subsection (8) is added to
 144 that section, and paragraph (f) of subsection (2) and paragraph
 145 (a) of subsection (5) of that section are republished, to read:

594-03890-23

20237064pb

146 796.07 Prohibiting prostitution and related acts.—

147 (2) It is unlawful:

148 (f) To solicit, induce, entice, or procure another to
 149 commit prostitution, lewdness, or assignation.

150 (5) (a) A person who violates paragraph (2) (f) commits:

151 1. A misdemeanor of the first degree for a first violation,
 152 punishable as provided in s. 775.082 or s. 775.083.

153 2. A felony of the third degree for a second violation,
 154 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

155 3. A felony of the second degree for a third or subsequent
 156 violation, punishable as provided in s. 775.082, s. 775.083, or
 157 s. 775.084.

158 (b) In addition to any other penalty imposed, the court
 159 shall order a person convicted of a violation of paragraph
 160 (2) (f) to:

161 1. Perform 100 hours of community service, ~~and~~

162 2. Pay for and attend an educational program as described
 163 in subsection (8), about the negative effects of prostitution
 164 and human trafficking, such as a sexual violence prevention
 165 education program, including such programs offered by faith-
 166 based providers, if such a program exists ~~programs exist~~ in the
 167 judicial circuit in which the offender is sentenced.

168 (8) (a) A judicial circuit may establish an educational
 169 program for persons convicted of or charged with a violation of
 170 paragraph (2) (f), to include education on:

171 1. The relationship between demand for commercial sex and
 172 human trafficking.

173 2. The impact of human trafficking on victims.

174 3. Coercion, consent, and sexual violence.

594-03890-23

20237064pb

175 4. The health and legal consequences of commercial sex.
 176 5. The negative impact of commercial sex on prostituted
 177 persons and the community.
 178 6. The reasons and motivations for engaging in
 179 prostitution.
 180 (b) An educational program may include a program offered by
 181 a faith-based provider.
 182 Section 5. Section 943.17297, Florida Statutes, is amended
 183 to read:
 184 943.17297 ~~Continuing employment~~ Training in identifying and
 185 investigating human trafficking. ~~Within 1 year after beginning~~
 186 ~~employment,~~ Each certified law enforcement officer must
 187 successfully complete 4 hours of training in identifying and
 188 investigating human trafficking as part of the basic recruit
 189 training of the officer required in s. 943.13(9) or additional
 190 training required in s. 943.131(4). ~~Completion of the training~~
 191 ~~component may count toward the 40 hours of instruction for~~
 192 ~~continued employment or appointment as a law enforcement officer~~
 193 ~~required under s. 943.135. This training component must be~~
 194 ~~completed by current law enforcement officers by July 1, 2022.~~
 195 The training must be developed by the commission in consultation
 196 with the Department of Legal Affairs and the Statewide Council
 197 on Human Trafficking. ~~If an officer fails to complete the~~
 198 ~~required training, his or her certification must be placed on~~
 199 ~~inactive status until the employing agency notifies the~~
 200 ~~commission that the officer has completed the training.~~
 201 Section 6. Section 1004.343, Florida Statutes, is created
 202 to read:
 203 1004.343 Statewide Data Repository for Anonymous Human

Page 7 of 11

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594-03890-23

20237064pb

204 Trafficking Data.
 205 (1) The University of South Florida Trafficking in Persons
 206 - Risk to Resilience Lab shall house and operate the state's
 207 unified Statewide Data Repository for Anonymous Human
 208 Trafficking Data.
 209 (a) The purposes of the data repository are to:
 210 1. Collect and analyze anonymous human trafficking data to
 211 better understand the magnitude and trends in human trafficking
 212 in the state over time.
 213 2. Help evaluate the effectiveness of various state-funded
 214 initiatives to combat human trafficking to determine the impact
 215 of such initiatives and to use evidence-based decisionmaking in
 216 the determination of state investments in such initiatives.
 217 3. Inform statewide efforts among law enforcement agencies,
 218 state agencies, and other entities to combat human trafficking
 219 and apprehend and prosecute those persons responsible for human
 220 trafficking; and
 221 4. Better serve victims of human trafficking through
 222 evidence-based interventions that have proven effective.
 223 (b) University of South Florida faculty and staff assigned
 224 to the lab shall:
 225 1. Design, operate, maintain, and protect the integrity of
 226 the statewide human trafficking data repository.
 227 2. Design, in consultation with the Department of Law
 228 Enforcement and other law enforcement partners, and launch a
 229 user-friendly system for uploading anonymous human trafficking
 230 data to the repository in a manner that can be accomplished
 231 quickly and at no additional cost to the required reporting
 232 entities.

Page 8 of 11

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594-03890-23

20237064pb

233 3. Analyze such data to identify initiatives and
 234 interventions that worked best in combatting human trafficking,
 235 prosecuting individuals conducting human trafficking, and
 236 assisting victims of human trafficking.

237 4. Work with law enforcement agencies and state agencies to
 238 report data on human trafficking investigations and prosecutions
 239 which can aid those agencies in combatting human trafficking and
 240 prosecuting those individuals responsible for human trafficking.

241 (2) (a) The following agencies and organizations are
 242 considered required reporting entities under this section:

243 1. Law enforcement agencies operating with state or local
 244 government tax proceeds, including, but not limited to,
 245 municipal police departments, county sheriff's departments,
 246 county attorney's offices, and state attorney's offices.

247 2. The Department of Law Enforcement and any other state
 248 agencies that hold any data related to human trafficking.

249 3. Service providers and other nongovernmental
 250 organizations that serve victims of human trafficking through
 251 state or federal funding for such purpose.

252 (b) Notwithstanding paragraph (a), any required reporting
 253 entity that submits the data required under subsection (3) from
 254 its local jurisdiction to the Department of Law Enforcement's
 255 Uniform Crime Report (UCR) system or Florida Incident-Based
 256 Reporting System (FIBRS) may, but is not required to, submit any
 257 additional data to the statewide human trafficking data
 258 repository. However, the Department of Law Enforcement shall
 259 upload or otherwise share with the statewide human trafficking
 260 data repository, at least quarterly, the relevant data required
 261 by this section which has been reported by local jurisdictions

Page 9 of 11

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594-03890-23

20237064pb

262 to the UCR system and the FIBRS.

