Journal of the Senate

Number 2—Special Session A **Thursday, June 8, 2017**

CONTENTS

CALL TO ORDER

The Senate was called to order by President Negron at 2:30 p.m. A quorum present—37:

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

Excused: Senators Campbell and Hukill

PRAYER

The following prayer was offered by Senator Baxley:

Father God, we pray for humility as we try to complete our mission here. We humble ourselves before you, before we conduct this session, to appeal to you for your wisdom that we will know when to speak and when to be quiet; that we will be able to humble ourselves and separate our personal objectives and the different things we believe. Help us to find that place of humility where we can reach the conclusion and completion of our work together, at least at this stage.

We ask you to provide our leaders that wisdom, and provide each of us the wisdom of how to move in these closing days of special session. Without that wisdom, we know we are hopeless to find the answers. With you, all things are possible.

We seek that now. May there be less of me and more of thee. In your precious name we pray. Amen.

PLEDGE

Senator Book led the Senate in the Pledge of Allegiance to the flag of the United States of America.

SPECIAL ORDER CALENDAR

By direction of the President, by unanimous consent—

SB 8-A—A bill to be entitled An act relating to medical use of marijuana; providing legislative intent; amending s. 212.08, F.S.; providing an exemption from the state tax on sales, use, and other transactions for marijuana and marijuana delivery devices used for medical purposes; providing for expiration of the exemption; amending s. 381.986, F.S.; providing, revising, and deleting definitions; providing qualifying medical conditions for a patient to be eligible to receive marijuana or a marijuana delivery device; providing requirements for designating a qualified physician or medical director; providing criteria for certification of a patient for medical marijuana treatment by a qualified physician; providing for certain patients registered with the medical marijuana use registry to be deemed qualified; requiring the Department of Health to monitor physician registration and certifications in the medical marijuana use registry; requiring the Board of Medicine and the Board of Osteopathic Medicine to create a physician certification pattern review panel; providing rulemaking authority to the department and the boards; requiring the department to establish a medical marijuana use registry; specifying entities and persons who have access to the registry; providing requirements for registration of, and maintenance of registered status by, qualified patients and caregivers; providing criteria for nonresidents to prove residency for registration as a qualified patient; defining the term "seasonal resident"; authorizing the department to suspend or revoke the registration of a patient or caregiver under certain circumstances; providing requirements for the issuance of medical marijuana use registry identification cards; requiring the department to issue licenses to a certain number of medical marijuana treatment centers; providing for license renewal and revocation; providing conditions for change of ownership; providing for continuance of certain entities authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices; requiring a medical marijuana treatment center to comply with certain standards in the production and distribution of edibles; requiring the department to establish, maintain, and control a computer seed-to-sale marijuana tracking system; requiring background screening of owners, officers, board members, and managers of medical marijuana treatment centers; requiring the department to establish protocols and procedures for operation, conduct periodic inspections, and restrict location of medical marijuana treatment centers; providing a limit on county and municipal permit fees; authorizing counties and municipalities to determine the location of medical marijuana treatment centers by ordinance under certain conditions; providing penalties; authorizing the department to impose sanctions on persons or entities engaging in unlicensed activities; providing that a person is not exempt from prosecution for certain offenses and is not relieved from certain requirements of law under certain circumstances; providing for certain school personnel to possess marijuana pursuant to certain established policies and procedures; providing that certain research institutions may possess, test, transport, and dispose of marijuana subject to certain conditions; providing applicability; amending ss. 458.331 and 459.015, F.S.; providing additional acts by a physician or an osteopathic physician which constitute grounds for denial of a license or disciplinary action to which penalties apply; creating s. 381.988, F.S.; providing for the establishment of medical marijuana testing laboratories; requiring the Department of Health, in collaboration with the Department of Agriculture and Consumer Services and the Department of Environmental Protection, to develop certification standards and rules; providing limitations on the acquisition and distribution of marijuana by a testing laboratory; providing an exception for transfer of marijuana under certain conditions; requiring a testing laboratory to use a department-selected computer tracking system; providing grounds for disciplinary and administrative action; authorizing the department to refuse to issue or renew, or suspend or revoke, a testing laboratory license; creating s. 381.989, F.S.; defining terms; directing the department and the Department of Highway Safety and Motor Vehicles to institute public education campaigns relating to cannabis and marijuana and impaired driving; requiring evaluations of public education campaigns; authorizing the department and the Department of Highway Safety and Motor Vehicles

to contract with vendors to implement and evaluate the campaigns; amending ss. 385.211, 499.0295, and 893.02, F.S.; conforming provisions to changes made by the act; creating s. 1004.4351, F.S.; providing a short title; providing legislative findings; defining terms; establishing the Coalition for Medical Marijuana Research and Education within the H. Lee Moffitt Cancer Center and Research Institute, Inc.; providing a purpose for the coalition; establishing the Medical Marijuana Research and Education Board to direct the operations of the coalition; providing for the appointment of board members; providing for terms of office, reimbursement for certain expenses, and meetings of the board; authorizing the board to appoint a coalition director; prescribing the duties of the coalition director; requiring the board to advise specified entities and officials regarding medical marijuana research and education in this state; requiring the board to annually adopt a Medical Marijuana Research and Education Plan; providing requirements for the plan; requiring the board to issue an annual report to the Governor and the Legislature by a specified date; requiring the Department of Health to submit reports to the board containing specified data; specifying responsibilities of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; amending s. 1004.441, F.S.; revising definition; amending s. 1006.062, F.S.; requiring district school boards to adopt policies and procedures for access to medical marijuana by qualified patients who are students; providing emergency rulemaking authority; providing for venue for a cause of action against the department; providing for defense against certain causes of action; directing the Department of Law Enforcement to develop training for law enforcement officers and agencies; amending s. 385.212, F.S.; renaming the department's Office of Compassionate Use; providing severability; providing a directive to the Division of Law Revision and Information; providing appropriations; providing an effective date.

—was taken up out of order and read the second time by title.

SENATOR FLORES PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Bradley, further consideration of **SB 8-A** was deferred.

On motion by Senator Latvala—

SB 2500-A—A bill to be entitled An act making appropriations; providing moneys for the annual period beginning July 1, 2017, and ending June 30, 2018, to fund the Florida Education Finance Program; providing an effective date.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was moved by Senator Latvala:

Amendment 1 (713918) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *(1) For the 2017-2018 fiscal year, the recurring sum of $66,058,009 from the General Revenue Fund and the nonrecurring sum of $149,074,378 from the General Revenue Fund are appropriated to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Educational Finance Program category as a supplement to funds provided for the Florida Education Finance Program in Specific Appropriation 91 of chapter 2017-70, Laws of Florida.*

(2) From the funds provided in subsection (1), the base student allocation shall increase by $70.31 and the Federally Connected Student Supplement shall increase by $78,498.

(3) The Total Required Local Effort designated in Specific Appropriation 91 of chapter 2017-70, Laws of Florida, shall decrease by $1,529,002.

Section 2. This act shall take effect July 1, 2017; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to supplemental appropriations; providing moneys for the annual period beginning July 1, 2017, and ending June 30, 2018, to fund the Florida Education Finance Program; providing effective dates.

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

Senator Farmer moved the following amendments to **Amendment 1 (713918)** which failed:

Amendment 1A (754854) (with title amendment)—Between lines 18 and 19 insert:

Section 2. *(1) For the 2017-2018 fiscal year, the nonrecurring sum of $60 million from the State Economic Enhancement and Development Trust Fund is appropriated to the Department of Economic Opportunity to administer contracts approved by the Governor for the Florida Job Growth Grant Fund created by SB 2502-A.*

(2) For the 2017-2018 fiscal year, the nonrecurring sum of $25 million from the State Transportation Trust Fund is appropriated to the Department of Transportation to contract with the Department of Economic Opportunity to provide for transportation infrastructure for contracts approved by the Governor for the Florida Job Growth Grant Fund created by SB 2502-A.

(3) The Executive Office of the Governor is authorized to process one or more budget amendments pursuant to s. 216.181 (12), Florida Statutes, in a total amount not to exceed $40 million to provide for the nonoperating transfer of funds from the State Transportation Trust Fund to the State Economic Enhancement and Development Trust Fund to support expenditures for the Florida Job Growth Grant Fund.

(4) State funds other than those appropriated in this section may not be expended on the Florida Job Growth Grant Fund.

Section 3. *For the 2017-2018 fiscal year, the recurring sum of $9.4 million from the State Economic Enhancement and Development Trust Fund and the recurring sum of $6.6 million from the Florida International Trade and Promotion Trust Fund are appropriated to the Department of Economic Opportunity to contract with Enterprise Florida, Inc., for operational purposes and to maintain its offices but excluding expenditures on any incentive tools or programs unless explicitly authorized by this act. From the funds appropriated from the Florida International Trade and Promotion Trust Fund, Enterprise Florida, Inc., shall allocate $3.55 million for international programs, $2.05 million to maintain Florida's international offices, and $1 million to continue the Florida Export Diversification and Expansion Programs.*

Section 4. *For the 2017-2018 fiscal year, the recurring sum of $26 million and the nonrecurring sum of $26 million from the State Economic Enhancement and Development Trust Fund and the recurring sum of $24 million from the Tourism Promotional Trust Fund are appropriated to the Department of Economic Opportunity to contract with the Florida Tourism Industry Marketing Corporation.*

And the title is amended as follows:

Delete line 32 and insert: Education Finance Program; providing appropriations to the Department of Economic Opportunity and the Department of Transportation for administration of the Florida Job Growth Grant Fund; authorizing the Executive Office of the Governor to process budget amendments to support expenditures for the Florida Job Growth Grant Fund; restricting the use of other state funds towards the grant fund; providing appropriations to the Department of Economic Opportunity to contract with Enterprise Florida, Inc., and the Florida Tourism Industry Marketing Corporation, respectively; providing effective dates.

The vote was:

Yeas—15

Book	Clemens	Gibson
Bracy	Farmer	Montford
Braynon	Garcia	Powell

Rader	Rouson	Thurston
Rodriguez	Stewart	Torres

Nays—22

Mr. President	Gainer	Perry
Baxley	Galvano	Simmons
Bean	Grimsley	Simpson
Benacquisto	Hutson	Stargel
Bradley	Latvala	Steube
Brandes	Lee	Young
Broxson	Mayfield	
Flores	Passidomo	

Amendment 1B (166280) (with title amendment)—Delete lines 5-18 and insert:

Section 1. *(1) For the 2017-2018 fiscal year, the recurring sum of $440,015,734 from the General Revenue Fund and the nonrecurring sum of $49,081,005 from the General Revenue Fund are appropriated to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Educational Finance Program category as a supplement to funds provided for the Florida Education Finance Program in Specific Appropriation 91 of chapter 2017-70, Laws of Florida.*

(2) From the funds provided in subsection (1), the base student allocation shall increase by $127.60 and the Federally Connected Student Supplement shall increase by $154,341.

(3) The Total Required Local Effort designated in Specific Appropriation 91 of chapter 2017-70, Laws of Florida, shall decrease by $1,316,805.

(4) From the funds provided in subsection (1), $100,000,000 is provided for intensive interventions and supports to schools that have earned three consecutive grades lower than a "C," pursuant to s. 1008.34, Florida Statutes.

(a) These funds shall be used to:

1. Implement an extended school day or school year program that may consist of any combination of extended regular school day, evening, weekend, or summer school instruction that provides an additional 240 hours of additional learning time;

2. Provide wrap-around services that include, but are not limited to, tutorial and after-school programs, student counseling, nutrition education, health services, parental counseling, drug-prevention programs, college and career readiness, food and clothing banks, and adult education; or

3. Implement other evidence-based interventions or models that develop a school culture of attending college, high academic expectations, increased parent engagement, and character development.

(b) Each school district receiving these funds must develop and submit to the Department of Education a school-based implementation plan that specifically delineates:

1. How the funds will be used to transform the whole school to improve student success;

2. The current baseline standards of student academic achievement, the outcomes to be achieved, and the method of measurement that will be used;

3. Activities to increase parental involvement and engagement in the child's education;

4. How the school district will identify, recruit, retain, and reward instructional and school administrative personnel; and

5. The provision of professional development that focuses on academic rigor, direct instruction, and creating high academic and character standards.

(5) The funds provided in this section shall be allocated proportionately based on the FTE for eligible schools.

(6) This section expires July 1, 2018.

Section 2. Section 71 of Committee Substitute for House Bill 7069, First Engrossed, enacted in the 2017 Regular Session, is amended to read:

Section 71. For the 2017-2018 fiscal year, *$40 million* ~~$413,950,000~~ in recurring funds from the General Revenue Fund and $5 million in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Education to implement this act. Of these funds, ~~$233,950,000 shall be used to implement the Best and Brightest Teacher Scholarship Program pursuant to s. 1012.731, Florida Statutes, and the Best and Brightest Principal Scholarship Program pursuant to s. 1012.732, Florida Statutes,~~ $30 million shall be used to implement the Gardiner Scholarship Program pursuant to s. 1002.385, Florida Statutes, and $10 million in recurring funds and $5 million in nonrecurring funds shall be used to implement the provisions of this act relating to statewide student assessments. ~~The remaining funds shall be used to implement the remaining provisions of this act, except for the implementation of the Early Childhood Music Education Incentive Pilot Program, as created by s. 1003.481, Florida Statutes, the Committee on Early Grade Success, as created by section 65 of this act, and the Shared Use Task Force, as created by section 67 of this act.~~

And the title is amended as follows:

Delete line 32 and insert: Education Finance Program; amending s. 71, CS for SB 7069, 1st Eng., enacted in the 2017 Regular Session; revising appropriations to the Department of Education for implementation of CS for HB 7069; providing effective dates.

Amendment 1C (372070) (with title amendment)—Delete lines 5-18 and insert:

Section 1. *(1) For the 2017-2018 fiscal year, the recurring sum of $440,008,009 from the General Revenue Fund and the nonrecurring sum of $149,074,378 from the General Revenue Fund are appropriated to the Department of Education in the Aid to Local Governments Grants and Aids – Florida Educational Finance Program category as a supplement to funds provided for the Florida Education Finance Program in Specific Appropriation 91 of chapter 2017-70, Laws of Florida.*

(2) From the funds provided in subsection (1), the base student allocation shall increase by $193.71 and the Federally Connected Student Supplement shall increase by $232,839.

(3) The Total Required Local Effort designated in Specific Appropriation 91 of chapter 2017-70, Laws of Florida, shall decrease by $120,706.

Section 2. Section 71 of Committee Substitute for House Bill 7069, First Engrossed, enacted in the 2017 Regular Session, is amended to read:

Section 71. For the 2017-2018 fiscal year, *$40 million* ~~$413,950,000~~ in recurring funds from the General Revenue Fund and $5 million in nonrecurring funds from the General Revenue Fund are appropriated to the Department of Education to implement this act. Of these funds, ~~$233,950,000 shall be used to implement the Best and Brightest Teacher Scholarship Program pursuant to s. 1012.731, Florida Statutes, and the Best and Brightest Principal Scholarship Program pursuant to s. 1012.732, Florida Statutes,~~ $30 million shall be used to implement the Gardiner Scholarship Program pursuant to s. 1002.385, Florida Statutes, and $10 million in recurring funds and $5 million in nonrecurring funds shall be used to implement the provisions of this act relating to statewide student assessments. ~~The remaining funds shall be used to implement the remaining provisions of this act, except for the implementation of the Early Childhood Music Education Incentive Pilot Program, as created by s. 1003.481, Florida Statutes, the Committee on Early Grade Success, as created by section 65 of this act, and the Shared Use Task Force, as created by section 67 of this act.~~

And the title is amended as follows:

Delete line 32 and insert: Education Finance Program; amending s. 71, CS for SB 7069, 1st Eng., enacted in the 2017 Regular Session; revising appropriations to the Department of Education for implementation of CS for HB 7069; providing effective dates.

The vote was:

Yeas—15

Book	Garcia	Rodriguez
Bracy	Gibson	Rouson
Braynon	Montford	Stewart
Clemens	Powell	Thurston
Farmer	Rader	Torres

Nays—22

Mr. President	Gainer	Perry
Baxley	Galvano	Simmons
Bean	Grimsley	Simpson
Benacquisto	Hutson	Stargel
Bradley	Latvala	Steube
Brandes	Lee	Young
Broxson	Mayfield	
Flores	Passidomo	

Amendment 1D (952044) (with title amendment)—Between lines 18 and 19 insert:

Section 2. *For the 2017-2018 fiscal year, $30 million in recurring funds from the General Revenue Fund is appropriated to the Department of Education for the Gardiner Scholarship Program established under s. 1002.385, Florida Statutes.*

And the title is amended as follows:

Delete line 32 and insert: Education Finance Program and the Gardiner Scholarship Program; providing effective dates.

The question recurred on **Amendment 1 (713918)** which was adopted.

Pursuant to Rule 4.19, **SB 2500-A**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Latvala—

SB 2502-A—A bill to be entitled An act implementing SB 2500-A, an act making appropriations to fund the Florida Education Finance Program for the 2017-2018 fiscal year; providing legislative intent; incorporating by reference certain calculations of the Florida Education Finance Program; providing that funds for instructional materials must be released and expended as required in specified proviso language; providing effective dates.

—was read the second time by title.

The Committee on Appropriations recommended the following amendment which was offered by Senator Simmons, moved by Senator Latvala, and adopted:

Amendment 1 (930208) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (5) of section 24.121, Florida Statutes, is amended to read:

24.121 Allocation of revenues and expenditure of funds for public education.—

(5)

(c) A portion of such net revenues, as determined annually by the Legislature, shall be distributed to each school district and shall be made available to each public school in the district for enhancing school performance through development and implementation of a school improvement plan pursuant to s. 1001.42(18). A portion of these moneys, as determined annually in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*, must be allocated to each school in an equal amount for each student enrolled. These moneys may be expended only on programs or projects selected by the school advisory council or by a parent advisory committee created pursuant to this paragraph. If a school does not have a school advisory council, the district advisory council must appoint a parent advisory committee composed of parents of students enrolled in that school, which is representative of the ethnic, racial, and economic community served by the school, to advise the school's principal on the programs or projects to be funded. Neither school district staff nor principals may override the recommendations of the school advisory council or the parent advisory committee. These moneys may not be used for capital improvements or for any project or program that has a duration of more than 1 year; however, a school advisory council or parent advisory committee may independently determine that a program or project formerly funded under this paragraph should receive funds in a subsequent year.

Section 2. Upon the expiration and reversion of the amendments to section 1011.62, Florida Statutes, pursuant to section 23 of chapter 2016-62, Laws of Florida, section 1011.62, Florida Statutes, is amended to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*, it shall be determined as follows:

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

(a) Determination of full-time equivalent membership.—During each of several school weeks, including scheduled intersessions of a year-round school program during the fiscal year, a program membership survey of each school shall be made by each district by aggregating the full-time equivalent student membership of each program by school and by district. The department shall establish the number and interval of membership calculations, except that for basic and special programs such calculations shall not exceed nine for any fiscal year. The district's full-time equivalent membership shall be computed and currently maintained in accordance with regulations of the commissioner.

(b) Determination of base student allocation.—The base student allocation for the Florida Education Finance Program for kindergarten through grade 12 shall be determined annually by the Legislature and shall be that amount prescribed in the current year's General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*.

(c) Determination of programs.—Cost factors based on desired relative cost differences between the following programs shall be established in the annual General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. The cost factor for secondary career education programs and basic programs grade 9 through 12 shall be equal. The Commissioner of Education shall specify a matrix of services and intensity levels to be used by districts in the determination of the two weighted cost factors for exceptional students with the highest levels of need. For these students, the funding support level shall fund the exceptional students' education program, with the exception of extended school year services for students with disabilities.

1. Basic programs.—

a. Kindergarten and grades 1, 2, and 3.

b. Grades 4, 5, 6, 7, and 8.

c. Grades 9, 10, 11, and 12.