263 (3) All of the following human trafficking data shall be
 264 submitted by required reporting entities to the statewide human
 265 trafficking data repository, unless such entity is exempt from
 266 the reporting under paragraph (2) (b):

267 (a) The alleged offense that was being investigated or
 268 prosecuted and a description of the alleged prohibited conduct.

269 (b) The age, gender, and race or ethnicity of each suspect
 270 and victim and the case number associated with that suspect and
 271 victim.

272 (c) The date, time, and location of the alleged offense.

273 (d) The type of human trafficking involved.

274 (e) Any other related prosecution charges.

275 (f) Information regarding any victim services organization
 276 or program to which the victim was referred, if available.

277 (g) The disposition of the investigation or prosecution,
 278 regardless of its manner of disposition.

279 (4) (a) A required reporting entity located in a county with
 280 a population of more than 500,000 must begin reporting its
 281 jurisdiction's human trafficking data required by this section
 282 to the statewide human trafficking data repository, or to the
 283 UCR system or the FIBRS, on or before July 1, 2023, and at least
 284 quarterly each year thereafter.

285 (b) A required reporting entity located in a county with a
 286 population of 500,000 or less must begin reporting its
 287 jurisdiction's human trafficking data required by this section
 288 to the statewide human trafficking data repository, or to the
 289 UCR system or the FIBRS, on or before July 1, 2024, and at least
 290 biannually each year thereafter.

Page 10 of 11

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594-03890-23

20237064pb

291 (5) Beginning July 1, 2024, and annually thereafter, the
292 University of South Florida Trafficking in Persons - Risk to
293 Resilience Lab shall submit an annual report and analysis on its
294 findings to the Governor, the Attorney General, the President of
295 the Senate, and the Speaker of the House of Representatives.

296 (6) This section is repealed July 1, 2026, unless reviewed
297 and reenacted by the Legislature before that date.

298 Section 7. This act shall take effect July 1, 2023.

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to Senate professional staff conducting the meeting

4/20/23

Meeting Date

SPB 7064

Bill Number or Topic

S Fiscal

Committee

Amendment Barcode (if applicable)

Name Lauren Hartmann

Phone 727-743-6228

Address

Email lhartmann@usf.edu

Street

City

State

Zip

Speaking: For Against Information OR Waive Speaking: In Support Against

PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without compensation or sponsorship.

I am a registered lobbyist, representing: USF

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. 2020-2022 Joint Rules.pdf (flsenate.gov)

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

S-001 (08/10/2021)

CourtSmart Tag Report

Room: KB 412

Case No.: -

Type:

Caption: Senate Fiscal Policy Committee

Judge:

Started: 4/20/2023 9:35:08 AM

Ends: 4/20/2023 5:56:36 PM

Length: 08:21:29

9:35:08 AM Meeting called to order, roll call
9:35:23 AM Quorum is present
9:35:32 AM Pledge
9:36:11 AM Chair Hutson makes opening remarks
9:36:15 AM Chair Hutson passes the chair to Senator Mayfield
9:36:32 AM Tab 6, CS/SB 252- Protection from Discrimination Based on Health Care Choices by Senator Burton
9:36:55 AM Chair Mayfield recognizes Senator Burton
9:37:01 AM Amendment 422702
9:37:07 AM Senator Burton explains the amendment
9:41:29 AM Questions:
9:41:31 AM Senator Berman
9:41:45 AM Senator Burton
9:42:04 AM Senator Berman
9:42:20 AM Senator Burton
9:42:27 AM Senator Berman
9:42:40 AM Senator Burton
9:43:22 AM Senator Berman
9:43:32 AM Senator Burton
9:44:57 AM Dr. Deputy Secretary of Health
9:46:32 AM Senator Berman
9:46:46 AM Dr. Deputy Secretary of Health
9:47:21 AM Senator Torres
9:47:30 AM Senator Burton
9:47:55 AM Senator Torres
9:48:10 AM Senator Burton
9:48:33 AM Amendment 823424
9:48:39 AM Senator Burton explains the amendment
9:49:02 AM Senator Burton waives close
9:49:12 AM Chair Mayfield reports amendment
9:49:33 AM Senator Burton waives close
9:49:38 AM Chair Mayfield reports amendment
9:49:44 AM Chair Mayfield recognizes public testimony:
9:50:13 AM Koni Updyke
9:52:04 AM Brigitte Smith
9:53:22 AM Len Racippi
9:55:46 AM Debate:
9:55:47 AM Senator Berman
9:56:41 AM Senator Torres
9:58:05 AM Senator Yarborough
9:58:52 AM Senator Burton closes on the bill
10:00:01 AM Roll call on CS/SB 252
10:00:44 AM Chair Mayfield reports the bill
10:00:49 AM Tab 4, CS/SB 238- Public Records/COVID-19 Vaccination Mandates by Senator Burton
10:01:14 AM Chair Mayfield recognizes Senator Burton
10:01:21 AM Senator Burton explains the bill
10:01:33 AM Amendment 23876
10:01:44 AM Senator Burton explains the amendment
10:01:53 AM Amendment 156626
10:01:57 AM Senator Burton explains the amendment
10:02:16 AM Questions:
10:02:16 AM Senator Berman
10:02:30 AM Senator Burton