2. Programs for exceptional students.—

a. Support Level IV.

b. Support Level V.

3. Secondary career education programs.

4. English for Speakers of Other Languages.

(d) Annual allocation calculation.—

1. The Department of Education is authorized and directed to review all district programs and enrollment projections and calculate a maximum total weighted full-time equivalent student enrollment for each district for the K-12 FEFP.

2. Maximum enrollments calculated by the department shall be derived from enrollment estimates used by the Legislature to calculate the FEFP. If two or more districts enter into an agreement under the provisions of s. 1001.42(4)(d), after the final enrollment estimate is agreed upon, the amount of FTE specified in the agreement, not to exceed the estimate for the specific program as identified in paragraph (c), may be transferred from the participating districts to the district providing the program.

3. As part of its calculation of each district's maximum total weighted full-time equivalent student enrollment, the department shall establish separate enrollment ceilings for each of two program groups. Group 1 shall be composed of basic programs for grades K-3, grades 4-8, and grades 9-12. Group 2 shall be composed of students in exceptional student education programs support levels IV and V, English for Speakers of Other Languages programs, and all career programs in grades 9-12.

a. For any calculation of the FEFP, the enrollment ceiling for group 1 shall be calculated by multiplying the actual enrollment for each program in the program group by its appropriate program weight.

b. The weighted enrollment ceiling for group 2 programs shall be calculated by multiplying the enrollment for each program by the appropriate program weight as provided in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. The weighted enrollment ceiling for program group 2 shall be the sum of the weighted enrollment ceilings for each program in the program group, plus the increase in weighted full-time equivalent student membership from the prior year for clients of the Department of Children and Families and the Department of Juvenile Justice.

c. If, for any calculation of the FEFP, the weighted enrollment for program group 2, derived by multiplying actual enrollments by appropriate program weights, exceeds the enrollment ceiling for that group, the following procedure shall be followed to reduce the weighted enrollment for that group to equal the enrollment ceiling:

(I) The weighted enrollment ceiling for each program in the program group shall be subtracted from the weighted enrollment for that program derived from actual enrollments.

(II) If the difference calculated under sub-sub-subparagraph (I) is greater than zero for any program, a reduction proportion shall be computed for the program by dividing the absolute value of the difference by the total amount by which the weighted enrollment for the program group exceeds the weighted enrollment ceiling for the program group.

(III) The reduction proportion calculated under sub-sub-subparagraph (II) shall be multiplied by the total amount of the program group's enrollment over the ceiling as calculated under sub-sub-subparagraph (I).

(IV) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be subtracted from the program's weighted enrollment to produce a revised program weighted enrollment.

(V) The prorated reduction amount calculated under sub-sub-subparagraph (III) shall be divided by the appropriate program weight, and the result shall be added to the revised program weighted enrollment computed in sub-sub-subparagraph (IV).

(e) Funding model for exceptional student education programs.—

1.a. The funding model uses basic, at-risk, support levels IV and V for exceptional students and career Florida Education Finance Program cost factors, and a guaranteed allocation for exceptional student education programs. Exceptional education cost factors are determined by using a matrix of services to document the services that each exceptional student will receive. The nature and intensity of the services indicated on the matrix shall be consistent with the services described in each exceptional student's individual educational plan. The Department of Education shall review and revise the descriptions of the services and supports included in the matrix of services for exceptional students and shall implement those revisions before the beginning of the 2012-2013 school year.

b. In order to generate funds using one of the two weighted cost factors, a matrix of services must be completed at the time of the student's initial placement into an exceptional student education program and at least once every 3 years by personnel who have received approved training. Nothing listed in the matrix shall be construed as limiting the services a school district must provide in order to ensure that exceptional students are provided a free, appropriate public education.

c. Students identified as exceptional, in accordance with chapter 6A-6, Florida Administrative Code, who do not have a matrix of services as specified in sub-subparagraph b. shall generate funds on the basis of full-time-equivalent student membership in the Florida Education Finance Program at the same funding level per student as provided for basic students. Additional funds for these exceptional students will be provided through the guaranteed allocation designated in subparagraph 2.

2. For students identified as exceptional who do not have a matrix of services and students who are gifted in grades K through 8, there is created a guaranteed allocation to provide these students with a free appropriate public education, in accordance with s. 1001.42(4)(l) and rules of the State Board of Education, which shall be allocated initially to each school district in the amount provided in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. These funds shall be supplemental to the funds appropriated for the basic funding level, and the amount allocated for each school district shall be recalculated once during the year, based on actual student membership from the October FTE survey. Upon recalculation, if the generated allocation is greater than the amount provided in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*, the total shall be prorated to the level of the appropriation based on each district's share of the total recalculated amount. These funds shall be used to provide special education and related services for exceptional students and students who are gifted in grades K through 8. A district's expenditure of funds from the guaranteed allocation for students in grades 9 through 12 who are gifted may not be greater than the amount expended during the 2006-2007 Fiscal Year for gifted students in grades 9 through 12.

(f) Supplemental academic instruction; categorical fund.—

1. There is created a categorical fund to provide supplemental academic instruction to students in kindergarten through grade 12. This paragraph may be cited as the "Supplemental Academic Instruction Categorical Fund."

2. Categorical funds for supplemental academic instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. These funds shall be in addition to the funds appropriated on the basis of FTE student membership in the Florida Education Finance Program and shall be included in the total potential funds of each district. These funds shall be used to provide supplemental academic instruction to students enrolled in the K-12 program. For the 2014-2015 fiscal year, each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment shall use these funds, together with the funds provided in the district's research-based reading instruction allocation and other available funds, to provide an additional hour of instruction beyond the normal school day for each day of the entire school year for intensive reading instruction for the students in each of these schools. This additional hour of instruction must be provided by teachers or reading specialists who are effective in teaching reading or by a K-5 mentoring reading program that is supervised by a teacher who is effective at teaching reading. Students enrolled in these schools who have level 5 assessment scores may participate in the additional hour of instruction on an optional basis. Ex-

ceptional student education centers shall not be included in the 300 schools. After this requirement has been met, supplemental instruction strategies may include, but are not limited to: modified curriculum, reading instruction, after-school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement. Supplemental instruction may be provided to a student in any manner and at any time during or beyond the regular 180-day term identified by the school as being the most effective and efficient way to best help that student progress from grade to grade and to graduate.

3. Effective with the 1999-2000 fiscal year, funding on the basis of FTE membership beyond the 180-day regular term shall be provided in the FEFP only for students enrolled in juvenile justice education programs or in education programs for juveniles placed in secure facilities or programs under s. 985.19. Funding for instruction beyond the regular 180-day school year for all other K-12 students shall be provided through the supplemental academic instruction categorical fund and other state, federal, and local fund sources with ample flexibility for schools to provide supplemental instruction to assist students in progressing from grade to grade and graduating.

4. The Florida State University School, as a lab school, is authorized to expend from its FEFP or Lottery Enhancement Trust Fund allocation the cost to the student of remediation in reading, writing, or mathematics for any graduate who requires remediation at a postsecondary educational institution.

5. Beginning in the 1999-2000 school year, dropout prevention programs as defined in ss. 1003.52, 1003.53(1)(a), (b), and (c), and 1003.54 shall be included in group 1 programs under subparagraph (d) 3.

(g) Education for speakers of other languages.—A school district or a full-time virtual instruction program is eligible to report full-time equivalent student membership in the ESOL program in the Florida Education Finance Program provided the following conditions are met:

1. The school district or the full-time virtual instruction program has a plan approved by the Department of Education.

2. The eligible student is identified and assessed as limited English proficient based on assessment criteria.

3.a. An eligible student may be reported for funding in the ESOL program for a base period of 3 years. However, a student whose English competency does not meet the criteria for proficiency after 3 years in the ESOL program may be reported for a fourth, fifth, and sixth year of funding, provided his or her limited English proficiency is assessed and properly documented prior to his or her enrollment in each additional year beyond the 3-year base period.

b. If a student exits the program and is later reclassified as limited English proficient, the student may be reported in the ESOL program for funding for an additional year, or extended annually for a period not to exceed a total of 6 years pursuant to this paragraph, based on an annual evaluation of the student's status.

4. An eligible student may be reported for funding in the ESOL program for membership in ESOL instruction in English and ESOL instruction or home language instruction in the basic subject areas of mathematics, science, social studies, and computer literacy.

(h) Small, isolated high schools.—Districts which levy the maximum nonvoted discretionary millage, exclusive of millage for capital outlay purposes levied pursuant to s. 1011.71(2), may calculate full-time equivalent students for small, isolated high schools by multiplying the number of unweighted full-time equivalent students times 2.75; provided the school has attained a grade of "C" or better, pursuant to s. 1008.34, for the previous school year. For the purpose of this section, the term "small, isolated high school" means any high school which is located no less than 28 miles by the shortest route from another high school; which has been serving students primarily in basic studies provided by sub-subparagraphs (c)1.b. and c. and may include subparagraph (c)4.; and which has a membership of no more than 100 students, but no fewer than 28 students, in grades 9 through 12.

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

(j) Instruction in exploratory career education.—Students in grades 7 through 12 who are enrolled for more than four semesters in exploratory career education may not be counted as full-time equivalent students for this instruction.

(k) Study hall.—A student who is enrolled in study hall may not be included in the calculation of full-time equivalent student membership for funding under this section.

(l) Calculation of additional full-time equivalent membership based on International Baccalaureate examination scores of students.—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in an International Baccalaureate course who receives a score of 4 or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an International Baccalaureate diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each school district shall allocate 80 percent of the funds received from International Baccalaureate bonus FTE funding to the school program whose students generate the funds and to school programs that prepare prospective students to enroll in International Baccalaureate courses. Funds shall be expended solely for the payment of allowable costs associated with the International Baccalaureate program. Allowable costs include International Baccalaureate annual school fees; International Baccalaureate examination fees; salary, benefits, and bonuses for teachers and program coordinators for the International Baccalaureate program and teachers and coordinators who prepare prospective students for the International Baccalaureate program; supplemental books; instructional supplies; instructional equipment or instructional materials for International Baccalaureate courses; other activities that identify prospective International Baccalaureate students or prepare prospective students to enroll in International Baccalaureate courses; and training or professional development for International Baccalaureate teachers. School districts shall allocate the remaining 20 percent of the funds received from International Baccalaureate bonus FTE funding for programs that assist academically disadvantaged students to prepare for more rigorous courses. The school district shall distribute to each classroom teacher who provided International Baccalaureate instruction:

1. A bonus in the amount of $50 for each student taught by the International Baccalaureate teacher in each International Baccalaureate course who receives a score of 4 or higher on the International Baccalaureate examination.

2. An additional bonus of $500 to each International Baccalaureate teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 4 or higher on the International Baccalaureate examination, regardless of the number of classes taught or of the number of students scoring a 4 or higher on the International Baccalaureate examination.

Bonuses awarded to a teacher according to this paragraph may not exceed $2,000 in any given school year. However, the maximum bonus shall be $3,000 if at least 50 percent of the students enrolled in a teacher's course earn a score of 4 or higher on the examination in a school designated with a grade of "A," "B," or "C"; or if at least 25 percent of the students enrolled in a teacher's course earn a score of 4 or higher on the examination in a school designated with a grade of "D" or "F." Bonuses awarded under this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. For such courses, the teacher shall earn an additional bonus of $50 for each student who has a qualifying score up to the maximum of $3,000 in any given school year.

(m) Calculation of additional full-time equivalent membership based on Advanced International Certificate of Education examination scores of students.—A value of 0.16 full-time equivalent student membership shall be calculated for each student enrolled in a full-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.08 full-time equivalent student membership shall be calculated for each student enrolled in a half-credit Advanced International Certificate of Education course who receives a score of E or higher on a subject examination. A value of 0.3 full-time equivalent student membership shall be calculated for each student who receives an Advanced International Certificate of Education diploma. Such value shall be added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. The school district shall distribute to each classroom teacher who provided Advanced International Certificate of Education instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced International Certificate of Education teacher in each full-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination. A bonus in the amount of $25 for each student taught by the Advanced International Certificate of Education teacher in each half-credit Advanced International Certificate of Education course who receives a score of E or higher on the Advanced International Certificate of Education examination.

2. An additional bonus of $500 to each Advanced International Certificate of Education teacher in a school designated with a grade of "D" or "F" who has at least one student scoring E or higher on the full-credit Advanced International Certificate of Education examination, regardless of the number of classes taught or of the number of students scoring an E or higher on the full-credit Advanced International Certificate of Education examination.

3. Additional bonuses of $250 each to teachers of half-credit Advanced International Certificate of Education classes in a school designated with a grade of "D" or "F" which has at least one student scoring an E or higher on the half-credit Advanced International Certificate of Education examination in that class. The maximum additional bonus for a teacher awarded in accordance with this subparagraph shall not exceed $500 in any given school year. Teachers receiving an award under subparagraph 2. are not eligible for a bonus under this subparagraph.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year and shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(n) Calculation of additional full-time equivalent membership based on college board advanced placement scores of students.—A value of 0.16 full-time equivalent student membership shall be calculated for each student in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination for the prior year and added to the total full-time equivalent student membership in basic programs for grades 9 through 12 in the subsequent fiscal year. Each district must allocate at least 80 percent of the funds provided to the district for advanced placement instruction, in accordance with this paragraph, to the high school that generates the funds. The school district shall distribute to each classroom teacher who provided advanced placement instruction:

1. A bonus in the amount of $50 for each student taught by the Advanced Placement teacher in each advanced placement course who receives a score of 3 or higher on the College Board Advanced Placement Examination.

2. An additional bonus of $500 to each Advanced Placement teacher in a school designated with a grade of "D" or "F" who has at least one student scoring 3 or higher on the College Board Advanced Placement Examination, regardless of the number of classes taught or of the number of students scoring a 3 or higher on the College Board Advanced Placement Examination.

Bonuses awarded to a teacher according to this paragraph shall not exceed $2,000 in any given school year. However, the maximum bonus shall be $3,000 if at least 50 percent of the students enrolled in a teacher's course earn a score of 3 or higher on the examination in a school with a grade of "A," "B," or "C" or if at least 25 percent of the students enrolled in a teacher's course earn a score of 3 or higher on the examination in a school with a grade of "D" or "F." Bonuses awarded under this paragraph shall be in addition to any regular wage or other bonus the teacher received or is scheduled to receive. For such courses, the teacher shall earn an additional bonus of $50 for each student who has a qualifying score up to the maximum of $3,000 in any given school year.

(o) Calculation of additional full-time equivalent membership based on successful completion of a career-themed course pursuant to ss. 1003.491, 1003.492, and 1003.493, or courses with embedded CAPE industry certifications or CAPE Digital Tool certificates, and issuance of industry certification identified on the CAPE Industry Certification Funding List pursuant to rules adopted by the State Board of Education or CAPE Digital Tool certificates pursuant to s. 1003.4203.—

1.a. A value of 0.025 full-time equivalent student membership shall be calculated for CAPE Digital Tool certificates earned by students in elementary and middle school grades.

b. A value of 0.1 or 0.2 full-time equivalent student membership shall be calculated for each student who completes a course as defined in s. 1003.493(1)(b) or courses with embedded CAPE industry certifications and who is issued an industry certification identified annually on the CAPE Industry Certification Funding List approved under rules adopted by the State Board of Education. A value of 0.2 full-time equivalent membership shall be calculated for each student who is issued a CAPE industry certification that has a statewide articulation agreement for college credit approved by the State Board of Education. For CAPE industry certifications that do not articulate for college credit, the Department of Education shall assign a full-time equivalent value of 0.1 for each certification. Middle grades students who earn additional FTE membership for a CAPE Digital Tool certificate pursuant to sub-subparagraph a. may not use the previously funded examination to satisfy the requirements for earning an industry certification under this sub-subparagraph. Additional FTE membership for an elementary or middle grades student may not exceed 0.1 for certificates or certifications earned within the same fiscal year. The State Board of Education shall include the assigned values on the CAPE Industry Certification Funding List under rules adopted by the state board. Such value shall be added to the total full-time equivalent student membership for grades 6 through 12 in the subsequent year. CAPE industry certifications earned through dual enrollment must be reported and funded pursuant to s. 1011.80. However, if a student earns a certification through a dual enrollment course and the certification is not a fundable certification on the postsecondary certification funding list, or the dual enrollment certification is earned as a result of an agreement between a school district and a nonpublic postsecondary institution, the bonus value shall be funded in the same manner as other nondual enrollment course industry certifications. In such cases, the school district may provide for an agreement between the high school and the technical center, or the school district and the postsec-

ondary institution may enter into an agreement for equitable distribution of the bonus funds.

c. A value of 0.3 full-time equivalent student membership shall be calculated for student completion of the courses and the embedded certifications identified on the CAPE Industry Certification Funding List and approved by the commissioner pursuant to ss. 1003.4203(5)(a) and 1008.44.

d. A value of 0.5 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 15 to 29 college credit hours, and 1.0 full-time equivalent student membership shall be calculated for CAPE Acceleration Industry Certifications that articulate for 30 or more college credit hours pursuant to CAPE Acceleration Industry Certifications approved by the commissioner pursuant to ss. 1003.4203(5)(b) and 1008.44.

2. Each district must allocate at least 80 percent of the funds provided for CAPE industry certification, in accordance with this paragraph, to the program that generated the funds. This allocation may not be used to supplant funds provided for basic operation of the program.

3. For CAPE industry certifications earned in the 2013-2014 school year and in subsequent years, the school district shall distribute to each classroom teacher who provided direct instruction toward the attainment of a CAPE industry certification that qualified for additional full-time equivalent membership under subparagraph 1.:

a. A bonus of $25 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.1.

b. A bonus of $50 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.2.

c. A bonus of $75 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.3.

d. A bonus of $100 for each student taught by a teacher who provided instruction in a course that led to the attainment of a CAPE industry certification on the CAPE Industry Certification Funding List with a weight of 0.5 or 1.0.

Bonuses awarded pursuant to this paragraph shall be provided to teachers who are employed by the district in the year in which the additional FTE membership calculation is included in the calculation. Bonuses shall be calculated based upon the associated weight of a CAPE industry certification on the CAPE Industry Certification Funding List for the year in which the certification is earned by the student. Any bonus awarded to a teacher under this paragraph may not exceed $3,000 in any given school year and is in addition to any regular wage or other bonus the teacher received or is scheduled to receive.

(p) Calculation of additional full-time equivalent membership based upon early high school graduation.— Each school district may receive funding for each student who graduates early pursuant to s. 1003.4281. A district may earn 0.25 additional FTE for a student who graduates one semester in advance of the student's cohort and 0.5 additional FTE for a student who graduates 1 year or more in advance of the student's cohort. If the student was enrolled in the district as a full-time high school student for at least 2 years, the district shall report the additional FTE for payment in the subsequent fiscal year. If the student was enrolled in the district for less than 2 years, the district of enrollment shall report the additional FTE and shall transfer a proportionate share of the funds earned for early graduation to the district in which the student was previously enrolled. Additional FTE included in the 2014-2015 Florida Education Finance Program for early graduation shall be reported and funded pursuant to this paragraph.

(q) Year-round-school programs.—The Commissioner of Education is authorized to adjust student eligibility definitions, funding criteria, and reporting requirements of statutes and rules in order that year-round-school programs may achieve equivalent application of funding requirements with non-year-round-school programs.

(r) Extended-school-year program.—It is the intent of the Legislature that students be provided additional instruction by extending the school year to 210 days or more. Districts may apply to the Commissioner of Education for funds to be used in planning and implementing an extended-school-year program.

(s) Determination of the basic amount for current operation.—The basic amount for current operation to be included in the Florida Education Finance Program for kindergarten through grade 12 for each district shall be the product of the following:

1. The full-time equivalent student membership in each program, multiplied by

2. The cost factor for each program, adjusted for the maximum as provided by paragraph (c), multiplied by

3. The base student allocation.

(t) Computation for funding through the Florida Education Finance Program.—The State Board of Education may adopt rules establishing programs, industry certifications, and courses for which the student may earn credit toward high school graduation.

(2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.—The Commissioner of Education shall annually compute for each district the current year's district cost differential. The district cost differential shall be calculated by adding each district's price level index as published in the Florida Price Level Index for the most recent 3 years and dividing the resulting sum by 3. The result for each district shall be multiplied by 0.008 and to the resulting product shall be added 0.200; the sum thus obtained shall be the cost differential for that district for that year.

(3) INSERVICE EDUCATIONAL PERSONNEL TRAINING EXPENDITURE.—Of the amount computed in subsections (1) and (2), a percentage of the base student allocation per full-time equivalent student or other funds shall be expended for educational training programs as determined by the district school board as provided in s. 1012.98.

(4) COMPUTATION OF DISTRICT REQUIRED LOCAL EFFORT.—The Legislature shall prescribe the aggregate required local effort for all school districts collectively as an item in the General Appropriations Act for each fiscal year *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. The amount that each district shall provide annually toward the cost of the Florida Education Finance Program for kindergarten through grade 12 programs shall be calculated as follows:

(a) Estimated taxable value calculations.—

1.a. Not later than 2 working days before July 19, the Department of Revenue shall certify to the Commissioner of Education its most recent estimate of the taxable value for school purposes in each school district and the total for all school districts in the state for the current calendar year based on the latest available data obtained from the local property appraisers. The value certified shall be the taxable value for school purposes for that year, and no further adjustments shall be made, except those made pursuant to paragraphs (c) and (d), or an assessment roll change required by final judicial decisions as specified in paragraph (15)(b). Not later than July 19, the Commissioner of Education shall compute a millage rate, rounded to the next highest one one-thousandth of a mill, which, when applied to 96 percent of the estimated state total taxable value for school purposes, would generate the prescribed aggregate required local effort for that year for all districts. The Commissioner of Education shall certify to each district school board the millage rate, computed as prescribed in this subparagraph, as the minimum millage rate necessary to provide the district required local effort for that year.

b. The General Appropriations Act *or any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year,* shall direct the computation of the statewide adjusted aggregate amount for required local effort for all school districts collectively from ad valorem taxes to ensure that no school district's revenue from required local effort millage will produce more than 90 percent of the

district's total Florida Education Finance Program calculation as calculated and adopted by the Legislature, and the adjustment of the required local effort millage rate of each district that produces more than 90 percent of its total Florida Education Finance Program entitlement to a level that will produce only 90 percent of its total Florida Education Finance Program entitlement in the July calculation.

2. On the same date as the certification in sub-subparagraph 1.a., the Department of Revenue shall certify to the Commissioner of Education for each district:

a. Each year for which the property appraiser has certified the taxable value pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a.

b. For each year identified in sub-subparagraph a., the taxable value certified by the appraiser pursuant to s. 193.122(2) or (3), if applicable, since the prior certification under sub-subparagraph 1.a. This is the certification that reflects all final administrative actions of the value adjustment board.

(b) Equalization of required local effort.—

1. The Department of Revenue shall include with its certifications provided pursuant to paragraph (a) its most recent determination of the assessment level of the prior year's assessment roll for each county and for the state as a whole.

2. The Commissioner of Education shall adjust the required local effort millage of each district for the current year, computed pursuant to paragraph (a), as follows:

a. The equalization factor for the prior year's assessment roll of each district shall be multiplied by 96 percent of the taxable value for school purposes shown on that roll and by the prior year's required local-effort millage, exclusive of any equalization adjustment made pursuant to this paragraph. The dollar amount so computed shall be the additional required local effort for equalization for the current year.

b. Such equalization factor shall be computed as the quotient of the prior year's assessment level of the state as a whole divided by the prior year's assessment level of the county, from which quotient shall be subtracted 1.

c. The dollar amount of additional required local effort for equalization for each district shall be converted to a millage rate, based on 96 percent of the current year's taxable value for that district, and added to the required local effort millage determined pursuant to paragraph (a).

3. Notwithstanding the limitations imposed pursuant to s. 1011.71(1), the total required local-effort millage, including additional required local effort for equalization, shall be an amount not to exceed 10 minus the maximum millage allowed as nonvoted discretionary millage, exclusive of millage authorized pursuant to s. 1011.71(2). Nothing herein shall be construed to allow a millage in excess of that authorized in s. 9, Art. VII of the State Constitution.

4. For the purposes of this chapter, the term "assessment level" means the value-weighted mean assessment ratio for the county or state as a whole, as determined pursuant to s. 195.096, or as subsequently adjusted. However, for those parcels studied pursuant to s. 195.096(3)(a)1. which are receiving the assessment limitation set forth in s. 193.155, and for which the assessed value is less than the just value, the department shall use the assessed value in the numerator and the denominator of such assessment ratio. In the event a court has adjudicated that the department failed to establish an accurate estimate of an assessment level of a county and recomputation resulting in an accurate estimate based upon the evidence before the court was not possible, that county shall be presumed to have an assessment level equal to that of the state as a whole.

5. If, in the prior year, taxes were levied against an interim assessment roll pursuant to s. 193.1145, the assessment level and prior year's nonexempt assessed valuation used for the purposes of this paragraph shall be those of the interim assessment roll.

(c) Exclusion.—

1. In those instances in which:

a. There is litigation either attacking the authority of the property appraiser to include certain property on the tax assessment roll as taxable property or contesting the assessed value of certain property on the tax assessment roll, and

b. The assessed value of the property in contest involves more than 6 percent of the total nonexempt assessment roll, the plaintiff shall provide to the district school board of the county in which the property is located and to the Department of Education a certified copy of the petition and receipt for the good faith payment at the time they are filed with the court.

2. For purposes of computing the required local effort for each district affected by such petition, the Department of Education shall exclude from the district's total nonexempt assessment roll the assessed value of the property in contest and shall add the amount of the good faith payment to the district's required local effort.

(d) Recomputation.—Following final adjudication of any litigation on the basis of which an adjustment in taxable value was made pursuant to paragraph (c), the department shall recompute the required local effort for each district for each year affected by such adjustments, utilizing taxable values approved by the court, and shall adjust subsequent allocations to such districts accordingly.

(e) Prior period funding adjustment millage.—

1. An additional millage to be known as the Prior Period Funding Adjustment Millage shall be levied by a school district if the prior period unrealized required local effort funds are greater than zero. The Commissioner of Education shall calculate the amount of the prior period unrealized required local effort funds as specified in subparagraph 2. and the millage required to generate that amount as specified in this subparagraph. The Prior Period Funding Adjustment Millage shall be the quotient of the prior period unrealized required local effort funds divided by the current year taxable value certified to the Commissioner of Education pursuant to sub-subparagraph (a)1.a. This levy shall be in addition to the required local effort millage certified pursuant to this subsection. Such millage shall not affect the calculation of the current year's required local effort, and the funds generated by such levy shall not be included in the district's Florida Education Finance Program allocation for that fiscal year. For purposes of the millage to be included on the Notice of Proposed Taxes, the Commissioner of Education shall adjust the required local effort millage computed pursuant to paragraph (a) as adjusted by paragraph (b) for the current year for any district that levies a Prior Period Funding Adjustment Millage to include all Prior Period Funding Adjustment Millage. For the purpose of this paragraph, a Prior Period Funding Adjustment Millage shall be levied for each year certified by the Department of Revenue pursuant to sub-subparagraph (a)2.a. since the previous year certification and for which the calculation in sub-subparagraph 2.b. is greater than zero.

2.a. As used in this subparagraph, the term:

(I) "Prior year" means a year certified under sub-subparagraph (a) 2.a.

(II) "Preliminary taxable value" means:

(A) If the prior year is the 2009-2010 fiscal year or later, the taxable value certified to the Commissioner of Education pursuant to sub-subparagraph (a)1.a.

(B) If the prior year is the 2008-2009 fiscal year or earlier, the taxable value certified pursuant to the final calculation as specified in former paragraph (b) as that paragraph existed in the prior year.

(III) "Final taxable value" means the district's taxable value as certified by the property appraiser pursuant to s. 193.122(2) or (3), if applicable. This is the certification that reflects all final administrative actions of the value adjustment board.

b. For purposes of this subsection and with respect to each year certified pursuant to sub-subparagraph (a)2.a., if the district's prior year preliminary taxable value is greater than the district's prior year final taxable value, the prior period unrealized required local effort funds are the difference between the district's prior year preliminary taxable value and the district's prior year final taxable value, multiplied by the prior year district required local effort millage. If the district's

prior year preliminary taxable value is less than the district's prior year final taxable value, the prior period unrealized required local effort funds are zero.

c. If a district's prior period unrealized required local effort funds and prior period district required local effort millage cannot be determined because such district's final taxable value has not yet been certified pursuant to s. 193.122(2) or (3), the Prior Period Funding Adjustment Millage for such fiscal year shall be levied, if not previously levied, in an amount equal to 75 percent of such district's most recent unrealized required local effort for which a Prior Period Funding Adjustment Millage was determined as provided in this section. Upon certification of the final taxable value in accordance with s. 193.122(2) or (3) for a tax roll for which a 75 percent Prior Period Funding Adjustment Millage was levied, the next Prior Period Funding Adjustment Millage shall be adjusted to include any shortfall or surplus in the prior period unrealized required local effort funds that would have been levied, had the district's final taxable value been certified pursuant to s. 193.122(2) or (3). If this adjustment is made for a surplus, the reduction in prior period millage may not exceed the prior period funding adjustment millage calculated pursuant to subparagraph 1. and sub-subparagraphs a. and b., or pursuant to this sub-subparagraph, whichever is applicable, and any additional reduction shall be carried forward to the subsequent fiscal year.

(5) DISCRETIONARY MILLAGE COMPRESSION SUPPLEMENT.—The Legislature shall prescribe in the General Appropriations Act, pursuant to s. 1011.71(1), *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year,* the rate of nonvoted current operating discretionary millage that shall be used to calculate a discretionary millage compression supplement. If the prescribed millage generates an amount of funds per unweighted FTE for the district that is less than the state average, the district shall receive an amount per FTE that, when added to the funds per FTE generated by the designated levy, shall equal the state average.

(6) CATEGORICAL FUNDS.—

(a) In addition to the basic amount for current operations for the FEFP as determined in subsection (1), the Legislature may appropriate categorical funding for specified programs, activities, or purposes.

(b) If a district school board finds and declares in a resolution adopted at a regular meeting of the school board that the funds received for any of the following categorical appropriations are urgently needed to maintain school board specified academic classroom instruction, the school board may consider and approve an amendment to the school district operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. Funds for student transportation.

2. Funds for safe schools.

3. Funds for supplemental academic instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (1)(f).

4. Funds for research-based reading instruction if the required additional hour of instruction beyond the normal school day for each day of the entire school year has been provided for the students in each low-performing elementary school in the district pursuant to paragraph (9)(a).

5. Funds for instructional materials if all instructional material purchases necessary to provide updated materials that are aligned with applicable state standards and course descriptions and that meet statutory requirements of content and learning have been completed for that fiscal year, but no sooner than March 1. Funds available after March 1 may be used to purchase hardware for student instruction.

(c) Each district school board shall include in its annual financial report to the Department of Education the amount of funds the school board transferred from each of the categorical funds identified in this subsection and the specific academic classroom instruction for which the transferred funds were expended. The Department of Education shall provide instructions and specify the format to be used in submitting this required information as a part of the district annual financial report. The Department of Education shall submit a report to the Legislature that identifies by district and by categorical fund the amount transferred and the specific academic classroom activity for which the funds were expended.

(d) If a district school board transfers funds from its research-based reading instruction allocation, the board must also submit to the Department of Education an amendment describing the changes that the district is making to its reading plan approved pursuant to paragraph (9)(d).

(7) DETERMINATION OF SPARSITY SUPPLEMENT.—

(a) Annually, in an amount to be determined by the Legislature through the General Appropriations Act *or through any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*, there shall be added to the basic amount for current operation of the FEFP qualified districts a sparsity supplement which shall be computed as follows:

$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity Index}} - 0.1101$$

except that districts with a sparsity index of 1,000 or less shall be computed as having a sparsity index of 1,000, and districts having a sparsity index of 7,308 and above shall be computed as having a sparsity factor of zero. A qualified district's full-time equivalent student membership shall equal or be less than that prescribed annually by the Legislature in the appropriations act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. The amount prescribed annually by the Legislature shall be no less than 17,000, but no more than 24,000.

(b) The district sparsity index shall be computed by dividing the total number of full-time equivalent students in all programs in the district by the number of senior high school centers in the district, not in excess of three, which centers are approved as permanent centers by a survey made by the Department of Education.

(c) If the sparsity supplement calculated in paragraphs (a) and (b) for an eligible district is less than $100 per full-time equivalent student, the district's supplement shall be increased to $100 per FTE or to the minimum amount per FTE designated in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*.

(d) Each district's allocation of sparsity supplement funds shall be adjusted in the following manner:

1. A maximum discretionary levy per FTE value for each district shall be calculated by dividing the value of each district's maximum discretionary levy by its FTE student count.

2. A state average discretionary levy value per FTE shall be calculated by dividing the total maximum discretionary levy value for all districts by the state total FTE student count.

3. A total potential funds per FTE for each district shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee funds, for each district by its FTE student count.

4. A state average total potential funds per FTE shall be calculated by dividing the total potential funds, not including Florida School Recognition Program funds and the minimum guarantee funds, for all districts by the state total FTE student count.

5. For districts that have a levy value per FTE as calculated in subparagraph 1. higher than the state average calculated in subparagraph 2., a sparsity wealth adjustment shall be calculated as the product of the difference between the state average levy value per FTE calculated in subparagraph 2. and the district's levy value per FTE calculated in subparagraph 1. and the district's FTE student count and

-1. However, no district shall have a sparsity wealth adjustment that, when applied to the total potential funds calculated in subparagraph 3., would cause the district's total potential funds per FTE to be less than the state average calculated in subparagraph 4.

6. Each district's sparsity supplement allocation shall be calculated by adding the amount calculated as specified in paragraphs (a) and (b) and the wealth adjustment amount calculated in this paragraph.

(8) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.—In those districts where there is a decline between prior year and current year unweighted FTE students, a percentage of the decline in the unweighted FTE students as determined by the Legislature shall be multiplied by the prior year calculated FEFP per unweighted FTE student and shall be added to the allocation for that district. For this purpose, the calculated FEFP shall be computed by multiplying the weighted FTE students by the base student allocation and then by the district cost differential. If a district transfers a program to another institution not under the authority of the district's school board, including a charter technical career center, the decline is to be multiplied by a factor of 0.15. However, if the funds provided for the Florida Education Finance Program in the General Appropriations Act for any fiscal year *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year* are reduced by a subsequent appropriation for that fiscal year, the percent of the decline in the unweighted FTE students to be funded shall be determined by the Legislature and designated in the subsequent appropriation.

(9) RESEARCH-BASED READING INSTRUCTION ALLOCATION.—

(a) The research-based reading instruction allocation is created to provide comprehensive reading instruction to students in kindergarten through grade 12. For the 2014-2015 fiscal year, in each school district that has one or more of the 300 lowest-performing elementary schools based on the state reading assessment, priority shall be given to providing an additional hour per day of intensive reading instruction beyond the normal school day for each day of the entire school year for the students in each school. Students enrolled in these schools who have level 5 assessment scores may participate in the additional hour of instruction on an optional basis. Exceptional student education centers shall not be included in the 300 schools. The intensive reading instruction delivered in this additional hour and for other students shall include: research-based reading instruction that has been proven to accelerate progress of students exhibiting a reading deficiency; differentiated instruction based on student assessment data to meet students' specific reading needs; explicit and systematic reading development in phonemic awareness, phonics, fluency, vocabulary, and comprehension, with more extensive opportunities for guided practice, error correction, and feedback; and the integration of social studies, science, and mathematics-text reading, text discussion, and writing in response to reading. For the 2012-2013 and 2013-2014 fiscal years, a school district may not hire more reading coaches than were hired during the 2011-2012 fiscal year unless all students in kindergarten through grade 5 who demonstrate a reading deficiency, as determined by district and state assessments, including students scoring Level 1 or Level 2 on the statewide, standardized reading assessment or, upon implementation, the English Language Arts assessment, are provided an additional hour per day of intensive reading instruction beyond the normal school day for each day of the entire school year.

(b) Funds for comprehensive, research-based reading instruction shall be allocated annually to each school district in the amount provided in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. Each eligible school district shall receive the same minimum amount as specified in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*, and any remaining funds shall be distributed to eligible school districts based on each school district's proportionate share of K-12 base funding.

(c) Funds allocated under this subsection must be used to provide a system of comprehensive reading instruction to students enrolled in the K-12 programs, which may include the following:

1. The provision of an additional hour per day of intensive reading instruction to students in the 300 lowest-performing elementary schools by teachers and reading specialists who are effective in teaching reading.

2. Kindergarten through grade 5 reading intervention teachers to provide intensive intervention during the school day and in the required extra hour for students identified as having a reading deficiency.

3. The provision of highly qualified reading coaches to specifically support teachers in making instructional decisions based on student data, and improve teacher delivery of effective reading instruction, intervention, and reading in the content areas based on student need.

4. Professional development for school district teachers in scientifically based reading instruction, including strategies to teach reading in content areas and with an emphasis on technical and informational text.

5. The provision of summer reading camps for all students in kindergarten through grade 2 who demonstrate a reading deficiency as determined by district and state assessments, and students in grades 3 through 5 who score at Level 1 on the statewide, standardized reading assessment or, upon implementation, the English Language Arts assessment.

6. The provision of supplemental instructional materials that are grounded in scientifically based reading research.

7. The provision of intensive interventions for students in kindergarten through grade 12 who have been identified as having a reading deficiency or who are reading below grade level as determined by the statewide, standardized assessment.

(d) Annually, by a date determined by the Department of Education but before May 1, school districts shall submit a K-12 comprehensive reading plan for the specific use of the research-based reading instruction allocation in the format prescribed by the department for review and approval by the Just Read, Florida! Office created pursuant to s. 1001.215. The plan annually submitted by school districts shall be deemed approved unless the department rejects the plan on or before June 1. If a school district and the Just Read, Florida! Office cannot reach agreement on the contents of the plan, the school district may appeal to the State Board of Education for resolution. School districts shall be allowed reasonable flexibility in designing their plans and shall be encouraged to offer reading intervention through innovative methods, including career academies. The plan format shall be developed with input from school district personnel, including teachers and principals, and shall allow courses in core, career, and alternative programs that deliver intensive reading remediation through integrated curricula, provided that the teacher is deemed highly qualified to teach reading or working toward that status. No later than July 1 annually, the department shall release the school district's allocation of appropriated funds to those districts having approved plans. A school district that spends 100 percent of this allocation on its approved plan shall be deemed to have been in compliance with the plan. The department may withhold funds upon a determination that reading instruction allocation funds are not being used to implement the approved plan. The department shall monitor and track the implementation of each district plan, including conducting site visits and collecting specific data on expenditures and reading improvement results. By February 1 of each year, the department shall report its findings to the Legislature.

(10) CALCULATION OF SUPPLEMENTAL ALLOCATION FOR JUVENILE JUSTICE EDUCATION PROGRAMS.—The total K-12 weighted full-time equivalent student membership in juvenile justice education programs in each school district shall be multiplied by the amount of the state average class-size-reduction factor multiplied by the district's cost differential. An amount equal to the sum of this calculation shall be allocated in the FEFP to each school district to supplement other sources of funding for students in juvenile justice education programs.