10:02:37 AM Senator Berman
10:03:02 AM Senator Burton
10:03:27 AM Senator Burton waives close
10:03:33 AM Chair Mayfield reports amendment
10:03:43 AM Chair Mayfield reads appearance cards waiving
10:03:59 AM Senator Burton waives close
10:04:03 AM Roll call on CS/CS/SB 238
10:04:20 AM Chair Mayfield reports the bill
10:04:49 AM Tab 34, CS/SB 1676- Hemp by Senator Burton
10:05:06 AM Amendment 663902
10:05:11 AM Senator Burton explains the amendment
10:06:55 AM Chair Mayfield recognizes public testimony:
10:07:31 AM Teresa Miller
10:10:16 AM Senator Burton waives close
10:10:21 AM Chair Mayfield reports amendment
10:10:36 AM Chair Mayfield recognizes public testimony:
10:11:09 AM J.D. McCormick
10:11:42 AM Teresa Miller
10:14:20 AM Senator Burton closes on the bill
10:15:30 AM Roll call on CS/CS/SB 1676
10:15:57 AM Chair Mayfield reports the bill
10:16:13 AM Tab 5 CS/SB 246- Florida Kidcare Program Eligibility by Senator Calatayud
10:16:33 AM Amendment 723386
10:16:39 AM Senator Calatayud explains the amendment
10:16:56 AM Senator Calatayud waives close
10:17:03 AM Chair Mayfield reports amendment
10:17:09 AM Questions:
10:17:13 AM Senator Berman
10:18:00 AM Senator Calatayud
10:18:57 AM Senator Berman
10:19:28 AM Senator Calatayud
10:20:10 AM Chair Mayfield recognizes public testimony:
10:20:18 AM Melissa Nelson, United Way of Florida
10:22:53 AM Debate:
10:22:55 AM Senator Berman
10:23:20 AM Senator Osgood
10:24:09 AM Senator Calatayud closes on the bill
10:24:34 AM Roll call on CS/CS/SB 246
10:24:52 AM Chair Mayfield reports the bill
10:25:17 AM Tab 20, CS/SB 1140- Rapid DNA Grant Program by Senator Ingoglia
10:25:35 AM Chair Mayfield recognizes Senator Ingoglia
10:25:44 AM Senator Ingoglia explains the bill
10:26:22 AM Debate:
10:26:25 AM Senator Wright
10:26:45 AM Senator Ingoglia waives close
10:26:47 AM Roll call on CS/SB 1140
10:27:19 AM Chair Mayfield reports the bill
10:27:25 AM Tab 35, CS/CS/SB 1690- Sexual Exploitation and Human Trafficking by Senator Ingoglia
10:27:51 AM Chair Mayfield recognizes Senator Ingoglia
10:28:01 AM Senator Ingoglia explains the bill
10:28:59 AM Questions:
10:29:01 AM Vice Chair Stewart
10:29:25 AM Senator Ingoglia
10:30:05 AM Amendment 932446
10:30:14 AM Senator Garcia explains the amendment
10:30:53 AM Amendment 485322
10:31:00 AM Senator Garcia explains the amendment
10:31:33 AM Senator Ingoglia
10:31:55 AM Senator Garcia waives close
10:32:00 AM Chair Mayfield reports amendment
10:32:10 AM Chair Mayfield reads appearance cards waiving
10:32:18 AM Debate:

10:32:22 AM Senator Berman
10:33:05 AM Senator Garcia
10:33:40 AM Senator Torres
10:34:17 AM Vice Chair Stewart
10:34:32 AM Senator Osgood
10:34:55 AM Senator Ingoglia closes on the bill
10:35:07 AM Roll call on CS/CS/CS/SB 1690
10:35:26 AM Chair Mayfield reports the bill
10:35:46 AM Tab 23, SB 1170- Flooding and Sea Level Rise Vulnerability Studies by Senator Calatayud
10:36:08 AM Amendment 922214
10:36:18 AM Senator Calatayud explains the amendment
10:36:26 AM Questions:
10:36:32 AM Senator Berman
10:36:33 AM Senator Calatayud
10:37:05 AM Senator Calatayud closes on the amendment
10:37:28 AM Chair Mayfield reports amendment
10:37:40 AM Chair Mayfield reads appearance cards waiving
10:37:59 AM Senator Calatayud closes on the bill
10:38:42 AM Roll call on CS/SB 1170
10:38:52 AM Chair Mayfield reports the bill
10:39:08 AM Tab 30, SB 1424- Student Outcomes by Senator Calatayud
10:39:20 AM Chair Mayfield recognizes Senator Calatayud
10:39:29 AM Senator Calatayud explains the bill
10:40:23 AM Chair Mayfield reads appearance cards waiving
10:40:42 AM Debate:
10:40:44 AM Senator Jones
10:41:06 AM Senator Calatayud closes on the bill
10:41:26 AM Roll call on SB 1424
10:41:43 AM Chair Mayfield reports the bill
10:42:04 AM Tab 21, CS/CS/SB 1158- Department of Financial Services by Senator DiCeglie
10:42:17 AM Chair Mayfield recognizes Senator DiCeglie
10:42:24 AM Senator DiCeglie explains the bill
10:43:05 AM Amendment 538574
10:43:12 AM Senator DiCeglie explains the amendment
10:43:34 AM Senator DiCeglie waives close
10:43:39 AM Chair Mayfield reports the amendment
10:43:52 AM Chair Mayfield reads appearance cards waiving
10:44:09 AM Senator DiCeglie closes on the bill
10:44:16 AM Roll call on CS/CS/CS/SB 1158
10:44:41 AM Chair Mayfield reports the bill
10:45:14 AM Tab 1, CS/CS/SB 136- Florida Kratom Consumer Protection Act by Senator Gruters
10:45:38 AM Chair Mayfield recognizes Senator Gruters
10:45:43 AM Senator Gruters explains the bill
10:46:31 AM Chair Mayfield reads appearance cards waiving
10:46:44 AM Debate:
10:46:49 AM Senator Calatayud
10:47:15 AM Senator Gruters closes on the bill
10:47:37 AM Roll call on CS/CS/SB 136
10:48:13 AM Chair Mayfield reports the bill
10:48:26 AM Tab 26, CS/SB 1252- Department of Highway Safety and Motor Vehicles by Senator DiCeglie
10:48:55 AM Chair Mayfield recognizes Senator DiCeglie
10:49:01 AM Amendment 696464
10:49:08 AM Senator DiCeglie explains the amendment
10:49:46 AM Amendment 854998
10:49:52 AM Senator DiCeglie explains the amendment
10:50:20 AM Chair Mayfield reads appearance cards waiving
10:50:31 AM Senator DiCeglie waives close
10:50:35 AM Chair Mayfield reports amendment
10:50:43 AM Chair Mayfield reports amendment
10:50:55 AM Questions:
10:50:58 AM Senator Berman
10:51:14 AM Senator DiCeglie