(11) VIRTUAL EDUCATION CONTRIBUTION.—The Legislature may annually provide in the Florida Education Finance Program a virtual education contribution. The amount of the virtual education contribution shall be the difference between the amount per FTE established in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year* for virtual education and the amount per FTE for each dis-

trict and the Florida Virtual School, which may be calculated by taking the sum of the base FEFP allocation, the discretionary local effort, the state-funded discretionary contribution, the discretionary millage compression supplement, the research-based reading instruction allocation, and the instructional materials allocation, and then dividing by the total unweighted FTE. This difference shall be multiplied by the virtual education unweighted FTE for programs and options identified in s. 1002.455(3) and the Florida Virtual School and its franchises to equal the virtual education contribution and shall be included as a separate allocation in the funding formula.

(12) FLORIDA DIGITAL CLASSROOMS ALLOCATION.—

(a) The Florida digital classrooms allocation is created to support school district and school efforts and strategies to improve outcomes related to student performance by integrating technology in classroom teaching and learning. The outcomes must be measurable and may also be unique to the needs of individual schools and school districts within the general parameters established by the Department of Education.

(b) Each district school board shall adopt a district digital classrooms plan that meets the unique needs of students, schools, and personnel and submit the plan for approval to the Department of Education. In addition, each district school board must, at a minimum, seek input from the district's instructional, curriculum, and information technology staff to develop the district digital classrooms plan. The district's plan must be within the general parameters established in the Florida digital classrooms plan pursuant to s. 1001.20. In addition, if the district participates in federal technology initiatives and grant programs, the district digital classrooms plan must include a plan for meeting requirements of such initiatives and grant programs. Funds allocated under this subsection must be used to support implementation of district digital classrooms plans. By October 1, 2014, and by March 1 of each year thereafter, on a date determined by the department, each district school board shall submit to the department, in a format prescribed by the department, a digital classrooms plan. At a minimum, such plan must include, and be annually updated to reflect, the following:

1. Measurable student performance outcomes. Outcomes related to student performance, including outcomes for students with disabilities, must be tied to the efforts and strategies to improve outcomes related to student performance by integrating technology in classroom teaching and learning. Results of the outcomes shall be reported at least annually for the current school year and subsequent 3 years and be accompanied by an independent evaluation and validation of the reported results.

2. Digital learning and technology infrastructure purchases and operational activities. Such purchases and activities must be tied to the measurable outcomes under subparagraph 1., including, but not limited to, connectivity, broadband access, wireless capacity, Internet speed, and data security, all of which must meet or exceed minimum requirements and protocols established by the department. For each year that the district uses funds for infrastructure, a third-party, independent evaluation of the district's technology inventory and infrastructure needs must accompany the district's plan.

3. Professional development purchases and operational activities. Such purchases and activities must be tied to the measurable outcomes under subparagraph 1., including, but not limited to, using technology in the classroom and improving digital literacy and competency.

4. Digital tool purchases and operational activities. Such purchases and activities must be tied to the measurable outcomes under subparagraph 1., including, but not limited to, competency-based credentials that measure and demonstrate digital competency and certifications; third-party assessments that demonstrate acquired knowledge and use of digital applications; and devices that meet or exceed minimum requirements and protocols established by the department.

5. Online assessment-related purchases and operational activities. Such purchases and activities must be tied to the measurable outcomes under subparagraph 1., including, but not limited to, expanding the capacity to administer assessments and compatibility with minimum assessment protocols and requirements established by the department.

(c) The Legislature shall annually provide in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year* the FEFP allocation for implementation of the Florida digital classrooms plan to be calculated in an amount up to 1 percent of the base student allocation multiplied by the total K-12 full-time equivalent student enrollment included in the FEFP calculations for the legislative appropriation or as provided in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. Each school district shall be provided a minimum of $250,000, with the remaining balance of the allocation to be distributed based on each district's proportion of the total K-12 full-time equivalent student enrollment. Distribution of funds for the Florida digital classrooms allocation shall begin following submittal of each district's digital classrooms plan, which must include formal verification of the superintendent's approval of the digital classrooms plan of each charter school in the district, and approval of the plan by the department. Prior to the distribution of the Florida digital classrooms allocation funds, each district school superintendent shall certify to the Commissioner of Education that the district school board has approved a comprehensive district digital classrooms plan that supports the fidelity of implementation of the Florida digital classrooms allocation. District allocations shall be recalculated during the fiscal year consistent with the periodic recalculation of the FEFP. School districts shall provide a proportionate share of the digital classrooms allocation to each charter school in the district, as required for categorical programs in s. 1002.33(17)(b). A school district may use a competitive process to distribute funds for the Florida digital classrooms allocation to the schools within the school district.

(d) To facilitate the implementation of the district digital classrooms plans and charter school digital classrooms plans, the commissioner shall support statewide, coordinated partnerships and efforts of this state's education practitioners in the field, including, but not limited to, superintendents, principals, and teachers, to identify and share best practices, corrective actions, and other identified needs.

(e) Beginning in the 2015-2016 fiscal year and each year thereafter, each district school board shall report to the department its use of funds provided through the Florida digital classrooms allocation and student performance outcomes in accordance with the district's digital classrooms plan. The department may contract with an independent third-party entity to conduct an annual independent verification of the district's use of Florida digital classrooms allocation funds in accordance with the district's digital classrooms plan. In the event an independent third-party verification is not conducted, the Auditor General shall, during scheduled operational audits of the school districts, verify compliance of the use of Florida digital classrooms allocation funds in accordance with the district's digital classrooms plan. No later than October 1 of each year, beginning in the 2015-2016 fiscal year, the commissioner shall provide to the Governor, the President of the Senate, and the Speaker of the House of Representatives a summary of each district's use of funds, student performance outcomes, and progress toward meeting statutory requirements and timelines.

(f) Each school district shall provide teachers, administrators, students, and parents with access to:

1. Instructional materials in digital or electronic format, as defined in s. 1006.29.

2. Digital materials, including those digital materials that enable students to earn certificates and industry certifications pursuant to ss. 1003.4203 and 1008.44.

3. Teaching and learning tools and resources, including the ability for teachers and administrators to manage, assess, and monitor student performance data.

(13) FEDERALLY CONNECTED STUDENT SUPPLEMENT.—The federally connected student supplement is created to provide supplemental funding for school districts to support the education of students connected with federally owned military installations, National Aeronautics and Space Administration (NASA) real property, and Indian lands. To be eligible for this supplement, the district must be eligible for federal Impact Aid Program funds under s. 8003 of Title VIII of the Elementary and Secondary Education Act of 1965. The supplement shall be allocated annually to each eligible school district in the amount provided in the General Appropriations Act *or in any law providing*

funding for the Florida Education Finance Program for the 2017-2018 fiscal year. The supplement shall be the sum of the student allocation and an exempt property allocation.

(a) The student allocation shall be calculated based on the number of students reported for federal Impact Aid Program funds, including students with disabilities, who meet one of the following criteria:

1. The student has a parent who is on active duty in the uniformed services or is an accredited foreign government official and military officer. Students with disabilities shall also be reported separately for this category.

2. The student resides on eligible federally owned Indian land. Students with disabilities shall also be reported separately for this category.

3. The student resides with a civilian parent who lives or works on eligible federal property connected with a military installation or NASA. The number of these students shall be multiplied by a factor of 0.5.

(b) The total number of federally connected students calculated under paragraph (a) shall be multiplied by a percentage of the base student allocation as provided in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. The total of the number of students with disabilities as reported separately under subparagraphs (a)1. and 2. shall be multiplied by an additional percentage of the base student allocation as provided in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. The base amount and the amount for students with disabilities shall be summed to provide the student allocation.

(c) The exempt property allocation shall be equal to the tax-exempt value of federal impact aid lands reserved as military installations, real property owned by NASA, or eligible federally owned Indian lands located in the district, as of January 1 of the previous year, multiplied by the millage authorized and levied under s. 1011.71(2).

(14) QUALITY ASSURANCE GUARANTEE.—The Legislature may annually in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year* determine a percentage increase in funds per K-12 unweighted FTE as a minimum guarantee to each school district. The guarantee shall be calculated from prior year base funding per unweighted FTE student which shall include the adjusted FTE dollars as provided in subsection (15), quality guarantee funds, and actual nonvoted discretionary local effort from taxes. From the base funding per unweighted FTE, the increase shall be calculated for the current year. The current year funds from which the guarantee shall be determined shall include the adjusted FTE dollars as provided in subsection (15) and potential nonvoted discretionary local effort from taxes. A comparison of current year funds per unweighted FTE to prior year funds per unweighted FTE shall be computed. For those school districts which have less than the legislatively assigned percentage increase, funds shall be provided to guarantee the assigned percentage increase in funds per unweighted FTE student. Should appropriated funds be less than the sum of this calculated amount for all districts, the commissioner shall prorate each district's allocation. This provision shall be implemented to the extent specifically funded.

(15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the FEFP shall be distributed periodically in the manner prescribed in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*.

(a) If the funds appropriated for current operation of the FEFP are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

1. Determine the percentage of proration by dividing the sum of the total amount for current operation, as provided in this paragraph for all districts collectively, and the total district required local effort into the sum of the state funds available for current operation and the total district required local effort.

2. Multiply the percentage so determined by the sum of the total amount for current operation as provided in this paragraph and the required local effort for each individual district.

3. From the product of such multiplication, subtract the required local effort of each district; and the remainder shall be the amount of state funds allocated to the district for current operation. However, no calculation subsequent to the appropriation shall result in negative state funds for any district.

(b) The amount thus obtained shall be the net annual allocation to each school district. However, if it is determined that any school district received an underallocation or overallocation for any prior year because of an arithmetical error, assessment roll change required by final judicial decision, full-time equivalent student membership error, or any allocation error revealed in an audit report, the allocation to that district shall be appropriately adjusted. Beginning with the 2011-2012 fiscal year, if a special program cost factor is less than the basic program cost factor, an audit adjustment may not result in the reclassification of the special program FTE to the basic program FTE. If the Department of Education audit adjustment recommendation is based upon controverted findings of fact, the Commissioner of Education is authorized to establish the amount of the adjustment based on the best interests of the state.

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*.

(16) COMPUTATION OF PRIOR YEAR DISTRICT REQUIRED LOCAL EFFORT.—Calculations required in this section shall be based on 95 percent of the taxable value for school purposes for fiscal years prior to the 2010-2011 fiscal year.

Section 3. Paragraphs (a) and (b) of subsection (1) of section 1011.67, Florida Statutes, are amended to read:

1011.67 Funds for instructional materials.—

(1) The department is authorized to allocate and distribute to each district an amount as prescribed annually by the Legislature for instructional materials for student membership in basic and special programs in grades K-12, which will provide for growth and maintenance needs. For purposes of this subsection, unweighted full-time equivalent students enrolled in the lab schools in state universities are to be included as school district students and reported as such to the department. The annual allocation shall be determined as follows:

(a) The growth allocation for each school district shall be calculated as follows:

1. Subtract from that district's projected full-time equivalent membership of students in basic and special programs in grades K-12 used in determining the initial allocation of the Florida Education Finance Program, the prior year's full-time equivalent membership of students in basic and special programs in grades K-12 for that district.

2. Multiply any such increase in full-time equivalent student membership by the allocation for a set of instructional materials, as determined by the department, or as provided for in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*.

3. The amount thus determined shall be that district's initial allocation for growth for the school year. However, the department shall recompute and adjust the initial allocation based on actual full-time equivalent student membership data for that year.

(b) The maintenance of the instructional materials allocation for each school district shall be calculated by multiplying each district's prior year full-time equivalent membership of students in basic and special programs in grades K-12 by the allocation for maintenance of a set of instructional materials as provided for in the General Appro-

priations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. The amount thus determined shall be that district's initial allocation for maintenance for the school year; however, the department shall recompute and adjust the initial allocation based on such actual full-time equivalent student membership data for that year.

Section 4. Subsection (1) of section 1011.685, Florida Statutes, is amended to read:

1011.685 Class size reduction; operating categorical fund.—

(1) There is created an operating categorical fund for implementing the class size reduction provisions of s. 1, Art. IX of the State Constitution. These funds shall be allocated to each school district in the amount prescribed by the Legislature in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*.

Section 5. Subsections (1), (3), and (9) of section 1011.71, Florida Statutes, are amended to read:

1011.71 District school tax.—

(1) If the district school tax is not provided in the General Appropriations Act or the substantive bill implementing the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*, each district school board desiring to participate in the state allocation of funds for current operation as prescribed by s. 1011.62(15) shall levy on the taxable value for school purposes of the district, exclusive of millage voted under s. 9(b) or s. 12, Art. VII of the State Constitution, a millage rate not to exceed the amount certified by the commissioner as the minimum millage rate necessary to provide the district required local effort for the current year, pursuant to s. 1011.62(4)(a)1. In addition to the required local effort millage levy, each district school board may levy a nonvoted current operating discretionary millage. The Legislature shall prescribe annually in the appropriations act the maximum amount of millage a district may levy.

(3) Notwithstanding subsection (2), if the revenue from 1.5 mills is insufficient to meet the payments due under a lease-purchase agreement entered into before June 30, 2009, by a district school board pursuant to paragraph (2)(e), or to meet other critical district fixed capital outlay needs, the board, in addition to the 1.5 mills, may levy up to 0.25 mills for fixed capital outlay in lieu of levying an equivalent amount of the discretionary mills for operations as provided in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*. Millage levied pursuant to this subsection is subject to the provisions of s. 200.065 and, combined with the 1.5 mills authorized in subsection (2), may not exceed 1.75 mills. If the district chooses to use up to 0.25 mills for fixed capital outlay, the compression adjustment pursuant to s. 1011.62(5) shall be calculated for the standard discretionary millage that is not eligible for transfer to capital outlay.

(9) In addition to the maximum millage levied under this section and the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*, a school district may levy, by local referendum or in a general election, additional millage for school operational purposes up to an amount that, when combined with nonvoted millage levied under this section, does not exceed the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Any such levy shall be for a maximum of 4 years and shall be counted as part of the 10-mill limit established in s. 9(b), Art. VII of the State Constitution. Millage elections conducted under the authority granted pursuant to this section are subject to s. 1011.73. Funds generated by such additional millage do not become a part of the calculation of the Florida Education Finance Program total potential funds in 2001-2002 or any subsequent year and must not be incorporated in the calculation of any hold-harmless or other component of the Florida Education Finance Program formula in any year. If an increase in required local effort, when added to existing millage levied under the 10-mill limit, would result in a combined millage in excess of the 10-mill limit, any millage levied pursuant to this subsection shall be considered to be required local effort to the extent that the district millage would otherwise exceed the 10-mill limit.

Section 6. Subsection (2) of section 1012.71, Florida Statutes, is amended to read:

1012.71 The Florida Teachers Classroom Supply Assistance Program.—

(2) The Legislature, in the General Appropriations Act *or in any law providing funding for the Florida Education Finance Program for the 2017-2018 fiscal year*, shall determine funding for the Florida Teachers Classroom Supply Assistance Program. The funds appropriated are for classroom teachers to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them and may not be used to purchase equipment. The funds appropriated shall be used to supplement the materials and supplies otherwise available to classroom teachers. From the funds appropriated for the Florida Teachers Classroom Supply Assistance Program, the Commissioner of Education shall calculate an amount for each school district based upon each school district's proportionate share of the state's total unweighted FTE student enrollment and shall disburse the funds to the school districts by July 15.

Section 7. *If any law amended by this act was also amended by a law enacted during the 2017 Regular Session of the Legislature, such laws shall be construed as if enacted during the same session of the Legislature, and full effect shall be given to each if possible.*

Section 8. This act shall take effect July 1, 2017; or, if this act fails to become a law until after that date, it shall take effect upon becoming a law and shall operate retroactively to July 1, 2017.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act implementing SB 2500-A, an act making supplemental appropriations to fund the Florida Education Finance Program for the 2017-2018 fiscal year; amending ss. 24.121, 1011.62, 1011.67, 1011.685, 1011.71, and 1012.71, F.S.; authorizing the distribution of funds for the Florida Education Finance Program pursuant to any law providing funding for the 2017-2018 fiscal year; providing for construction of the act in pari materia with laws enacted during the 2017 Regular Session of the Legislature; providing effective dates.

Pursuant to Rule 4.19, **SB 2502-A**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, by unanimous consent—

SB 2-A—A bill to be entitled An act relating to economic programs; amending s. 11.45, F.S.; authorizing the Auditor General to audit the Florida Tourism Industry Marketing Corporation; amending s. 201.15, F.S.; transferring certain funds to the General Revenue Fund; creating s. 288.101, F.S.; creating the Florida Job Growth Grant Fund within the Department of Economic Opportunity; requiring the department and Enterprise Florida, Inc., in consultation with the Department of Transportation, to identify projects, solicit proposals, and make certain recommendations; requiring the department and Enterprise Florida, Inc., in consultation with the Department of Transportation, to establish an application process and criteria for grant requests; providing requirements for requesting grants; requiring the department, upon approval by the Governor, to prepare a certain agreement before disbursing grant funds; specifying requirements for the agreement; authorizing the department to contract with CareerSource Florida, Inc., or administer the workforce training grants program directly; prohibiting grant funds from being used for certain training; providing definitions; requiring the department to administer certain contracts; amending s. 288.1201, F.S.; requiring the Department of Economic Opportunity to retain state funds for specified programs in the State Economic Enhancement and Development Trust Fund until certain conditions are met; requiring the department to return to the State Treasury unexpended funds from the Quick Action Closing Fund which are held by certain entities; requiring the department to comply by a certain date; requiring the department to provide notification of compliance to the Governor and the Legislature by a certain date; amending s. 288.1226, F.S.; requiring the Florida Tourism Industry Marketing Corporation to comply with certain per diem and travel expense provisions; providing corporation board members and officers with certain voting authority; requiring such officers and members to file a certain annual disclosure;

requiring that such disclosure be placed on the corporation's website; authorizing reimbursement for per diem and travel expenses for corporation board members; requiring such expenses to be paid out of corporation funds; subjecting certain contracts to specified notice and review procedures; prohibiting the execution of certain contracts; limiting the amount of compensation paid to corporation officers, agents, and employees; prohibiting certain performance bonuses and severance pay; removing a requirement that the corporation provide certain support to the Division of Tourism Promotion of Enterprise Florida, Inc.; prohibiting the corporation from creating or establishing certain entities and expending certain funds that benefit only one entity; requiring a one-to-one match of private to public contributions to the corporation; providing private contribution categories to be used for the calculation of such match; prohibiting certain contributions from being considered private contributions for purposes of such match; requiring the corporation to provide certain data to the Office of Economic and Demographic Research; prohibiting the expenditure of corporation funds for certain purposes; prohibiting the acceptance or receipt of certain items or services from certain entities; limiting lodging expenses of corporation employees; providing an exception; requiring the department to submit a proposed operating budget for the corporation to the Governor and the Legislature; requiring the inclusion of certain corporation contracts on the corporation's website; requiring the inclusion of specified information in certain corporation contracts and on the corporation's website; requiring certain entities that receive a certain amount of specified funds to report certain public and private financial data on their websites and provide such report to the Governor and the Legislature on a specified date; requiring the report to include specified financial data; requiring specified functionality of the corporation's website; creating s. 288.12266, F.S.; creating the Targeted Marketing Assistance Program to enhance the tourism business marketing of small, minority, rural, and agritourism businesses in the state; providing a definition; requiring the department and the corporation to provide an annual report to the Governor and the Legislature; amending s. 288.124, F.S.; authorizing the Florida Tourism Industry Marketing Corporation, rather than Enterprise Florida, Inc., to establish a convention grants program and guidelines governing the award of program grants and the administration of such program; amending s. 288.901, F.S.; authorizing reimbursement for per diem and travel expenses for Enterprise Florida, Inc., board members; requiring such expenses to be paid out of Enterprise Florida, Inc., funds; amending s. 288.903, F.S.; subjecting certain contracts to specified notice and review procedures; prohibiting the execution of certain contracts; prohibiting Enterprise Florida, Inc., from creating or establishing certain entities; requiring Enterprise Florida, Inc., to comply with certain per diem and travel expense provisions; amending s. 288.904, F.S.; requiring the department to submit a proposed operating budget for Enterprise Florida, Inc., to the Governor and the Legislature; requiring the inclusion of executed Enterprise Florida, Inc., contracts on the Enterprise Florida, Inc., website; requiring the inclusion of specified information in certain Enterprise Florida, Inc., contracts and on the Enterprise Florida, Inc., website; requiring certain entities that receive a certain amount of specified funds to report certain public and private financial data on their websites and provide such report to the Governor and the Legislature by a specified date; requiring the report to include specified financial data; requiring specified functionality of the Enterprise Florida, Inc., website; amending s. 288.905, F.S.; limiting the amount of public compensation paid to Enterprise Florida, Inc., employees; prohibiting certain performance bonuses and severance pay; limiting lodging expenses of Enterprise Florida, Inc., employees; providing an exception; prohibiting certain expenditures; prohibiting the acceptance or receipt of certain items or services from certain entities; providing appropriations; terminating the Displaced Homemaker Trust Fund within the Department of Economic Opportunity; providing for the disposition of balances in and revenues of the trust fund; providing procedures for the termination of the trust fund; repealing ss. 446.50, 446.51, 446.52, and 1010.84, F.S., relating to displaced homemaker programs, prohibited discrimination and confidentiality of information related to such programs, and the Displaced Homemaker Trust Fund, respectively; amending ss. 20.60, 28.101, 187.201, 288.92, 288.923, 445.003, 445.004, 741.01, and 741.011, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was taken up out of order and read the second time by title.

The Committee on Commerce and Tourism recommended the following amendment which was offered by Senator Latvala and moved by Senator Montford:

Amendment 1 (305400)—Delete lines 250-256 and insert:
programs at state colleges, state technical centers, or private postsecondary institutions licensed or otherwise authorized to operate in this state, which provide participants with transferable, sustainable workforce skills applicable to more than a single employer, and for equipment associated with these programs. The department shall work with CareerSource Florida, Inc., to ensure that programs are offered to the public based on criteria established by the state college, state technical center, or private postsecondary institution licensed or otherwise authorized to operate in this state, and do not exclude applicants

The Committee on Appropriations recommended the following substitute amendment which was moved by Senator Latvala and adopted:

Amendment 2 (635320)—Delete lines 250-268 and insert:
programs at public libraries, state colleges, state technical centers, or private postsecondary institutions licensed or otherwise authorized to operate in this state which provide participants with transferable, sustainable workforce skills applicable to more than a single employer or which are listed in s. 445.06, and for equipment associated with these programs. The department shall work with CareerSource Florida, Inc., to ensure that programs are offered to the public based on criteria established by the state colleges, state technical centers, or private postsecondary institutions licensed or otherwise authorized to operate in this state, and do not exclude applicants who are unemployed or underemployed. Programs that support skills assessment and training for inmates in the state correctional system who have 5 years or less until their release and reentry may also be eligible for grants from this fund. The department may contract with CareerSource Florida, Inc., or administer this program directly.

(a) Grant funds may not be expended to provide training for instruction related to retail businesses or to reimburse businesses for trainee wages.

(b) Grant requests may be submitted to the department by a public library, state correctional facility, state college, state technical center, or private postsecondary institution. The department shall establish an application process and criteria for grant requests. Costs and expenditures for the workforce training grants must be documented and separated from those incurred by the public library, state correctional facility, state college, state technical center, or private postsecondary institution.

MOTION

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 6:30 p.m.

The Committee on Commerce and Tourism recommended the following amendment which was moved by Senator Latvala and failed:

Amendment 3 (860238) (with title amendment)—Delete lines 301-322 and insert:

Section 4. Present subsection (3) of section 288.1201, Florida Statutes, is redesignated as subsection (4) and amended, and a new subsection (3) is added to that section, to read:

288.1201 State Economic Enhancement and Development Trust Fund.—

(3)(a) The department may make a payment from the trust fund after an independent third party has verified that an applicant has satisfied all of the requirements of an agreement or contract and the department has determined that the applicant meets the required project performance criteria and is eligible to receive a payment.

(b) The department shall determine within 15 days after the end of each calendar quarter whether moneys in the trust fund are associated with an agreement or contract entered into pursuant to s. 288.1088 which the department has terminated, which has otherwise expired, or

for which the applicant has not met performance conditions required by the agreement or contract. The portion of the appropriation associated with such moneys shall revert, and any such moneys shall be returned to the fund from which they were originally appropriated.

(c) Moneys in the trust fund shall be managed and invested to generate the maximum amount of interest earnings, consistent with the requirement that the moneys be available to make payments as required pursuant to Quick Action Closing Fund contracts or agreements.

(d) By September 1, 2017, the department shall return to the State Treasury all funds held by the escrow agent pursuant to a contract executed for the Quick Action Closing Fund which are unexpended as of June 30, 2017. Such unexpended funds shall be deposited into the State Economic Enhancement and Development Trust Fund.

~~(3)~~*(4) Moneys in the trust fund may be appropriated to make payments pursuant to agreements or contracts for projects authorized under s. 288.1088.* Notwithstanding s. 216.301 and pursuant to s. 216.351, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund.

Section 5. *For the 2017-2018 fiscal year, and from the amounts returned to the State Economic Enhancement Trust Fund pursuant to s. 288.1201(3)(d), Florida Statutes, the sum of $106,746,279 from the State Economic Enhancement and Development Trust Fund is appropriated to the Department of Economic Opportunity to make payments pursuant to agreements or contracts for projects authorized under s. 288.1088, Florida Statutes. Notwithstanding s. 216.301, Florida Statutes, and pursuant to s. 216.351, Florida Statutes, any balance in the trust fund at the end of any fiscal year shall remain in the trust fund at the end of the year and shall be available for carrying out the purposes of the trust fund. The balance of any appropriation which is not disbursed by June 30, 2018, may be carried forward until all authorized projects are fully paid, except as provided in s. 288.1201(3)(b), Florida Statutes.*

And the title is amended as follows:

Delete lines 26-36 and insert: s. 288.1201, F.S.; providing conditions that must be met before the Department of Economic Opportunity is authorized to make a payment from the State Economic Enhancement and Development Trust Fund; requiring the department to determine quarterly whether moneys in the trust fund are associated with certain agreements; requiring such funds to be returned to their originating fund; providing investment requirements for moneys in the trust fund; requiring the department to return to the State Treasury unexpended funds from the Quick Action Closing Fund which are held by certain entities; requiring such funds to be deposited to the trust fund; authorizing moneys in the trust fund to be appropriated to make certain payments; providing an appropriation; amending s. 288.1226, F.S.; requiring

The Committee on Appropriations recommended the following amendments which were offered by Senator Brandes, moved by Senator Latvala, and adopted:

Amendment 4 (293618) (with title amendment)—Delete lines 298-300 and insert:

(5) To be eligible for funds from the Florida Job Growth Grant Fund, a project must:

(a) Be in an industry, as referenced in s. 288.106.

(b) Have a positive economic benefit ratio of at least 2 to 1.

(c) Induce economic expansion in the project's location or in the state.

(d) Be supported by the local community in which the project is to be located.

(e) Be certified by the Department of Transportation as compatible with the adopted 5-year work program.

(f) Not be included as a specific appropriations line item in the most recent General Appropriations Act.

(g) Not have been vetoed by the Governor for funding in the most recent General Appropriations Act.

(6)(a) The department and Enterprise Florida, Inc., shall jointly review submitted applications and determine the eligibility of each project, consistent with the criteria in subsection (5).

(b)1. Within 7 business days after evaluating a project, the department shall recommend to the Governor approval or disapproval of the project for funding from the Florida Job Growth Grant Fund. When recommending a project, the department must include proposed performance conditions that the project must meet to obtain grant funds.

2. The Governor may approve grant requests for projects without consulting the Legislature for projects requiring less than $2 million in funding.

3. For projects requiring funding in the amount of $2 million to $5 million, the Governor shall provide a written description and evaluation of a project recommended for approval to the chair and vice chair of the Legislative Budget Commission at least 10 days before giving final approval for the project. The recommendation must include proposed performance conditions that the project must meet to obtain grant funds.

4. If the chair or vice chair of the Legislative Budget Commission, the President of the Senate, or the Speaker of the House of Representatives timely advises the Executive Office of the Governor in writing that such action or proposed action exceeds the delegated authority of the Executive Office of the Governor or is contrary to legislative policy or intent, the Executive Office of the Governor must void the release of funds and instruct the department to immediately change such action or proposed action until the Legislative Budget Commission or the Legislature addresses the issue. Notwithstanding such requirement, any project exceeding $5 million must be approved by the Legislative Budget Commission before the funds are released.

(c) Upon the approval of the Governor, the department and the grant recipient shall enter into a contract that sets forth the conditions for payment of moneys from the fund. The contract must include the total amount of funds awarded; the authorized use of grant funds; the current baseline service the project addresses and the measure of enhanced capacity or capability it will achieve; the methodology for validating project performance; the schedule of payments from the fund; and sanctions for failure to meet performance objectives. The contract must specify that payment of moneys from the fund is contingent upon a sufficient appropriation by the Legislature.

(7) Funds appropriated by the Legislature to implement this section shall be placed in reserve and may only be released pursuant to the legislative consultation and review requirements set forth in this section.

(8) The department shall establish an application process for receiving grant requests.

(9) The department shall establish a methodology for making grant award recommendations. This methodology must be ratified by the Legislature before any grant funds are proposed pursuant to paragraph (6)(b).

(10) All contracts executed by the department shall be made publicly available on the department's website. All contracts with the department valued at $500,000 or more shall be made publicly available for review on the department's website 14 days before execution. A contract entered into between the department and any other public or private entity must include:

(a) The purpose of the contract.

(b) Specific performance standards and responsibilities for each entity.

(c) A detailed project or contract budget, if applicable.

(d) The value of any services provided.

(e) The value of the matching funds provided.

(11) Funds appropriated to the Florida Job Growth Grant Fund may not be transferred to any account outside the State Treasury before payments are made for a project in accordance with this section.

And the title is amended as follows:

Delete lines 24-25 and insert: training; providing definitions; providing eligibility criteria for projects to receive funds from the Florida Job Growth Grant Fund; requiring the department and Enterprise Florida, Inc., to jointly review applications and determine the eligibility of each project; requiring the department to make its recommendations to the Governor within a specified timeframe; requiring the Governor to obtain certain approval for projects requiring funding that exceeds a specified amount; requiring the department and a grant recipient to enter into a contract for the payment of moneys from the fund under certain circumstances; providing requirements for the contract; requiring certain funds to be placed in reserve and to be released only pursuant to certain legislative consultation and review requirements; requiring the department to establish an application process; requiring the department to establish a methodology for making grant award recommendations; requiring that the methodology be approved by the Legislature; requiring that certain contracts be made publicly available on the department's website before or after execution; providing requirements for the contracts; prohibiting funds appropriated to the Florida Job Growth Grant Fund from being transferred to certain accounts under certain circumstances; amending

Amendment 5 (778464) (with title amendment)—Between lines 300 and 301 insert:

(6) This section expires on June 30, 2019, unless reenacted by the Legislature.

And the title is amended as follows:

Delete line 25 and insert: department to administer certain contracts; providing an expiration date; amending

The Committee on Appropriations recommended the following amendment which was offered by Senator Gibson, moved by Senator Latvala, and adopted:

Amendment 6 (911692) (with title amendment)—Between lines 300 and 301 insert:

(6) The department and Enterprise Florida, Inc., shall post all proposals and applications for grants on their websites. The information must include scoring criteria and results, recommendations for funding, the amount of the award, project start and completion dates, and the final contract and agreement.

And the title is amended as follows:

Delete line 25 and insert: department to administer certain contracts; requiring the department and Enterprise Florida, Inc., to post specified information on their websites; amending

Senator Rodriguez moved the following amendment which failed:

Amendment 7 (117684) (with title amendment)—Delete lines 208-1113 and insert:

Section 3. Subsection (4) is added to section 288.1201, Florida Statutes, to read:

288.1201 State Economic Enhancement and Development Trust Fund.—

(4)(a) Beginning July 1, 2017, the department shall retain in the trust fund any state funds appropriated for any program created under this chapter which is funded in the General Appropriations Act until the performance requirements established under contract or by law for any economic development incentives are submitted to and verified by the department.

(b) The department shall return to the State Treasury all funds held by any entity pursuant to a contract executed for the Quick Action Closing Fund which are unexpended as of June 30, 2017. Such unexpended funds shall be deposited into the State Economic Enhancement and Development Trust Fund. The department shall take all steps necessary to comply with this paragraph by September 1, 2017. The department shall notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its compliance with this paragraph by October 1, 2017.

(c) This subsection expires July 1, 2018.

Section 4. Section 288.1226, Florida Statutes, is amended to read:

288.1226 Florida Tourism Industry Marketing Corporation; use of property; board of directors; duties; audit.—

(1) DEFINITIONS.—For the purposes of this section, the term "corporation" means the Florida Tourism Industry Marketing Corporation.

(2) ESTABLISHMENT.—The Florida Tourism Industry Marketing Corporation is a direct-support organization of Enterprise Florida, Inc.

(a) The Florida Tourism Industry Marketing Corporation is a corporation not for profit, as defined in s. 501(c)(6) of the Internal Revenue Code of 1986, as amended, that is incorporated under the provisions of chapter 617 and approved by the Department of State.

(b) The corporation is organized and operated exclusively to request, receive, hold, invest, and administer property and to manage and make expenditures for the operation of the activities, services, functions, and programs of this state which relate to the statewide, national, and international promotion and marketing of tourism.

(c)*1.* The corporation is not an agency for the purposes of chapters 120, 216, and 287; ss. 255.21, 255.25, and 255.254, relating to leasing of buildings; ss. 283.33 and 283.35, relating to bids for printing; s. 215.31; and parts I, II, and IV-VIII of chapter 112. *However, the corporation shall comply with the per diem and travel expense provisions of s. 112.061.*

2. It is not a violation of s. 112.3143(2) or (4) for the officers or members of the board of directors of the corporation to:

a. Vote on the 4-year marketing plan required under s. 288.923 or vote on any individual component of or amendment to the plan.

b. Participate in the establishment or calculation of payments related to the private match requirements of subsection (6). The officer or member must file an annual disclosure describing the nature of his or her interests or the interests of his or her principals, including corporate parents and subsidiaries of his or her principal, in the private match requirements. This annual disclosure requirement satisfies the disclosure requirement of s. 112.3143(4). This disclosure must be placed on the corporation's website or included in the minutes of each meeting of the corporation's board of directors at which the private match requirements are discussed or voted upon.

(d) The corporation is subject to the provisions of chapter 119, relating to public meetings, and those provisions of chapter 286 relating to public meetings and records.

(3) USE OF PROPERTY.—Enterprise Florida, Inc.:

(a) Is authorized to permit the use of property and facilities of Enterprise Florida, Inc., by the corporation, subject to the provisions of this section.

(b) Shall prescribe conditions with which the corporation must comply in order to use property and facilities of Enterprise Florida, Inc. Such conditions shall provide for budget and audit review and for oversight by Enterprise Florida, Inc.

(c) May not permit the use of property and facilities of Enterprise Florida, Inc., if the corporation does not provide equal employment opportunities to all persons, regardless of race, color, national origin, sex, age, or religion.

(4) BOARD OF DIRECTORS.—The board of directors of the corporation shall be composed of 31 tourism-industry-related members, appointed by Enterprise Florida, Inc., in conjunction with the department. *Board members shall serve without compensation, but are entitled*

to receive reimbursement for per diem and travel expenses pursuant to s. 112.061. Such expenses must be paid out of funds of the corporation.

(a) The board shall consist of 16 members, appointed in such a manner as to equitably represent all geographic areas of the state, with no fewer than two members from any of the following regions:

1. Region 1, composed of Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington Counties.

2. Region 2, composed of Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Marion, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union Counties.

3. Region 3, composed of Brevard, Indian River, Lake, Okeechobee, Orange, Osceola, St. Lucie, Seminole, Sumter, and Volusia Counties.

4. Region 4, composed of Citrus, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota Counties.

5. Region 5, composed of Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, and Lee Counties.

6. Region 6, composed of Broward, Martin, Miami-Dade, Monroe, and Palm Beach Counties.

(b) The 15 additional tourism-industry-related members shall include 1 representative from the statewide rental car industry; 7 representatives from tourist-related statewide associations, including those that represent hotels, campgrounds, county destination marketing organizations, museums, restaurants, retail, and attractions; 3 representatives from county destination marketing organizations; 1 representative from the cruise industry; 1 representative from an automobile and travel services membership organization that has at least 2.8 million members in Florida; 1 representative from the airline industry; and 1 representative from the space tourism industry, who will each serve for a term of 2 years.

(5) POWERS AND DUTIES.—The corporation, in the performance of its duties:

(a) May make and enter into contracts and assume such other functions as are necessary to carry out the provisions of the 4-year marketing plan required by s. 288.923, and the corporation's contract with Enterprise Florida, Inc., which are not inconsistent with this or any other provision of law. *A proposed contract with a total value of $750,000 or more is subject to the notice and review procedures of s. 216.177. If the chair and vice chair of the Legislative Budget Commission, or the President of the Senate and the Speaker of the House of Representatives, timely advise the corporation in writing that such proposed contract is contrary to legislative policy and intent, the corporation may not execute such proposed contract. The corporation may not enter into multiple related contracts to avoid the requirements of this paragraph.*

(b) May develop a program to provide incentives and to attract and recognize those entities which make significant financial and promotional contributions towards the expanded tourism promotion activities of the corporation.

(c) May establish a cooperative marketing program with other public and private entities which allows the use of the VISIT Florida logo in tourism promotion campaigns which meet the standards of Enterprise Florida, Inc., for which the corporation may charge a reasonable fee.

(d) May sue and be sued and appear and defend in all actions and proceedings in its corporate name to the same extent as a natural person.

(e) May adopt, use, and alter a common corporate seal. However, such seal must always contain the words "corporation not for profit."

(f) Shall elect or appoint such officers and agents as its affairs shall require and allow them reasonable compensation. *However, reasonable compensation for employment paid from funds received from the state for any officer or agent, including the president and chief executive officer of the corporation, may not exceed the salary and benefits authorized to be paid to the Governor. Any payments of performance bonuses or severance pay paid from funds received from the state to an officer or agent of the corporation are prohibited unless specifically authorized by law.*

(g) Shall hire and establish salaries and personnel and employee benefit programs for such permanent and temporary employees as are necessary to carry out the provisions of the 4-year marketing plan and the corporation's contract with Enterprise Florida, Inc., which are not inconsistent with this or any other provision of law. *However, an employee may not receive compensation for employment paid from funds received from the state which exceeds the salary and benefits authorized to be paid to the Governor. Any payments of performance bonuses or severance pay paid from funds received from the state to employees of the corporation are prohibited unless specifically authorized by law.*

(h) ~~Shall provide staff support to the Division of Tourism Promotion of Enterprise Florida, Inc. The president and chief executive officer of the Florida Tourism Industry Marketing Corporation shall serve without compensation as the director of the division.~~

~~(i)~~ May adopt, change, amend, and repeal bylaws, not inconsistent with law or its articles of incorporation, for the administration of the provisions of the 4-year marketing plan and the corporation's contract with Enterprise Florida, Inc.

(i)~~(j)~~ May conduct its affairs, carry on its operations, and have offices and exercise the powers granted by this act in any state, territory, district, or possession of the United States or any foreign country. Where feasible, appropriate, and recommended by the 4-year marketing plan developed by the Division of Tourism Promotion of Enterprise Florida, Inc., the corporation may collocate the programs of foreign tourism offices in cooperation with any foreign office operated by any agency of this state.