10:51:59 AM Senator Berman
10:52:11 AM Senator DiCeglie
10:52:22 AM Vice Chair Stewart
10:52:47 AM Senator DiCeglie
10:53:17 AM Senator Thompson
10:53:38 AM Senator DiCeglie
10:53:44 AM Senator Thompson
10:53:55 AM Senator DiCeglie
10:54:26 AM Senator Thompson
10:54:51 AM Senator DiCeglie
10:55:09 AM Senator Thompson
10:55:37 AM Senator DiCeglie
10:56:22 AM Chair Mayfield recognizes public testimony:
10:57:00 AM Jennifer Blasdel
11:00:32 AM Christopher Sparks
11:03:37 AM Debate:
11:03:39 AM Senator Berman
11:04:28 AM Senate Stewart
11:05:30 AM Senator Osgood
11:07:00 AM Senator Jones
11:08:26 AM Senator Thompson
11:10:27 AM Senator Torres
11:10:45 AM Senator Garcia
11:11:51 AM Senator DiCeglie closes on the bill
11:13:22 AM Roll call on CS/CS/SB 1252
11:13:33 AM Chair Mayfield reports the bill
11:14:06 AM Tab 33, CS/SB 1672- Temporary Airports by Senator DiCeglie
11:14:20 AM Amendment 204976
11:14:26 AM Senator DiCeglie explains the amendment
11:14:51 AM Questions:
11:14:53 AM Senator Berman
11:15:16 AM Senator DiCeglie
11:15:20 AM Senator Berman
11:15:24 AM Senator DiCeglie
11:15:35 AM Senator DiCeglie waives close
11:15:42 AM Chair Mayfield reports amendment
11:15:49 AM Questions:
11:15:50 AM Senator Jones
11:16:02 AM Senator DiCeglie
11:17:00 AM Senator Jones
11:17:15 AM Senator DiCeglie
11:17:22 AM Chair Mayfield reads appearance cards waiving
11:17:32 AM Senator DiCeglie waives close
11:17:39 AM Roll call on CS/CS/SB 1672
11:17:54 AM Chair Mayfield reports the bill
11:17:57 AM Tab 38, SB 7054- Central Bank Digital Currency by Banking and Insurance
11:18:53 AM Chair Mayfield recognizes Senator DiCeglie
11:19:02 AM Senator DiCeglie explains the bill
11:19:34 AM Questions:
11:19:36 AM Senator Stewart
11:19:51 AM Senator DiCeglie
11:20:37 AM Senator Stewart
11:20:49 AM Senator DiCeglie
11:22:28 AM Senator Stewart
11:22:45 AM Senator DiCeglie
11:23:41 AM Senator Berman
11:23:57 AM Senator DiCeglie
11:24:29 AM Chair Mayfield recognizes public testimony:
11:24:56 AM Samuel Arms
11:26:42 AM Senator Berman
11:26:52 AM Samuel Arms
11:27:22 AM Debate:

11:27:23 AM Senator Berman
11:28:25 AM Senator Stewart
11:29:20 AM Senator DiCeglie closes on the bill
11:29:34 AM Roll call on SB 7054
11:30:11 AM Chair Mayfield reports the bill
11:30:15 AM Chair Mayfield passes the chair over to Senator Hutson
11:30:31 AM Tab 28, CS/SB 1386- Florida School for Competitive Academics by Senator Perry
11:30:49 AM Chair Hutson recognizes Senator Perry
11:30:55 AM Senator Perry explains the bill
11:31:24 AM Amendment 759490
11:31:33 AM Senator Perry explains the amendment
11:31:57 AM Chair Hutson reports amendment
11:32:11 AM Senator Perry closes on the bill
11:32:46 AM Roll call on CS/CS/SB 1386
11:33:21 AM Chair Hutson reports the bill
11:33:27 AM Tab 32, CS/SB 1606- Florida Museum of Black History by Senator Powell
11:33:46 AM Chair Hutson recognizes Senator Powell
11:33:53 AM Senator Powell explains the bill
11:34:32 AM Chair Hutson reads appearance cards waiving
11:34:40 AM Senator Powell waives close
11:34:43 AM Roll call on CS/SB 1606
11:35:17 AM Chair Hutson reports the bill
11:35:27 AM Tab 39, SB 7056- Child Protective Investigative Services by Senator Harrell
11:35:51 AM Chair Hutson recognizes Senator Harrell
11:35:56 AM Senator Harrell explains the bill
11:39:15 AM Questions:
11:39:18 AM Senator Stewart
11:39:48 AM Senator Harrell
11:40:12 AM Senator Berman
11:40:36 AM Senator Harrell
11:41:15 AM Senator Berman
11:41:29 AM Senator Harrell
11:42:28 AM Chair Hutson reads appearance cards waiving
11:42:40 AM Debate:
11:42:41 AM Senator Boyd
11:43:02 AM Senator Wright
11:43:15 AM Senator Garcia
11:43:57 AM Senator Harrell closes on the bill
11:45:04 AM Roll call on SB 7056
11:45:19 AM Chair Hutson reports the bill
11:45:27 AM Tab 27, CS/SB 1352- Sickle Cell Disease Medications, Treatment, and Screening by Senator Rouson
11:46:19 AM Chair Hutson recognizes Senator Rouson
11:46:24 AM Senator Rouson explains the bill
11:46:28 AM Amendment 765662
11:46:34 AM Senator Rouson explains the amendment
11:46:46 AM Chair Hutson reports amendment
11:46:52 AM Senator Rouson waives close
11:46:56 AM Roll call on CS/SB 1352
11:47:19 AM Chair Hutson reports the bill
11:47:35 AM Tab 7, CS/CS/SB 266- Higher Education by Senator Grall
11:47:54 AM Chair Hutson recognizes Senator Grall
11:47:59 AM Senator Grall explains the bill
11:49:28 AM Amendment 615168
11:49:38 AM Senator Grall explains the amendment
11:49:52 AM Chair Hutson reports amendment
11:49:57 AM Amendment 933760
11:50:01 AM Senator Grall explains the amendment
11:50:34 AM Debate:
11:50:41 AM Senator Jones
11:50:59 AM Senator Osgood
11:51:54 AM Chair Hutson reports the amendment
11:51:58 AM Amendment 398812