(j)~~(k)~~ May appear on its own behalf before boards, commissions, departments, or other agencies of municipal, county, state, or federal government.

(k)~~(l)~~ May request or accept any grant, payment, or gift, of funds or property made by this state or by the United States or any department or agency thereof or by any individual, firm, corporation, municipality, county, or organization for any or all of the purposes of the 4-year marketing plan and the corporation's contract with Enterprise Florida, Inc., that are not inconsistent with this or any other provision of law. Such funds shall be deposited in a bank account established by the corporation's board of directors. The corporation may expend such funds in accordance with the terms and conditions of any such grant, payment, or gift, in the pursuit of its administration or in support of the programs it administers. The corporation shall separately account for the public funds and the private funds deposited into the corporation's bank account.

(l)~~(m)~~ Shall establish a plan for participation in the corporation which will provide additional funding for the administration and duties of the corporation.

(m)~~(n)~~ In the performance of its duties, may undertake, or contract for, marketing projects and advertising research projects.

(n)~~(o)~~ In addition to any indemnification available under chapter 617, the corporation may indemnify, and purchase and maintain insurance on behalf of, directors, officers, and employees of the corporation against any personal liability or accountability by reason of actions taken while acting within the scope of their authority.

(o) May not create or establish any other entity, corporation, or direct-support organization.

(p) May not expend funds, public or private, that directly benefit only one company, corporation, or business entity.

(6) MATCHING REQUIREMENTS.—

(a) A one-to-one match is required of private to public contributions to the corporation. Public contributions include all state appropriations to the corporation and exclude taxes derived pursuant to s. 125.0104.

(b) For purposes of calculating the required one-to-one match, the private contributions the corporation receives must be in one of four private match categories. The corporation shall maintain documentation of such categorized contributions on file and make such documentation available for inspection upon reasonable notice during its regular business hours. Contribution details shall be included in the quarterly reports required under subsection (8). The private match categories are:

1. Direct cash contributions from private sources, which include, but are not limited to, cash derived from strategic alliances, contributions of stocks and bonds, and partnership contributions.

2. Fees for services, which include, but are not limited to, event participation, research, and brochure placement and transparencies.

3. Cooperative advertising, which is limited to partner expenditures for paid media placement, partner expenditures for collateral material distribution, and the actual market value of contributed productions, air time, and print space.

4. In-kind contributions, which are limited to the actual market value of promotional contributions of partner-supplied benefits to target audiences and the actual market value of nonpartner-supplied air time or print space contributed for the broadcasting or printing of such promotions, which would otherwise require tourist promotion expenditures by the corporation for advertising, air travel, rental car fees, hotel rooms, RV or campsite space rental, onsite guest services, and admission tickets. The net value of air time or print space, if any, shall be deemed to be the actual market value of the air time or print space, based on an average of actual unit prices paid contemporaneously for comparable times or spaces, less the value of increased ratings or other benefits realized by the media outlet as a result of the promotion.

Contributions from a governmental entity or from an entity that received more than 50 percent of its revenue in the previous fiscal year from public sources, including revenue derived from taxes, other than taxes collected pursuant to s. 125.0104, from fees, or from other government revenues, are not considered private contributions for purposes of calculating the required one-to-one match.

(7)~~(6)~~ ANNUAL AUDIT.—The corporation shall provide for an annual financial audit in accordance with s. 215.981. The annual audit report shall be submitted to the Auditor General; the Office of Program Policy Analysis and Government Accountability; Enterprise Florida, Inc.; and the department for review. The Office of Program Policy Analysis and Government Accountability; Enterprise Florida, Inc.; the department; and the Auditor General have the authority to require and receive from the corporation or from its independent auditor any detail or supplemental data relative to the operation of the corporation. The department shall annually certify whether the corporation is operating in a manner and achieving the objectives that are consistent with the policies and goals of Enterprise Florida, Inc., and its long-range marketing plan. The identity of a donor or prospective donor to the corporation who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.

(8)~~(7)~~ REPORT.—The corporation shall provide a quarterly report to Enterprise Florida, Inc., which shall:

(a) Measure the current vitality of the visitor industry of this state as compared to the vitality of such industry for the year to date and for comparable quarters of past years. Indicators of vitality shall be determined by Enterprise Florida, Inc., and shall include, but not be limited to, estimated visitor count and party size, length of stay, average expenditure per party, and visitor origin and destination.

(b) Provide detailed, unaudited financial statements of sources and uses of public and private funds.

(c) Measure progress towards annual goals and objectives set forth in the 4-year marketing plan.

(d) Review all pertinent research findings.

(e) Provide other measures of accountability as requested by Enterprise Florida, Inc.

The corporation must take all steps necessary to provide all data that is used to develop the report, including source data, to the Office of Economic and Demographic Research.

(9)~~(8)~~ PUBLIC RECORDS EXEMPTION.—The identity of any person who responds to a marketing project or advertising research project conducted by the corporation in the performance of its duties on behalf of Enterprise Florida, Inc., or trade secrets as defined by s. 812.081 obtained pursuant to such activities, are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2021, unless reviewed and saved from repeal through reenactment by the Legislature.

(10) PROHIBITIONS; CORPORATE FUNDS; GIFTS.—Funds of the corporation may not be expended for food, beverages, lodging, entertainment, or gifts for employees of the corporation, board members of the corporation, or employees of a tourist or economic development entity that receives revenue from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, unless authorized pursuant to s. 112.061 or this section. An employee or board member of the corporation may not accept or receive food, beverages, lodging, entertainment, or gifts from an economic development entity that receives revenue only from a tax imposed pursuant to s. 125.0108 or s. 212.0305, or from any person, vendor, or other entity doing business with the corporation unless such food, beverage, lodging, entertainment, or gift is available to similarly situated members of the general public.

(11) LODGING EXPENSES.—Lodging expenses for an employee of the corporation may not exceed $150 per day, excluding taxes, unless the corporation is participating in a negotiated group rate discount or the corporation provides documentation of at least three comparable alternatives demonstrating that such lodging at the required rate is not available. However, an employee of the corporation may expend his or her own funds for any lodging expenses in excess of $150 per day.

(12) PROPOSED OPERATING BUDGET SUBMISSION.—By August 15 of each fiscal year, the department shall submit a proposed operating budget for the corporation, including amounts to be expended on advertising, marketing, promotions, events, other operating capital outlay, and salaries and benefits for each employee, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(13) TRANSPARENCY.—

(a) All contracts executed by the corporation shall be placed for viewing on the corporation's website. All contracts with the corporation valued at $500,000 or more shall be placed on the corporation's website for review 14 days before execution. A contract entered into between the corporation and any other public or private entity shall include:

1. The purpose of the contract.

2. Specific performance standards and responsibilities for each entity.

3. A detailed project or contract budget, if applicable.

4. The value of any services provided.

5. The projected travel and entertainment expenses for employees and board members, if applicable.

(b)1. Any entity that in the previous fiscal year received more than 50 percent of its revenue from the corporation or from taxes imposed pursuant to s. 125.0108 or s. 212.0305, and that partners with the corporation or participates in a program, cooperative advertisement, promotional opportunity, or other activity offered by or in conjunction with the corporation, shall annually report by July 1 all public and private financial data posted on its website to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

2. The financial data shall include:

a. The total amount of revenue received from public and private sources.

b. The operating budget of the partner entity.

c. Employee and board member salary and benefit details from public and private funds.

d. An itemized accounting of all expenditures by the partner entity on behalf of, or coordinated for the benefit of, the corporation, its board members, or employees.

e. Itemized travel and entertainment expenditures of the partner entity.

(c) The following information must be posted on the corporation's website:

1. A plain language version of any contract estimated to exceed $35,000 with a private entity, municipality, county, town, or vendor of services, supplies, or programs, including marketing, or for the purchase or lease or use of lands, facilities, or properties.

2. Any agreement entered into between the corporation and any other entity, including a local government, private entity, or nonprofit entity, which receives public funds or funds from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305.

3. The contracts and the required information pursuant to paragraph (a) and the financial data submitted to the corporation pursuant to paragraph (b).

4. Video recordings of each board meeting.

5. A detailed report of expenditures following each marketing event paid for with the corporation's funds. Such report must be posted within 10 business days after the event.

6. An annual itemized accounting of the total amount of funds spent by any third party on behalf of the corporation or any board member or employee of the corporation.

7. An annual itemized accounting of the total amount of travel and entertainment expenditures by the corporation.

(d) The corporation's website must:

1. Allow users to navigate to related sites to view supporting details.

2. Enable a taxpayer to e-mail questions to the corporation and make such questions and the corporation's responses publicly viewable.

(14)~~(9)~~ REPEAL.—This section is repealed October 1, 2019, unless reviewed and saved from repeal by the Legislature.

Section 5. Section 288.12266, Florida Statutes, is created to read:

288.12266 Targeted Marketing Assistance Program.—

(1) The Targeted Marketing Assistance Program is created to enhance the tourism business marketing of small, minority, rural, and agritourism businesses in the state. The department, in conjunction with the Florida Tourism Industry Marketing Corporation, shall administer the program. The program shall provide marketing plans, marketing assistance, promotional support, media development, technical expertise, marketing advice, technology training, social marketing support, and other assistance to an eligible entity.

(2) As used in this section, the term "eligible entity" means an independently owned and operated business with gross revenue not exceeding $1.25 million or a nonprofit corporation that meets the requirements of s. 501(c)(3) of the Internal Revenue Code.

(3) The department and the Florida Tourism Industry Marketing Corporation shall provide an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives documenting that at least 50 percent of the eligible entities receiving assistance through this program are independently owned and operated businesses with gross revenues not exceeding $500,000.

Section 6. Section 288.124, Florida Statutes, is amended to read:

288.124 Convention grants program.—*The Florida Tourism Industry Marketing Corporation* ~~Enterprise Florida, Inc.,~~ is authorized to establish a convention grants program and, pursuant to that program, to recommend to the department expenditures and contracts with local governments and nonprofit corporations or organizations for the purpose of attracting national conferences and conventions to Florida. Preference shall be given to local governments and nonprofit corporations or organizations seeking to attract minority conventions to Florida. Minority conventions are events that primarily involve minority persons, as defined in s. 288.703, who are residents or nonresidents of the state. *The Florida Tourism Industry Marketing Corporation* ~~Enterprise Florida, Inc.,~~ shall establish guidelines governing the award of grants and the administration of this program. The department has final approval authority for any grants under this section. The total annual allocation of funds for this program shall not exceed $40,000.

Section 7. Subsection (5) of section 288.901, Florida Statutes, is amended to read:

288.901 Enterprise Florida, Inc.—

(5) APPOINTED MEMBERS OF THE BOARD OF DIRECTORS.—

(a) In addition to the Governor or his or her designee, the board of directors shall consist of the following appointed members:

1. The Commissioner of Education or his or her designee.

2. The Chief Financial Officer or his or her designee.

3. The Attorney General or his or her designee.

4. The Commissioner of Agriculture or his or her designee.

5. The chairperson of the board of directors of CareerSource Florida, Inc.

6. The Secretary of State or his or her designee.

7. Twelve members from the private sector, six of whom shall be appointed by the Governor, three of whom shall be appointed by the President of the Senate, and three of whom shall be appointed by the Speaker of the House of Representatives. Members appointed by the Governor are subject to Senate confirmation.

(b) In making their appointments, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall ensure that the composition of the board of directors reflects the diversity of Florida's business community and is representative of the economic development goals in subsection (2). The board must include at least one director for each of the following areas of expertise: international business, tourism marketing, the space or aerospace industry, managing or financing a minority-owned business, manufacturing, finance and accounting, and sports marketing.

(c) The Governor, the President of the Senate, and the Speaker of the House of Representatives also shall consider appointees who reflect Florida's racial, ethnic, and gender diversity. Efforts shall be taken to ensure participation from all geographic areas of the state, including representation from urban and rural communities.

(d) Appointed members shall be appointed to 4-year terms, except that initially, to provide for staggered terms, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall each appoint one member to serve a 2-year term and one member to serve a 3-year term, with the remaining initial appointees serving 4-year terms. All subsequent appointments shall be for 4-year terms.

(e) Initial appointments must be made by October 1, 2011, and be eligible for confirmation at the earliest available Senate session. Terms end on September 30.

(f) Any member is eligible for reappointment, except that a member may not serve more than two terms.

(g) A vacancy on the board of directors shall be filled for the remainder of the unexpired term. Vacancies on the board shall be filled by appointment by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, depending on who appointed the member whose vacancy is to be filled or whose term has expired.

(h) Appointed members may be removed by the Governor, the President of the Senate, or the Speaker of the House of Representatives, respectively, for cause. Absence from three consecutive meetings results in automatic removal.

All board members shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061. Such expenses must be paid out of funds of Enterprise Florida, Inc.

Section 8. Subsections (7), (8), and (9) are added to section 288.903, Florida Statutes, to read:

288.903 Duties of Enterprise Florida, Inc.—Enterprise Florida, Inc., shall have the following duties:

(7) Submit all proposed contracts with a total value of $750,000 or more in accordance with the notice and review procedures of s. 216.177. If the chair and vice chair of the Legislative Budget Commission, or the President of the Senate and the Speaker of the House of Representatives, timely advise Enterprise Florida, Inc., in writing that such proposed contract is contrary to legislative policy and intent, Enterprise Florida, Inc., may not execute such proposed contract. Enterprise Florida, Inc., may not enter into multiple related contracts to avoid the requirements of this subsection. This subsection does not apply to contracts for the award of a statutorily authorized incentive program.

(8) May not create or establish any other entity, corporation, or direct-support organization, unless authorized by law.

(9) Enterprise Florida, Inc., shall comply with the per diem and travel expense provisions of s. 112.061.

Section 9. Section 288.904, Florida Statutes, is amended to read:

288.904 Funding for Enterprise Florida, Inc.; performance and return on the public's investment.—

(1)(a) The Legislature may annually appropriate to Enterprise Florida, Inc., a sum of money for its operations, and separate line-item appropriations for each of the divisions listed in s. 288.92.

(b) The state's operating investment in Enterprise Florida, Inc., and its divisions is the budget contracted by the department to Enterprise Florida, Inc., less any funding that is directed by the Legislature to be subcontracted to a specific recipient entity.

(c) The board of directors of Enterprise Florida, Inc., shall adopt for each upcoming fiscal year an operating budget for the organization, including its divisions, which specifies the intended uses of the state's operating investment and a plan for securing private sector support.

(2)(a) The Legislature finds that it is a priority to maximize private sector support in operating Enterprise Florida, Inc., and its divisions, as an endorsement of its value and as an enhancement of its efforts. Thus, the state appropriations must be matched with private sector support equal to at least 100 percent of the state operational funding.

(b) Private sector support in operating Enterprise Florida, Inc., and its divisions includes:

1. Cash given directly to Enterprise Florida, Inc., for its operations, including contributions from at-large members of the board of directors;

2. Cash donations from organizations assisted by the divisions;

3. Cash jointly raised by Enterprise Florida, Inc., and a private local economic development organization, a group of such organizations, or a statewide private business organization that supports collaborative projects;

4. Cash generated by fees charged for products or services of Enterprise Florida, Inc., and its divisions by sponsorship of events, missions, programs, and publications; and

5. Copayments, stock, warrants, royalties, or other private resources dedicated to Enterprise Florida, Inc., or its divisions.

(3)~~(a) Specifically for the marketing and advertising activities of the Division of Tourism Marketing or as contracted through the Florida Tourism Industry Corporation, a one-to-one match is required of private to public contributions within 4 calendar years after the implementation date of the marketing plan pursuant to s. 288.923.~~

~~(b) For purposes of calculating the required one-to-one match, matching private funds shall be divided into four categories. Documentation for the components of the four private match categories shall be kept on file for inspection as determined necessary. The four private match categories are:~~

~~1. Direct cash contributions, which include, but are not limited to, cash derived from strategic alliances, contributions of stocks and bonds, and partnership contributions.~~

~~2. Fees for services, which include, but are not limited to, event participation, research, and brochure placement and transparencies.~~

~~3. Cooperative advertising, which is the value based on cost of contributed productions, air time, and print space.~~

~~4. In-kind contributions, which include, but are not limited to, the value of strategic alliance services contributed, the value of loaned employees, discounted service fees, items contributed for use in promotions, and radio or television air time or print space for promotions. The value of air time or print space shall be calculated by taking the actual time or space and multiplying by the nonnegotiated unit price for that specific time or space which is known as the media equivalency value. In order to avoid duplication in determining media equivalency value, only the value of the promotion itself shall be included; the value of the items contributed for the promotion may not be included.~~

~~(4)~~ Enterprise Florida, Inc., shall fully comply with the performance measures, standards, and sanctions in its contract with the department, under s. 20.60. The department shall ensure, to the maximum extent possible, that the contract performance measures are consistent with performance measures that it is required to develop and track under performance-based program budgeting. The contract shall also include performance measures for the divisions.

(4)~~(5)~~ The Legislature intends to review the performance of Enterprise Florida, Inc., in achieving the performance goals stated in its annual contract with the department to determine whether the public is receiving a positive return on its investment in Enterprise Florida, Inc., and its divisions. It also is the intent of the Legislature that Enterprise Florida, Inc., coordinate its operations with local economic development organizations to maximize the state and local return on investment to create jobs for Floridians.

(5) By August 15 of each fiscal year, the department shall submit a proposed operating budget for Enterprise Florida, Inc., including amounts to be expended on incentives, business recruitment, advertising, events, other operating capital outlay, and salaries and benefits for each employee to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(6)(a) All contracts executed by Enterprise Florida, Inc., shall be placed for viewing on the corporation's website.

(b) A contract entered into between Enterprise Florida, Inc., and any other public or private entity must include:

1. The purpose of the contract.

2. Specific performance standards and responsibilities for each entity.

3. A detailed project or contract budget, if applicable.

4. The value of any services provided.

5. The projected travel and entertainment expenses for employees and board members, if applicable.

(c)1. Any entity that in the previous fiscal year received more than 50 percent of its revenue from Enterprise Florida, Inc., or from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, and that partners with Enterprise Florida, Inc., in a program or other activity

offered by or in conjunction with Enterprise Florida, Inc., shall annually report by July 1 all public and private financial data posted on its website to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

2. The financial data shall include:

a. The total amount of revenue received from public and private sources.

b. The operating budget of the partner entity.

c. Employee and board member salary and benefit details from public and private funds.

d. An itemized accounting of all expenditures by the partner entity on behalf of, or coordinated for the benefit of, Enterprise Florida, Inc., its board members, or employees.

e. Itemized travel and entertainment expenditures of the partner entity.

(d) The following information must be posted on the website of Enterprise Florida, Inc.:

1. A plain language version of any contract that is estimated to exceed $35,000 with a private entity, municipality, county, town, or vendor of services, supplies, or programs, including marketing, or for the purchase or lease or use of lands, facilities, or properties.

2. Any agreement entered into between Enterprise Florida, Inc., and any other entity, including a local government, private entity, or nonprofit entity, which receives public funds or funds from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305.

3. The contracts and the required information pursuant to paragraph (b) and the financial data submitted to Enterprise Florida, Inc., pursuant to paragraph (c).

4. Video recordings of each board meeting.

5. A detailed report of expenditures following each marketing or business recruitment event paid for with Enterprise Florida, Inc., funds. Such report must be posted within 10 business days after the event.

6. An annual itemized accounting of the total amount of funds spent by any third party on behalf of Enterprise Florida, Inc., or any board member or employee of Enterprise Florida, Inc.

7. An annual itemized accounting of the total amount of travel and entertainment expenditures by Enterprise Florida, Inc.

(e) The Enterprise Florida, Inc., website must:

1. Allow users to navigate to related sites to view supporting details.

2. Enable a taxpayer to e-mail questions to Enterprise Florida, Inc., and make such questions and Enterprise Florida, Inc., responses publicly viewable.