11:52:04 AM Senator Grall explains the amendment
11:52:27 AM Chair Hutson reports amendment
11:52:32 AM Amendment 404106
11:52:40 AM Senator Grall explains the amendment
11:53:00 AM Questions:
11:53:00 AM Senator Jones
11:53:14 AM Senator Grall
11:53:24 AM Senator Jones
11:54:05 AM Senator Grall
11:54:58 AM Senator Jones
11:55:40 AM Senator Grall
11:56:44 AM Debate:
11:56:51 AM Senator Calatayud
11:57:28 AM Senator Jones
11:58:09 AM Senator Grall closes on the amendment
11:58:26 AM Chair Hutson reports amendment
11:58:31 AM Amendment 493372
11:58:40 AM Senator Berman explains the amendment
11:59:19 AM Chair Hutson recognizes public testimony:
11:59:30 AM Candace Churchill, United Faculty of Florida
12:01:51 PM Matthew Lata
12:03:31 PM Senator Grall
12:03:56 PM Senator Berman closes on the amendment
12:05:03 PM Chair Hutson reports the amendment
12:05:15 PM Questions:
12:05:17 PM Senator Jones
12:05:58 PM Senator Grall
12:06:13 PM Senator Jones
12:07:02 PM Senator Grall
12:08:32 PM Senator Jones
12:09:06 PM Senator Grall
12:09:33 PM Senator Jones
12:09:47 PM Senator Grall
12:10:10 PM Senator Jones
12:10:38 PM Senator Grall
12:10:52 PM Senator Jones
12:10:58 PM Senator Grall
12:11:19 PM Senator Thompson
12:12:09 PM Senator Grall
12:13:36 PM Senator Thompson
12:14:37 PM Senator Grall
12:15:34 PM Senator Thompson
12:15:56 PM Senator Grall
12:17:01 PM Senator Thompson
12:18:23 PM Senator Grall
12:18:27 PM Senator Thompson
12:18:53 PM Senator Grall
12:19:45 PM Senator Thompson
12:20:35 PM Senator Grall
12:21:23 PM Senator Thompson
12:22:01 PM Senator Grall
12:22:53 PM Senator Thompson
12:23:08 PM Senator Grall
12:23:40 PM Senator Thompson
12:24:00 PM Senator Grall
12:25:22 PM Senator Thompson
12:25:34 PM Senator Grall
12:27:06 PM Senator Thompson
12:27:41 PM Senator Grall
12:28:06 PM Senator Thompson
12:28:15 PM Senator Grall
12:28:44 PM Senator Thompson

12:29:08 PM	Senator Grall
12:30:23 PM	Senator Thompson
12:30:47 PM	Senator Grall
12:31:16 PM	Senator Osgood
12:32:13 PM	Senator Grall
12:32:32 PM	Senator Osgood
12:32:41 PM	Senator Grall
12:32:50 PM	Senator Osgood
12:32:53 PM	Senator Grall
12:33:02 PM	Senator Osgood
12:33:41 PM	Senator Grall
12:34:54 PM	Senator Osgood
12:34:56 PM	Senator Grall
12:35:04 PM	Senator Osgood
12:35:24 PM	Senator Grall
12:37:03 PM	Senator Osgood
12:37:11 PM	Senator Grall
12:37:59 PM	Senator Osgood
12:38:23 PM	Senator Grall
12:39:43 PM	Senator Osgood
12:39:49 PM	Senator Grall
12:40:56 PM	Senator Osgood
12:41:22 PM	Senator Grall
12:43:08 PM	Senator Osgood
12:44:09 PM	Senator Grall
12:44:17 PM	Senator Osgood
12:45:14 PM	Senator Grall
12:45:17 PM	Senator Osgood
12:45:34 PM	Senator Grall
12:45:35 PM	Senator Osgood
12:45:44 PM	Senator Grall
12:45:52 PM	Senator Berman
12:46:28 PM	Senator Grall
12:47:27 PM	Senator Berman
12:47:46 PM	Senator Grall
12:48:13 PM	Senator Berman
12:48:28 PM	Senator Grall
12:48:40 PM	Senator Berman
12:48:52 PM	Senator Grall
12:49:40 PM	Senator Berman
12:49:58 PM	Senator Grall
12:50:19 PM	Senator Berman
12:51:00 PM	Senator Grall
12:51:41 PM	Senator Berman
12:51:56 PM	Senator Grall
12:52:40 PM	Senator Thompson
12:53:06 PM	Senator Grall
12:53:08 PM	Senator Thompson
12:53:42 PM	Senator Grall
12:54:16 PM	Senator Thompson
12:54:34 PM	Senator Grall
12:55:53 PM	Senator Thompson
12:56:32 PM	Senator Grall
12:57:15 PM	Senator Jones
12:58:09 PM	Senator Grall
12:58:37 PM	Senator Jones
12:59:10 PM	Senator Grall
12:59:45 PM	Chair Mayfield recognizes public testimony:
1:00:15 PM	Candi Churchill, United Faculty of Florida
1:03:02 PM	Dr. Irene Mulvey
1:07:26 PM	Dr. Rich Templin, Florida AFL-CIO
1:10:05 PM	Dianne Williams-Cox

1:13:52 PM Senator Calatayud
1:17:38 PM Dianne Williams-Cox
1:17:57 PM Senator Calatayud
1:18:54 PM Marie Rattigan
1:21:57 PM Matthew Lata
1:24:39 PM Pastor Marcus McCoy Jr.
1:24:48 PM Daniel Fay
1:27:53 PM Abdelilah Skhir
1:29:34 PM Dr. Ana Ciereszko
1:31:45 PM Debate:
1:31:48 PM Senator Osgood
1:41:02 PM Senator Jones
1:48:07 PM Senator Thompson
1:57:59 PM Senator Torres
2:02:13 PM Senator Stewart
2:04:28 PM Senator Simon
2:12:58 PM Senator Berman
2:15:02 PM Senator Osgood moves for a point of personal privilege
2:16:17 PM Senator Grall closes on the bill
2:22:15 PM Roll call on CS/CS/CS/SB 266
2:22:46 PM Chair Hutson reports the bill
2:22:58 PM Tab 8, CS/SB 528- Custody and Supervision of Specified Offenders by Senator Davis
2:23:20 PM Chair Hutson recognizes Senator Davis
2:23:25 PM Senator Davis explains the bill
2:27:58 PM Senator Davis waives close
2:28:04 PM Roll call on CS/SB 528
2:28:19 PM Chair Hutson reports the bill
2:28:36 PM Tab 29, CS/CS/SB 1408- Sickle Cell Program by Senator Davis
2:28:54 PM Chair Hutson recognizes Senator Davis
2:29:01 PM Senator Davis explains the bill
2:29:21 PM Chair Hutson reads appearance cards waiving
2:29:27 PM Senator Davis waives close
2:29:31 PM Roll call on CS/CS/SB 1408
2:30:04 PM Chair Hutson reports the bill
2:30:07 PM Tab 24, CS/CS/SB 1182- Education and Training for Alzheimer's Disease and Related Forms of Dementia by Senator Simon
2:30:21 PM Chair Hutson recognizes Senator Simon
2:30:25 PM Senator Simon explains the bill
2:31:35 PM Chair Hutson reads appearance cards waiving
2:31:45 PM Senator Simon waives close
2:31:49 PM Roll call on CS/CS/SB 1182
2:32:05 PM Chair Hutson reports the bill
2:32:20 PM Tab 25, SB 1198- Operation New Hope by Senator Simon
2:32:37 PM Chair Hutson recognizes Senator Simon
2:32:44 PM Senator Simon explains the bill
2:33:13 PM Chair Hutson reads appearance cards waiving
2:33:22 PM Senator Simon waives close
2:33:24 PM Roll call on SB 1198
2:33:48 PM Chair Hutson reports the bill
2:34:02 PM Tab 2, SB 140- Fees/Professional Counselors Licensure Compact by Senator Rodriguez
2:34:20 PM Chair Hutson recognizes Senator Rodriguez
2:34:29 PM Senator Rodriguez explains the bill
2:34:36 PM Senator Rodriguez waives close
2:34:43 PM Roll call on SB 140
2:35:03 PM Chair Hutson reports the bill
2:35:10 PM Tab 9, CS/SB 536- Child Support by Senator Garcia
2:35:24 PM Chair Hutson recognizes Senator Garcia
2:35:30 PM Senator Garcia explains the bill
2:36:39 PM Chair Hutson reads appearance cards waiving
2:37:18 PM Senator Garcia waives close
2:37:22 PM Roll call on CS/SB 536
2:37:48 PM Chair Hutson reports the bill

2:37:59 PM Tab 40, SPB 7064- Human Trafficking by Fiscal Policy
2:38:21 PM Chair Hutson recognizes Senator Garcia
2:38:29 PM Senator Garcia explains the bill
2:40:08 PM Questions:
2:40:09 PM Senator Stewart
2:40:21 PM Senator Garcia
2:40:29 PM Senator Berman
2:40:59 PM Senator Garcia
2:41:22 PM Chair Hutson reads appearance cards waiving
2:41:32 PM Debate:
2:41:33 PM Senator Stewart
2:41:57 PM Senator Garcia closes on the bill
2:42:15 PM Roll call on SPB 7064
2:42:37 PM Chair Hutson reports the bill
2:43:00 PM Tab 3, CS/SB 212- Emergency Response Mapping Data by Senator Collins
2:43:28 PM Chair Hutson recognizes Senator Collins
2:43:33 PM Senator Collins explains the bill
2:44:29 PM Chair Hutson reads appearance cards waiving
2:44:49 PM Senator Collins closes on the bill
2:45:17 PM Roll call on CS/SB 212
2:45:31 PM Chair Hutson reports the bill
2:45:48 PM Tab 16, CS/SB 824- Veterans' Services and Recognition by Senator Collins
2:46:12 PM Chair Hutson recognizes Senator Collins
2:46:20 PM Senator Collins explains the bill
2:46:54 PM Chair Hutson reads appearance cards waiving
2:47:08 PM Senator Collins waives close
2:47:14 PM Roll call on CS/SB 824
2:47:37 PM Chair Hutson reports the bill
2:47:48 PM Tab 22, CS/SB 1164- Department of Agriculture and Consumer Services by Senator Collins
2:48:07 PM Chair Hutson recognizes Senator Collins
2:48:14 PM Senator Collins explains the bill
2:49:08 PM Amendment 372800
2:49:16 PM Senator Collins explains the amendment
2:49:34 PM Chair Hutson reads appearance cards waiving
2:49:50 PM Chair Hutson reports amendment
2:49:55 PM Chair Hutson reads appearance cards waiving
2:50:27 PM Senator Collins waives close
2:50:31 PM Roll call on CS/CS/SB 1164
2:50:54 PM Chair Hutson reports the bill
2:50:59 PM Tab 14, SB 704- Substance Abuse Prevention by Senator Boyd
2:51:19 PM Chair Hutson recognizes Senator Boyd
2:51:24 PM Amendment 123050
2:51:30 PM Senator Boyd explains the amendment
2:52:20 PM Amendment 214246
2:52:28 PM Senator Boyd explains the amendment
2:52:59 PM Chair Hutson reports Amendment 123050
2:53:11 PM Chair Hutson reports Amendment 214246
2:53:25 PM Chair Hutson recognizes public testimony:
2:54:20 PM Teresa Miller
2:55:59 PM Senator Boyd closes on the bill
2:56:23 PM Roll call on CS/SB 704
2:56:38 PM Chair Hutson reports the bill
2:56:58 PM Tab 15, CS/SB 748- My Safe Florida Home Program by Senator Boyd
2:57:11 PM Chair Hutson recognizes Senator Boyd
2:57:17 PM Senator Boyd explains the bill
2:58:01 PM Amendment 925002
2:58:06 PM Senator Boyd explains the amendment
2:58:36 PM Chair Hutson reports Amendment 925002
2:58:51 PM Chair Hutson reads appearance cards waiving
2:59:08 PM Senator Boyd closes on the bill
2:59:15 PM Roll call on CS/CS/SB 748
2:59:47 PM Chair Hutson reports the bill