Section 10. Section 288.905, Florida Statutes, is amended to read:

288.905 President and employees of Enterprise Florida, Inc.—

(1) The board of directors of Enterprise Florida, Inc., shall appoint a president, who shall serve at the pleasure of the Governor. The president shall also be known as the "secretary of commerce" and shall serve as the Governor's chief negotiator for business recruitment and business expansion.

(2) The president is the chief administrative and operational officer of the board of directors and of Enterprise Florida, Inc., and shall direct and supervise the administrative affairs of the board of directors and any divisions, councils, or boards. The board of directors may delegate to the president those powers and responsibilities it deems appropriate, including hiring and management of all staff, except for the appointment of a president.

(3) The board of directors shall establish and adjust the president's compensation.

(4) *An* ~~No~~ employee of Enterprise Florida, Inc., *including an officer or agent, the president, or the chief executive officer,* may *not* receive compensation for employment *paid from funds received from the state which* ~~that~~ exceeds the salary *and benefits authorized to be* paid to the Governor~~, unless the board of directors and the employee have executed a contract that prescribes specific, measurable performance outcomes for the employee, the satisfaction of which provides the basis for the award of incentive payments that increase the employee's total compensation to a level above the salary paid to the Governor~~. *Any payments of performance bonuses or severance pay paid from funds received from the state to employees are prohibited unless specifically authorized by law.*

(5) Lodging expenses for an employee of Enterprise Florida, Inc., may not exceed $150 per day, excluding taxes, unless Enterprise Florida, Inc., is participating in a negotiated group rate discount or Enterprise Florida, Inc., provides documentation of at least three comparable alternatives demonstrating that such lodging at the required rate is not available. However, an employee of Enterprise Florida, Inc., may expend his or her own funds for any lodging expenses in excess of $150 per day.

(6) Funds of Enterprise Florida, Inc., may not be expended for food, beverages, lodging, entertainment, or gifts for employees of Enterprise Florida, Inc., board members of Enterprise Florida, Inc., or employees of a tourist or economic development entity that receives revenue from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, unless authorized pursuant to s. 112.061 or this section. An employee or board member of Enterprise Florida, Inc., may not accept or receive food, beverages, lodging, entertainment, or gifts from a tourist or economic development entity that receives revenue from a tax imposed pursuant to s. 125.0104, s. 125.0108, or s. 212.0305, or from any person, vendor, or other entity doing business with the corporation unless such food, beverage, lodging, entertainment, or gift is available to similarly situated members of the general public.

Section 11. *For the 2017-2018 fiscal year, the recurring sum of $26 million and the nonrecurring sum of $26 million from the State Economic Enhancement and Development Trust Fund and the recurring sum of $24 million from the Tourism Promotional Trust Fund are appropriated to the Department of Economic Opportunity to contract with the Florida Tourism Industry Marketing Corporation.*

Section 12. *For the 2017-2018 fiscal year, the recurring sum of $9.4 million from the State Economic Enhancement and Development Trust Fund and the recurring sum of $6.6 million from the Florida International Trade and Promotion Trust Fund are appropriated to the Department of Economic Opportunity to contract with Enterprise Florida, Inc., for operational purposes and to maintain its offices but excluding expenditures on any incentive tools or programs unless explicitly authorized by this act. From the funds appropriated from the Florida International Trade and Promotion Trust Fund, Enterprise Florida, Inc., shall allocate $3.55 million for international programs, $2.05 million to maintain Florida's international offices, and $1 million to continue the Florida Export Diversification and Expansion Programs.*

And the title is amended as follows:

Delete lines 6-25 and insert: to the General Revenue Fund; amending

Pursuant to Rule 4.19, **SB 2-A**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

By direction of the President, by unanimous consent—

SB 4-A—A bill to be entitled An act making supplemental appropriations for Medicaid hospital programs; providing moneys for the annual period beginning July 1, 2017, and ending June 30, 2018, to fund the state Medicaid program; incorporating by reference certain calculations of the Medicaid Disproportionate Share Hospital and Hospital Reimbursement programs; providing effective dates.

—was taken up out of order and read the second time by title.

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

Senator Flores moved the following amendment which was adopted:

Amendment 1 (933860)—Delete line 400 and insert:
Funding Programs," dated June 8, 2017, and filed with the

Pursuant to Rule 4.19, **SB 4-A**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley, the Senate resumed consideration of—

SB 8-A—A bill to be entitled An act relating to medical use of marijuana; providing legislative intent; amending s. 212.08, F.S.; providing an exemption from the state tax on sales, use, and other transactions for marijuana and marijuana delivery devices used for medical purposes; providing for expiration of the exemption; amending s. 381.986, F.S.; providing, revising, and deleting definitions; providing qualifying medical conditions for a patient to be eligible to receive marijuana or a marijuana delivery device; providing requirements for designating a qualified physician or medical director; providing criteria for certification of a patient for medical marijuana treatment by a qualified physician; providing for certain patients registered with the medical marijuana use registry to be deemed qualified; requiring the Department of Health to monitor physician registration and certifications in the medical marijuana use registry; requiring the Board of Medicine and the Board of Osteopathic Medicine to create a physician certification pattern review panel; providing rulemaking authority to the department and the boards; requiring the department to establish a medical marijuana use registry; specifying entities and persons who have access to the registry; providing requirements for registration of, and maintenance of registered status by, qualified patients and caregivers; providing criteria for nonresidents to prove residency for registration as a qualified patient; defining the term "seasonal resident"; authorizing the department to suspend or revoke the registration of a patient or caregiver under certain circumstances; providing requirements for the issuance of medical marijuana use registry identification cards; requiring the department to issue licenses to a certain number of medical marijuana treatment centers; providing for license renewal and revocation; providing conditions for change of ownership; providing for continuance of certain entities authorized to dispense low-THC cannabis, medical cannabis, and cannabis delivery devices; requiring a medical marijuana treatment center to comply with certain standards in the production and distribution of edibles; requiring the department to establish, maintain, and control a computer seed-to-sale marijuana tracking system; requiring background screening of owners, officers, board members, and managers of medical marijuana treatment centers; requiring the department to establish protocols and procedures for operation, conduct periodic inspections, and restrict location of medical marijuana treatment centers; providing a limit on county and municipal permit fees; authorizing counties and municipalities to determine the location of medical marijuana treatment centers by ordinance under certain conditions; providing penalties; authorizing the department to impose sanctions on persons or entities engaging in unlicensed activities; providing that a person is not exempt from prosecution for certain offenses and is not relieved from certain requirements of law under certain circumstances; providing for certain school personnel to possess marijuana pursuant to certain established policies and procedures; providing that certain research institutions may possess, test, transport, and dispose of marijuana subject to certain conditions; providing applicability; amending ss. 458.331 and 459.015, F.S.; providing additional acts by a physician or an osteopathic physician which constitute grounds for denial of a license or disciplinary action to which penalties apply; creating s. 381.988, F.S.; providing for the establishment of medical marijuana testing laboratories; requiring the Department of Health, in collaboration with the Department of Agriculture and Consumer Services and the Department of Environmental Protection, to develop certification standards and rules; providing limitations on the acquisition and distribution of marijuana by a testing laboratory; providing an exception for transfer of marijuana under certain conditions; requiring a testing laboratory to use a department-selected computer tracking system; providing grounds for disciplinary and administrative action; authorizing the department to refuse to issue or renew, or suspend or revoke, a testing laboratory license; creating s. 381.989, F.S.; defining terms; directing the department and the Department of Highway Safety and Motor Vehicles to institute public education campaigns relating to cannabis and marijuana and impaired driving; requiring evaluations of public education campaigns; authorizing the department and the Department of Highway Safety and Motor Vehicles to contract with vendors to implement and evaluate the campaigns; amending ss. 385.211, 499.0295, and 893.02, F.S.; conforming provisions to changes made by the act; creating s. 1004.4351, F.S.; providing a short title; providing legislative findings; defining terms; establishing the Coalition for Medical Marijuana Research and Education within the H. Lee Moffitt Cancer Center and Research Institute, Inc.; providing a purpose for the coalition; establishing the Medical Marijuana Research and Education Board to direct the operations of the coalition; providing for the appointment of board members; providing for terms of office, reimbursement for certain expenses, and meetings of the board; authorizing the board to appoint a coalition director; prescribing the duties of the coalition director; requiring the board to advise specified entities and officials regarding medical marijuana research and education in this state; requiring the board to annually adopt a Medical Marijuana Research and Education Plan; providing requirements for the plan; requiring the board to issue an annual report to the Governor and the Legislature by a specified date; requiring the Department of Health to submit reports to the board containing specified data; specifying responsibilities of the H. Lee Moffitt Cancer Center and Research Institute, Inc.; amending s. 1004.441, F.S.; revising definition; amending s. 1006.062, F.S.; requiring district school boards to adopt policies and procedures for access to medical marijuana by qualified patients who are students; providing emergency rulemaking authority; providing for venue for a cause of action against the department; providing for defense against certain causes of action; directing the Department of Law Enforcement to develop training for law enforcement officers and agencies; amending s. 385.212, F.S.; renaming the department's Office of Compassionate Use; providing severability; providing a directive to the Division of Law Revision and Information; providing appropriations; providing an effective date.

—which was previously considered this day.

SENATOR FLORES PRESIDING

The Committee on Health Policy recommended the following amendments which were moved by Senator Bradley and adopted:

Amendment 1 (633510)—Delete line 658 and insert:
marijuana on minority communities. The department shall contract

Amendment 2 (501070)—Delete lines 874-877 and insert:
the department shall deposit the cash in the Grants and Donations Trust Fund within the Department of Health, subject to the same conditions as the bond regarding requirements for the applicant to forfeit ownership of the funds. If the funds deposited under this sub-subparagraph generate interest, the amount of that interest shall be used by the department for the administration of this section.

Amendment 3 (606998)—

In title, delete line 7 and insert:
amending s.

Senator Brandes moved the following amendment which failed:

Amendment 4 (593648) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. *Section 381.986, Florida Statutes, is repealed.*

Section 2. Section 381.99, Florida Statutes, is created to read:

381.99 Short title.—Sections 381.99-381.9981 may be cited as the "Putting Florida Patients First Act."

Section 3. Section 381.991, Florida Statutes, is created to read:

381.991 Definitions.—As used in ss. 381.99-381.9981, the term:

(1) "Allowed amount of marijuana" means the amount of marijuana, or the equivalent amount of marijuana products, which a physician determines is necessary to treat a qualifying patient's debilitating medical condition.

(2) "Batch" means a specifically identified quantity of marijuana or medical marijuana product that is uniform in strain; cultivated using

the same herbicides, pesticides, and fungicides; and harvested from or produced at the same time at a single permitted facility.

(3) "Caregiver" has the same meaning as provided in s. 29, Art. X, of the State Constitution.

(4) "Cultivation" means the growth and harvesting of marijuana.

(5) "Cultivation license" means a license issued to a medical marijuana treatment center (MMTC) which grants authority to the MMTC to cultivate marijuana.

(6) "Debilitating medical condition" means cancer, epilepsy, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), post-traumatic stress disorder (PTSD), amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, multiple sclerosis, paraplegia, quadriplegia, a terminal condition, or other debilitating medical conditions of the same kind or class as, or comparable to, those enumerated and for which a physician believes that the medical use of marijuana would likely outweigh the potential health risks of that use to a patient.

(7) "Department" means the Department of Health.

(8) "Dispense" means the transfer or sale of marijuana from an MMTC to a qualifying patient or to the qualifying patient's caregiver and may include the delivery of such marijuana transferred or sold.

(9) "Independent testing laboratory" means a laboratory, and the managers, employees, and contractors of the laboratory, which does not have a direct or indirect interest in, and is not owned by or affiliated with, an MMTC.

(10) "Marijuana" has the same meaning as provided in s. 29, Art. X of the State Constitution but is limited to that intended for medical use.

(11) "Medical marijuana patient registry" means an online electronic registry created and maintained by the department to store identifying information for all qualifying patients, caregivers, and physicians who submit physician certification forms to the department.

(12) "Medical marijuana patient registry identification card" means a card issued by the department to qualifying patients and caregivers.

(13) "Medical marijuana product" means a product derived from marijuana, including, but not limited to, an oil, tincture, cream, encapsulation, or food product containing marijuana or any part of the marijuana plant, which is intended for medical use.

(14) "Medical marijuana treatment center" or "MMTC" has the same meaning as provided in s. 29, Art. X of the State Constitution.

(15) "Medical use" has the same meaning as provided in s. 29, Art. X of the State Constitution.

(16) "Minor" means a person who is younger than 18 years of age.

(17) "Physician" means a physician who is licensed under chapter 458 or chapter 459 and who meets the requirements of s. 381.993.

(18) "Principal" means an officer, a director, a billing agent, or a managing employee of an MMTC, or a person or shareholder who has an ownership interest equal to 5 percent or more of an MMTC.

(19) "Process or processing" means the conversion of marijuana into medical marijuana products for a qualifying patient's use.

(20) "Processing license" means a license issued by the department to an MMTC which grants the MMTC the authority to process marijuana.

(21) "Qualifying patient" has the same meaning as provided in s. 29, Art. X of the State Constitution.

(22) "Retail license" means a license issued by the department to an MMTC which authorizes the MMTC to dispense marijuana and medical marijuana products and to sell related paraphernalia to qualifying patients and caregivers.

(23) "Transportation license" means a license issued by the department to an MMTC which authorizes the MMTC to transport marijuana and medical marijuana products.

Section 4. Section 381.992, Florida Statutes, is created to read:

381.992 Medical marijuana.—

(1) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.99-381.9981, a qualifying patient, or his or her caregiver, may purchase or acquire from an MMTC and possess up to the allowed amount of marijuana, medical marijuana products, and associated paraphernalia for the qualifying patient's medical use.

(2) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.99-381.9981, an MMTC, including its employees and contractors, may acquire, cultivate, possess, process, transfer, transport, sell, distribute, dispense, or administer marijuana. MMTCs may:

(a) Cultivate marijuana only at a cultivation facility;

(b) Process marijuana only at a processing facility;

(c) Sell and distribute marijuana and medical marijuana products only to other MMTCs;

(d) Purchase or acquire marijuana and medical marijuana products only from other MMTCs or qualifying patients, caregivers, or personal representatives who are returning unused marijuana or medical marijuana products;

(e) Dispense marijuana, medical marijuana products, or associated paraphernalia only to qualifying patients and caregivers and only from a permitted facility operated by an MMTC holding a retail license;

(f) Deliver marijuana and medical marijuana products to qualifying patients and caregivers; and

(g) Transport marijuana, medical marijuana products, and associated paraphernalia as necessary for the proper conduct of its business in accordance with the requirements of ss. 381.99-381.9981, including transportation between multiple MMTCs.

(3) Notwithstanding s. 893.13, s. 893.135, s. 893.147, or any other law, but subject to the requirements in ss. 381.99-381.9981, an independent testing laboratory, including its employees and contractors, may receive and possess marijuana for the sole purpose of testing the marijuana for compliance with ss. 381.99-381.9981.

(4) This section does not authorize:

(a) The cultivation of marijuana by any person or entity other than an MMTC holding a cultivation license, or subcontracted entities operating under the license of an MMTC.

(b) The acquisition or purchase of marijuana or medical marijuana products by a qualifying patient or caregiver from any person or entity other than an MMTC holding a retail license.

(c) The use of marijuana or medical marijuana products by anyone other than the qualifying patient for whom the marijuana was certified.

(d) The dispensing of marijuana or medical marijuana products to anyone other than a qualifying patient or caregiver.

(e) The transfer of marijuana or medical marijuana products by a qualifying patient or caregiver to any entity except for the purpose of returning unused marijuana or medical marijuana products to an MMTC.

(f) The use of marijuana or medical marijuana products:

1. On any form of public transportation;

2. In a public place, as defined in s. 877.21; or

3. In a qualifying patient's place of work, if restricted by his or her employer.

(g) The possession or use of marijuana or medical marijuana products:

1. In a correctional facility, unless approved by the warden or administrator of the facility, administered under medical supervision, and administered and stored in a restricted area inaccessible to inmates other than the qualifying patient.

2. On the grounds of a preschool, primary school, or secondary school, unless authorized by the superintendent.

3. On a school bus.

(5) This section does not exempt any person from the prohibition against driving under the influence as provided under s. 316.193.

(6) Except for s. 386.2045, part II of chapter 386 applies to the smoking of marijuana or medical marijuana products. The department may by rule restrict the smoking of marijuana or medical marijuana products in any facility licensed by this state that provides care or services to children or frail or elderly adults.

Section 5. Section 381.993, Florida Statutes, is created to read:

381.993 Physician certification; patient and caregiver registration; medical marijuana patient registry identification cards; issuance and renewal of physician certification.—

(1) PHYSICIAN CERTIFICATION.—Before a patient may register with the department and obtain a medical marijuana patient registry identification card, the patient must be certified by a physician, using a physician certification form provided by the department, to be suffering from a debilitating medical condition. The physician must also certify that the benefits to the patient of the medical use of marijuana would likely outweigh the potential health risks. The physician certification must specify the allowed amount of marijuana or medical marijuana products necessary, if such allowed amount is determined, to treat the patient's condition or symptom. A certifying physician must submit the physician certification form to the department by United States mail or electronically, through the department's website.

(a) A physician may certify a patient to the department as a patient if:

1. The physician, in his or her good faith medical judgment, certifies that the patient suffers from one or more debilitating medical conditions;

2. The physician does not have a financial interest in an MMTC or in an independent testing laboratory that conducts tests of marijuana or medical marijuana products; and

3. The physician has successfully completed an 8-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association, as appropriate, which encompasses clinical indications for the appropriate medical use of marijuana, appropriate delivery mechanisms, contraindications of the medical use of marijuana, and relevant state and federal laws governing the ordering, dispensing, and possession of marijuana. The appropriate boards shall offer the course and examination at least annually. Successful completion of the course may be used by the physician to satisfy 8 hours of the continuing medical education requirements imposed by his or her respective board for licensure renewal. The course may be offered in a distance learning format.

(b) If the patient subject to the certification is a minor, the patient's parent or legal guardian must also provide to the physician written consent for the patient's treatment with marijuana before the physician may submit the physician certification form to the department.

(c) Unless the certifying physician certifies a patient to use marijuana for less than 1 year, the patient's physician certification expires when the patient's medical marijuana patient registry identification card expires.

(2) PATIENT AND CAREGIVER REGISTRATION.—A patient must register with the department and be issued a medical marijuana patient registry identification card before acquiring or using marijuana or medical marijuana products.

(a) To register, a patient must submit the following to the department:

1. A completed patient and caregiver registration form, provided by the department. If the patient is a minor, a parent or legal guardian of the minor must provide his or her written consent on the patient and caregiver registration form for the minor patient's use of marijuana or medical marijuana products. Without the written consent of a parent or legal guardian, a minor patient may not be registered and may not obtain a medical marijuana patient registry identification card; and

2. Separate passport-type, color photographs, taken within 90 days before submission to the department, of the patient and of each of the patient's caregivers, if any.

(b) An adult qualifying patient may, at his or her initial registration or at any time while a qualifying patient, designate a caregiver. The adult qualifying patient may also designate up to two additional caregivers to assist him or her with the medical use of marijuana, who may be selected from among the patient's spouse, parents, legal guardians, adult children, siblings, or the employees of the assisted living facility or other health care facility where the qualifying patient resides. A caregiver must meet the following requirements:

1. Be at least 18 years of age;

2. Complete a 2-hour medical marijuana caregiver training course offered by the department; and

3. Have passed a level 2 background screening pursuant to chapter 435 within the previous year. The following persons are exempt from this subparagraph:

a. The qualifying patient's spouse, parents, legal guardian, adult children, or siblings; and

b. A health care worker who is subject to s. 408.809, who is caring only for the qualifying patient and other patients who reside in the same assisted living facility, nursing home, or other such facility, and who is an employee of that facility.