2:59:52 PM Tab 10, CS/SB 612- Blood Clot and Pulmonary Embolism Policy Workgroup by Senator Yarborough
3:00:18 PM Chair Hutson recognizes Senator Yarborough
3:00:24 PM Senator Yarborough explains the bill
3:01:22 PM Chair Hutson recognizes public testimony:
3:01:32 PM Leslie Lake
3:06:34 PM Representative Janet Atkins and Douglas Atkins
3:11:08 PM Debate:
3:11:11 PM Senator Jones
3:14:18 PM Senator Boyd
3:14:55 PM Senator Yarborough closes on the bill
3:15:07 PM Roll call on CS/SB 612
3:15:25 PM Chair Hutson reports the bill
3:15:37 PM Tab 36, SB 7050- Elections by Ethics and Elections
3:16:11 PM PCS/Amendment 880856
3:16:36 PM Senator Burgess explains the proposed committee substitute
3:21:57 PM Amendment 896348
3:22:06 PM Senator Thompson explains the amendment
3:23:05 PM Chair Hutson recognizes public testimony:
3:23:12 PM Cecile Scoon, League of Women Voters of Florida
3:25:18 PM Senator Burgess
3:25:53 PM Senator Thompson closes on the amendment
3:26:42 PM Chair Hutson reports the amendment
3:27:19 PM Questions:
3:27:21 PM Senator Jones
3:27:55 PM Senator Burgess
3:28:36 PM Senator Jones
3:28:39 PM Senator Burgess
3:29:17 PM Senator Jones
3:30:20 PM Senator Burgess
3:30:54 PM Senator Jones
3:31:15 PM Senator Burgess
3:31:24 PM Senator Jones
3:32:08 PM Senator Burgess
3:32:33 PM Senator Jones
3:33:02 PM Senator Burgess
3:34:17 PM Senator Jones
3:34:46 PM Senator Burgess
3:35:48 PM Senator Jones
3:36:37 PM Senator Burgess
3:38:03 PM Senator Jones
3:38:27 PM Senator Burgess
3:39:11 PM Senator Jones
3:39:30 PM Senator Burgess
3:39:45 PM Senator Jones
3:40:35 PM Senator Burgess
3:41:19 PM Senator Jones
3:41:49 PM Senator Burgess
3:42:16 PM Senator Thompson
3:42:57 PM Senator Burgess
3:43:19 PM Senator Thompson
3:43:38 PM Senator Burgess
3:43:47 PM Senator Thompson
3:43:58 PM Senator Burgess
3:45:12 PM Senator Thompson
3:45:31 PM Senator Burgess
3:45:50 PM Senator Thompson
3:46:13 PM Senator Burgess
3:46:25 PM Senator Thompson
3:46:46 PM Senator Burgess
3:46:57 PM Senator Thompson
3:47:18 PM Senator Burgess
3:47:39 PM Senator Thompson

3:47:43 PM	Senator Burgess
3:48:18 PM	Senator Thompson
3:48:48 PM	Senator Burgess
3:49:07 PM	Senator Thompson
3:49:32 PM	Senator Burgess
3:50:21 PM	Senator Thompson
3:50:43 PM	Senator Osgood
3:51:31 PM	Senator Burgess
3:51:47 PM	Senator Osgood
3:52:15 PM	Senator Burgess
3:52:34 PM	Senator Osgood
3:53:00 PM	Senator Burgess
3:53:24 PM	Senator Osgood
3:53:28 PM	Senator Burgess
3:54:31 PM	Secretary Cord Byrd, Department of State
3:55:57 PM	Senator Osgood
3:56:02 PM	Secretary Cord Byrd
3:57:48 PM	Senator Osgood
3:58:34 PM	Secretary Cord Byrd
3:59:50 PM	Senator Osgood
4:00:02 PM	Secretary Cord Byrd
4:00:22 PM	Senator Osgood
4:00:48 PM	Secretary Cord Byrd
4:01:19 PM	Senator Osgood
4:02:39 PM	Senator Jones
4:03:28 PM	Secretary Cord Byrd
4:05:37 PM	Senator Jones
4:05:47 PM	Secretary Cord Byrd
4:05:58 PM	Senator Berman
4:06:41 PM	Secretary Cord Byrd
4:07:41 PM	Senator Berman
4:08:05 PM	Secretary Cord Byrd
4:08:38 PM	Senator Berman
4:08:42 PM	Secretary Cord Byrd
4:09:07 PM	Senator Berman
4:09:32 PM	Secretary Cord Byrd
4:09:35 PM	Senator Berman
4:10:31 PM	Senator Burgess
4:12:09 PM	Senator Jones
4:12:49 PM	Secretary Cord Byrd
4:12:52 PM	Senator Torres
4:13:05 PM	Secretary Cord Byrd
4:14:19 PM	Senator Burgess
4:14:42 PM	Senator Stewart
4:14:55 PM	Secretary Cord Byrd
4:15:17 PM	Senator Berman
4:15:37 PM	Senator Thompson
4:15:52 PM	Secretary Cord Byrd
4:18:19 PM	Senator Thompson
4:18:43 PM	Senator Burgess
4:20:31 PM	Senator Thompson
4:20:36 PM	Secretary Cord Byrd
4:20:53 PM	Senator Osgood
4:21:31 PM	Senator Davis
4:22:15 PM	Senator Burgess
4:22:55 PM	Senator Davis
4:24:42 PM	Secretary Cord Byrd
4:26:11 PM	Senator Davis
4:27:14 PM	Senator Burgess
4:27:48 PM	Senator Davis
4:28:38 PM	Senator Stewart
4:29:34 PM	Senator Burgess

4:30:06 PM Senator Stewart
4:30:32 PM Senator Burgess
4:30:52 PM Chair Hutson recognizes public testimony:
4:31:30 PM Amy Keith, Common Clause
4:33:40 PM Mikki Sackson
4:38:05 PM Candace Rojas
4:41:40 PM Pastor Marcus McCay Jr
4:43:17 PM Teresa Miller
4:48:14 PM Jonathan Webber, SPLC Action Fund
4:50:07 PM Michael Dobson, The Dream Foundation
4:54:19 PM Mark Earley, Florida Supervisors of Election
4:57:13 PM Chair Hutson
4:57:22 PM Mark Earley
4:57:49 PM Senator Osgood
4:58:17 PM Mark Earley
4:58:39 PM Senator Osgood
4:58:52 PM Brad Ashwell
5:01:48 PM Dr. Rich Templin, Florida AFL-CIO
5:06:12 PM Olivia Babis, Disability Rights Florida
5:10:18 PM Abdelilah Skhir, ACLU Florida
5:13:53 PM Cecile Scoon, League of Women Voters Florida
5:19:12 PM Debate:
5:19:13 PM Senator Jones
5:19:30 PM Senator Berman
5:19:53 PM Senator Osgood
5:20:34 PM Senator Thompson
5:21:26 PM Senator Torres
5:22:22 PM Senator Burgess waives close
5:22:30 PM Chair Hutson reports PCS
5:22:43 PM Senator Burgess closes on the bill
5:27:35 PM Roll call on CS/SB 7050
5:27:57 PM Chair Hutson reports the bill
5:28:11 PM Tab 11, CS/CS/SB 618- Rights of Law Enforcement Officers and Correctional Officers by Senator
Yarborough
5:28:33 PM Chair Hutson recognizes Senator Yarborough
5:28:41 PM Senator Yarborough explains the bill
5:29:58 PM Chair Hutson reads appearance cards waiving
5:30:08 PM Senator Yarborough waives close
5:30:16 PM Roll call on CS/CS/SB 618
5:30:35 PM Chair Hutson reports the bill
5:30:50 PM Tab 13, CS/SB 670- Paid Family Leave Insurance by Senator Yarborough
5:31:15 PM Chair Hutson recognizes Senator Yarborough
5:31:23 PM Senator Yarborough explains the bill
5:31:37 PM Chair Hutson reads appearance cards waiving
5:31:43 PM Senator Yarborough waives close
5:31:51 PM Roll call on CS/SB 670
5:32:16 PM Chair Hutson reports the bill
5:32:19 PM Tab 18, CS/SB 1104- Victim Compensation Claims by Senator Wright
5:32:31 PM Chair Hutson recognizes Senator Wright
5:32:36 PM Senator Wright explains the bill
5:33:13 PM Chair Hutson reads appearance cards waiving
5:33:22 PM Senator Wright waives close
5:33:26 PM Roll call on CS/SB 1104
5:33:57 PM Chair Hutson reports the bill
5:34:04 PM Tab 19, SB 1112- Middle School and High School Start Times by Senator Burgess
5:34:25 PM Chair Hutson recognizes Senator Burgess
5:34:35 PM Senator Burgess explains the bill
5:35:36 PM Chair Hutson reads appearance cards waiving
5:35:48 PM Debate:
5:35:54 PM Senator Yarborough
5:36:48 PM Senator Osgood
5:37:30 PM Senator Burgess waives close

5:37:34 PM Roll call on SB 1112
5:38:00 PM Chair Hutson reports the bill
5:38:08 PM Tab 12, SB 658- Registration Fees for Malt Beverage Brands and Labels by Senator Burgess
5:38:33 PM Chair Hutson recognizes Senator Burgess
5:38:39 PM Senator Burgess explains the bill
5:38:45 PM Chair Mayfield reads appearance cards waiving
5:38:55 PM Senator Burgess waives close
5:39:01 PM Roll call on SB 658
5:39:31 PM Chair Mayfield reports the bill
5:39:39 PM Tab 31, CS/SB 1532- Regional Transportation Planning by Senator Burgess
5:39:59 PM Chair Mayfield recognizes Senator Burgess
5:40:06 PM Senator Burgess explains the bill
5:40:15 PM Questions:
5:40:16 PM Senator Torres
5:40:19 PM Senator Burgess
5:40:23 PM Debate:
5:40:25 PM Senator Torres
5:40:37 PM Senator Burgess waives close
5:40:45 PM Roll call on SB 1532
5:40:57 PM Chair Mayfield report the bill
5:41:05 PM Tab 17, CS/SB 996- Driver License, Identification Card, and Motor Vehicle Registration Applications by
Senator Berman
5:41:34 PM Chair Mayfield recognizes Senator Thompson
5:41:42 PM Senator Thompson explains the bill
5:42:28 PM Chair Mayfield reads appearance cards waiving
5:42:36 PM Senator Thompson closes on the bill
5:42:58 PM Roll call on CS/SB 996
5:43:01 PM Chair Mayfield reports the bill
5:43:09 PM Tab 37, SB 7052- Insurer Accountability by Banking and Insurance
5:43:31 PM Chair Mayfield recognizes Senator Hutson
5:43:43 PM Amendment 592450
5:43:58 PM Amendment 451290
5:44:04 PM Senator Hutson explains the amendment
5:44:33 PM Chair Mayfield recognizes public testimony:
5:44:53 PM Kathy Maus, Florida Justice Reform Institute
5:48:36 PM Senator Hutson waives close
5:48:39 PM Chair Mayfield reports amendment
5:48:51 PM Chair Mayfield recognizes public testimony:
5:49:07 PM Gary Rosen
5:54:40 PM Senator Hutson waives close
5:54:45 PM Roll call on CS/SB 7052
5:54:52 PM Chair Mayfield reports the bill
5:55:38 PM Senator Osgood moves to record a missed vote
5:55:48 PM Senator Garcia moves to record a missed vote
5:55:53 PM Senator DiCeglie moves to record a missed vote
5:56:01 PM Senator Mayfield moves to record a missed vote
5:56:07 PM Senator Yaborough moves to record a missed vote
5:56:15 PM Senator Burton moves to record a missed vote
5:56:20 PM Senator Calatayud moves to record a missed vote
5:56:26 PM Meeting adjourned