(c) A caregiver may not assist more than one qualifying patient at any given time unless all of his or her qualifying patients:

1. Are the parents, legal guardians, or adult children of the caregiver or are siblings having a common parent or legal guardian with each other and the caregiver. This exception also applies to an adult for whom the caregiver is a legal guardian;

2. Are first-degree relatives of each other who share a common residence; or

3. Reside in the same assisted living facility, nursing home, or other such facility and the caregiver is an employee of that facility.

(d) When registering a minor patient, the department shall designate the parent or legal guardian who provided his or her written consent on the patient and caregiver registration form as the minor patient's caregiver, unless the department determines that person to be unqualified, unavailable, or unwilling to be the caregiver. In that instance, the department shall designate another parent or legal guardian of the minor patient as his or her caregiver. A minor patient may not purchase or acquire marijuana or medical marijuana products. The caregiver of a minor patient is responsible for all marijuana and medical marijuana products purchased, acquired, or possessed for the minor patient.

(e) If the department determines that, for any reason, a caregiver designated by a qualifying patient may not assist that qualifying patient, the department must notify the qualifying patient that the caregiver's registration is disallowed.

(3) DEPARTMENT RESPONSIBILITIES.—

(a) By November 1, 2017, the department shall create:

1. A physician certification form and a patient and caregiver registration form and make the forms available to the public. The forms must contain space and fields sufficient to allow the submission of the information required to be included in the file of a qualifying patient and

the files of the qualifying patient's caregiver and certifying physicians maintained in the medical marijuana patient registry pursuant to s. 381.994(1). In addition, the patient and caregiver registration form must require the parent or legal guardian of a minor patient to provide written consent for the minor patient to use marijuana or medical marijuana products; and

2. A 2-hour medical marijuana caregiver training course. The course must be available online and for the public to attend at permitted facilities operated by an MMTC holding a retail license. The training course must include, at a minimum, routes of administration, details on possible side effects of and adverse reactions to marijuana and medical marijuana products, and patient and caregiver restrictions and responsibilities under this act and department rule.

(b) Beginning as soon as practicable, but not later than December 3, 2017, the department shall, within 14 days after a patient submits the documentation required in paragraph (2)(a) to register with the department and a physician submits a physician certification form for that patient to the department:

1. Register the qualifying patient, his or her caregiver, and the certifying physician in the medical marijuana patient registry and enter the information required under s. 381.994(1) in the patient's, caregiver's, and certifying physician's registry files. The department shall enter the allowed amount of marijuana recommended by the qualifying patient's physician and the length of time for which the physician recommends the patient medically use marijuana, as recorded on the physician certification form, if applicable; and

2. Issue medical marijuana patient registry identification cards to the qualifying patient and, if applicable, to the qualifying patient's caregiver.

(c) A medical marijuana patient registry identification card issued to a qualifying patient must be resistant to counterfeiting and must include, but need not be limited to, the following information:

1. The qualifying patient's full legal name;

2. The qualifying patient's photograph, submitted as required under paragraph (2)(a);

3. A randomly assigned identification number;

4. The qualifying patient's allowed amount of marijuana;

5. If applicable, the full legal name and corresponding medical marijuana patient registry identification card number for each of the qualifying patient's caregivers, if any; and

6. The expiration date of the card.

(d) A medical marijuana patient registry identification card issued to a caregiver must be resistant to counterfeiting and must include, but need not be limited to, the following information:

1. The caregiver's full legal name;

2. The caregiver's photograph, submitted as required under paragraph (2)(a);

3. A randomly assigned identification number;

4. The expiration date of the card; and

5. If the caregiver is assisting three or fewer qualifying patients, the full legal name, medical marijuana patient registry identification card number, and the allowed amount of marijuana for each of the caregiver's qualifying patients; or

6. If the caregiver is assisting four or more qualifying patients, a statement that the caregiver is assisting multiple patients.

(e) A person who is a caregiver for more than one qualifying patient must have a separate medical marijuana patient registry identification card linked to each qualifying patient for whom he or she is a caregiver.

(f) The department may contract with independent third parties, through competitive procurement, to fulfil the requirements of this paragraph.

(4) EXPIRATION AND RENEWAL OF PATIENT AND CAREGIVER REGISTRATION AND REGISTRY IDENTIFICATION CARDS.— Unless the certifying physician certifies a patient to use marijuana for less than 1 year, a qualifying patient's, and, if applicable, his or her caregiver's registration with the department under subsection (2) and their medical marijuana patient registry identification cards expire 1 year after the date the qualifying patient's medical marijuana patient registry identification card is issued under subparagraph (3)(b)2. In order to renew the registration and the medical marijuana patient registry identification cards of the qualifying patient and his or her caregiver, a physician must certify to the department:

(a) That he or she has examined the patient during the course of the patient's treatment with marijuana;

(b) That the patient suffers from a debilitating medical condition;

(c) That the medical use of marijuana would likely outweigh the potential health risks for the patient;

(d) The allowed amount of marijuana, if the physician has determined a specified amount is necessary to treat the patient; and

(e) The length of time the physician recommends the patient medically use marijuana.

If the qualifying patient is a minor, a parent or legal guardian of the qualifying patient must indicate in writing his or her continued consent for the qualifying minor patient's treatment using marijuana.

(5) PATIENT AND CAREGIVER DISQUALIFICATION.—

(a) If the department becomes aware of information that would disqualify a qualifying patient or caregiver from being registered with the department under this section, the department must notify the qualifying patient or caregiver, as applicable, of the change in his or her status as follows:

1. For a qualifying patient, at least 30 days before removing the patient from the medical marijuana patient registry, the department shall give notice of such action to the qualifying patient at the address in the registry. It is the patient's duty to ensure the return of all marijuana and medical marijuana products and his or her medical marijuana patient registry identification card to a permitted facility operated by an MMTC holding a retail license within 30 days after receiving the notice. Such retail facility must notify the department within 24 hours after it has received a return of marijuana, medical marijuana products, or a medical marijuana patient registry identification card. The retail facility may provide such notice electronically.

2. For a caregiver, at least 15 days before removing the caregiver from the medical marijuana patient registry, the department shall give notice of such action to the caregiver and the caregiver's qualifying patient. It is the caregiver's duty to ensure the return of his or her medical marijuana patient registry identification card to a permitted facility operated by an MMTC holding a retail license within 15 days after receiving the notice. Such retail facility must notify the department within 24 hours after it has received such a return. The retail facility may provide such notice electronically.

(b) If a qualifying patient dies, it is the duty of the qualifying patient's caregiver or the qualifying patient's personal representative to ensure the return of all marijuana and medical marijuana products and the qualifying patient's medical marijuana patient registry identification card to a permitted facility operated by an MMTC holding a retail license within 30 days after the patient's death. Within 30 days after the qualifying patient's death, the qualifying patient's caregiver must return his or her medical marijuana patient registry identification card linked to the deceased patient to such a retail facility. If a caregiver dies, it is the duty of the qualifying patient or the caregiver's next of kin to ensure the return of the caregiver's medical marijuana patient registry identification card to such a retail facility within 30 days after the caregiver's death. When receiving the medical marijuana patient registry identification card of a deceased qualifying patient, the caregiver of a deceased patient, or a deceased caregiver, such retail facility must update the

medical marijuana patient registry to note the death of the deceased and notify the department of the return of the medical marijuana patient registry identification cards. The retail facility may provide such notice electronically.

(c) The department shall, on a quarterly basis, compare all of the qualifying patients and caregivers in the medical marijuana patient registry with the records of deaths on file in its electronic death registration system in order to identify any qualifying patient or caregiver who is deceased but is not yet identified as such in the registry. If the department becomes aware that a qualifying patient or caregiver is deceased, the department must send notice to the appropriate party of his or her duties under paragraph (b) and adjust the qualifying patient's or caregiver's file in the medical marijuana patient registry.

(d) If, after a qualifying patient or caregiver is disqualified or deceased or a qualifying patient's or caregiver's registration has expired, the department becomes aware that the qualifying patient's or caregiver's medical marijuana patient registry identification card has not been returned to a permitted facility operated by an MMTC holding a retail license, the department must send a second notice to the qualifying patient or caregiver and notify the local police department or sheriff's office of the expired or cancelled medical marijuana patient registry identification card.

(e) The department may adopt rules as necessary to implement a process for an MMTC holding a retail license to accept and dispose of returned marijuana or medical marijuana products and patient and caregiver medical marijuana patient registry identification cards.

Section 6. Section 381.994, Florida Statutes, is created to read:

381.994 Medical marijuana patient registry.—

(1) The department shall create a secure, online medical marijuana patient registry that contains a file for each qualifying patient and caregiver and for each certifying physician. The department is authorized to contract with third parties to implement the requirements of this section.

(a) The file for a qualifying patient must include, but need not be limited to:

1. The qualifying patient's full legal name;

2. The qualifying patient's photograph, submitted as required under s. 381.993(2)(a);

3. The randomly assigned identification number on the qualifying patient's medical marijuana patient registry identification card;

4. The qualifying patient's allowed amount of marijuana;

5. The full legal name and corresponding identification number of the medical marijuana patient registry identification card of each of the qualifying patient's caregivers, if any;

6. The recommended duration for the medical use of marijuana as stated on the patient's physician recommendation;

7. The expiration date of the qualifying patient's medical marijuana patient registry identification card; and

8. The date and time that marijuana or medical marijuana products are dispensed and the amount of marijuana or medical marijuana products dispensed, for each of the qualifying patient's transactions with an MMTC holding a retail license.

(b) The file for a caregiver must include, but need not be limited to:

1. The caregiver's full legal name;

2. The caregiver's photograph, submitted as required under s. 381.993(2)(a);

3. The randomly assigned identification number on each of the caregiver's medical marijuana patient registry identification cards;

4. The full legal names and identification numbers on the medical marijuana patient registry identification cards of the qualifying patients who have designated the caregiver, each patient linked to the caregiver's medical marijuana patient registry identification card number for that patient;

5. The allowed amount of marijuana, if applicable, as entered in the qualifying patient's file in the medical marijuana patient registry, for each qualifying patient to whom the caregiver's cards are linked;

6. The expiration dates of the caregiver's medical marijuana patient registry identification cards; and

7. The date and time that marijuana or medical marijuana products are dispensed and the amount of marijuana or medical marijuana products dispensed, for each of the registered caregiver's transactions with an MMTC holding a retail license.

(c) The file for a certifying physician must include, but need not be limited to:

1. The certifying physician's full legal name; and

2. The certifying physician's license number.

(2) The medical marijuana patient registry must meet all of the following criteria:

(a) Be accessible to MMTCs holding a retail license to verify the authenticity of a medical marijuana patient registry identification card, to verify a qualifying patient's allowed amount of marijuana and medical marijuana products, and to determine the prior dates and times when marijuana was dispensed to the qualifying patient or the qualifying patient's caregiver and the amount dispensed on each occasion.

(b) Be able to accept in real time an original or a new physician certification form from a certifying physician which includes an original or updated physician recommendation for a qualifying patient's allowed amount of marijuana.

(c) Be accessible to law enforcement in real time in order to verify authorization for the possession of marijuana by a qualifying patient or caregiver.

(d) Be able to accept and post initial and updated information to each qualifying patient's or caregiver's file from an MMTC holding a retail license which shows the date, time, and amount of marijuana dispensed to that qualifying patient or caregiver at the point of sale.

Section 7. Section 381.995, Florida Statutes, is created to read:

381.995 Medical Marijuana Treatment Centers.—

(1) DEPARTMENT RESPONSIBILITIES.—The department shall establish operating standards for the cultivation, processing, packaging, and labeling of marijuana; standards for the sale of marijuana; procedures and requirements for the registration and registration renewal of MMTCs, for the issuance and renewal of cultivation, processing, transportation, and retail licenses, and for the issuance and renewal of cultivation facility, processing facility, transportation, and retail facility permits; procedures for registering all principals, employees, and contractors of MMTCs who will participate in the operations of the MMTC; and procedures for issuing MMTC employee identification cards to registered principals, employees, and contractors of MMTCs.

(2) MMTC REGISTRATION.—

(a) The department shall charge a registration fee upon initial registration of an MMTC not to exceed $1,000 and a renewal fee upon the renewal of an MMTC's registration not to exceed $500. The department shall develop a registration form for registration which, at a minimum, must require the applicant to indicate:

1. The full legal name of the applicant;

2. The physical address of each location where marijuana will be cultivated, processed, dispensed, or stored, as applicable to the indicated function of the applicant;

3. The name, address, and date of birth of each of the applicant's principals;

4. The name, address, and date of birth of each of the applicant's current employees and contractors who will participate in the operations of the MMTC; and

5. The marijuana production functions in which the applicant intends to engage, which may include one or more of the following:

a. Cultivation;

b. Processing;

c. Dispensing; and

d. Transporting.

(b) By October 3, 2017, the department shall begin registering MMTCs that have submitted completed applications for registration. To be registered as an MMTC, an applicant must submit to the department:

1. A completed registration form;

2. The initial registration fee;

3. Registration and MMTC employee identification card applications for all principals, employees, and contractors who will participate in the operations of the MMTC;

4. Proof that all principals who will not participate in the operations of the MMTC have passed a level 2 background screening pursuant to chapter 435 within the previous year;

5. Proof of the financial ability to maintain operations for the duration of the registration; and

6. A $1 million performance and compliance bond, to be forfeited if the MMTC fails to comply with the registration requirements of this subsection during the registration period or fails to comply with the material requirements of this section that are applicable to the functions the applicant intends to perform as indicated on the registration application.

Registration as an MMTC may not be granted until all principals, employees, and contractors who will participate in the operations of the MMTC have registered with the department and have been issued MMTC employee identification cards.

(c) An MMTC registration lasts for a period of 2 years and must be renewed by the MMTC before the registration's expiration in a manner consistent with department rule for the renewal of MMTC registrations.

(d) MMTCs may not cultivate, process, dispense, or transport marijuana or medical marijuana products without first obtaining the corresponding license for that function from the department as required in this section.

(e) The department shall develop rules administering the use of a seed-to-sale real time tracking system for medical marijuana products. An MMTC may not be registered unless it demonstrates the capability of complying with the requirements of the seed-to-sale tracking system. The department may contract with a third party to develop or administer the seed-to-sale tracking system.

(3) LICENSE AND PERMIT APPLICATION AND RENEWAL FEES.—

(a) The department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $50,000, and a biennial renewal fee not to exceed $50,000 for a cultivation license.

(b) For a processing license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $50,000, and a biennial renewal fee not to exceed $50,000.

(c) For a retail license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $10,000, and a biennial renewal fee not to exceed $10,000.

(d) For a transportation license, the department may charge an initial application fee not to exceed $1,000, a licensure fee not to exceed $10,000, and a biennial renewal fee not to exceed $10,000.

(e) For each facility permit issued, the department may charge an initial permitting fee not to exceed $5,000 and a biennial renewal fee not to exceed $5,000.

(4) CULTIVATION AND PROCESSING LICENSES.—The department shall begin issuing cultivation licenses and processing licenses by October 3, 2017.

(a) An MMTC may apply for a cultivation license, a processing license, or both. When applying, the MMTC must provide the department, at a minimum, with all of the following:

1. A completed cultivation license or processing license application form;

2. The initial application fee, which must be submitted with the completed application form;

3. The physical address of each location where marijuana will be cultivated, processed, or stored;

4. Proof of an established infrastructure or the ability to establish an infrastructure in a reasonable amount of time which is designed to, as applicable to the license or licenses requested, cultivate, process, test, package, or label marijuana or medical marijuana products and to maintain the infrastructure's security and prevent the theft or diversion of any marijuana or medical marijuana product;

5. Proof that the applicant possesses the technical and technological ability to cultivate and test marijuana or process and test marijuana, as applicable to the license or licenses requested;

6. Proof of operating procedures designed to secure and maintain accountability for all marijuana, medical marijuana products, and marijuana-related byproducts that come into the applicant's possession, and comply with the required seed-to-sale tracking system;

7. Proof of at least $1 million of hazard and liability insurance for each facility where cultivation or processing of marijuana or medical marijuana products occur; and

8. The licensure fee, which the department must receive before it may issue the license.

(b) Cultivation licenses and processing licenses expire 2 years after the date issued. The licensee must apply for a renewed license before the expiration date. In order to receive a renewed license, the licensee must meet all of the requirements for initial licensure; must provide all of the documents required under paragraph (a), accompanied by the renewal fee, but not by the initial application fee or licensure fee; and must not have any outstanding substantial violations of the standards adopted by department rule for the cultivation, processing, testing, packaging, and labeling of marijuana and medical marijuana products.

(c) Before beginning cultivation or processing, the licensee must obtain an operating permit from the department for each facility where cultivation or processing will occur. Upon receiving a request for a permit from a licensee, the department shall inspect the facility pursuant to subsection (8) for compliance with state law, and rules adopted thereunder, and, upon a determination of compliance, shall issue an operating permit for the facility. The department must issue or deny the operating permit for a facility within 30 days after receiving the request for a permit.

(d) If a facility's operating permit expires, the facility must cease all applicable operations until the department reinspects the facility and issues a new operating permit upon a determination of compliance.

(e) Cultivation facilities and processing facilities must be secure and closed to the public and may not be located within 1,000 feet of an existing public or private elementary or secondary school, a child care facility as defined in s. 402.302, or a licensed service provider offering substance abuse services. The department may establish by rule additional security and zoning requirements for cultivation facilities and processing facilities. All matters regarding the permitting and regula-

tion of cultivation facilities and processing facilities, including the location of such facilities, are preempted to the state.

(f) Licensees under this subsection may use contractors to assist with the cultivation or processing of marijuana, as applicable, but the licensee is ultimately responsible for all of the operations performed by each contractor relating to the cultivation or processing of marijuana and is responsible for the physical possession of all marijuana and medical marijuana products. All work done by a contractor must be performed at a facility with an operating permit issued by the department. All principals and employees of contractors contracted by a licensee under this subsection who will participate in the operations of the licensee must be registered with the department and issued MMTC employee identification cards.

(g) All marijuana byproducts that cannot be processed or that cannot be reprocessed into medical marijuana products must be destroyed by the cultivation or processing licensee or its contractor within 30 days after the production of the byproducts.

(h) Licensees under this subsection may wholesale marijuana and medical marijuana products only to other MMTCs.

(i) Transport or delivery of marijuana or medical marijuana products outside of property owned by a licensee under this subsection may be performed only by an MMTC that holds a transportation license issued pursuant to subsection (6).

(5) RETAIL LICENSES.—The department shall begin issuing retail licenses by October 3, 2017.

(a) An MMTC may apply for a retail license. When applying, the MMTC must provide the department, at a minimum, with all of the following:

1. A completed retail license application form;

2. The initial application fee, which must be submitted with the completed application form;

3. A statement by the applicant indicating whether the applicant intends to dispense by delivery. A retail licensee may not deliver marijuana or medical marijuana products without also obtaining a transportation license pursuant to subsection (6);

4. The physical address of each location where marijuana or medical marijuana products will be dispensed or stored;

5. Identifying information for all other current or previous retail licenses held by the applicant or any of the applicant's principals;

6. Proof of an established infrastructure, or the ability to establish an infrastructure in a reasonable amount of time, which is designed to receive marijuana or medical marijuana products from a cultivation licensee or a processing licensee and to maintain the infrastructure's security and prevent the theft or diversion of any marijuana or medical marijuana product;

7. Proof of operating procedures designed to secure and maintain accountability for all marijuana and medical marijuana products that the applicant receives and possesses; ensure that the allowed amount of marijuana and the specified type of marijuana is correctly dispensed to a qualifying patient or his or her caregiver pursuant to a physician's certification; and monitor the medical marijuana patient registry and electronically update the registry with dispensing information;

8. Proof of at least $500,000 of hazard and liability insurance for each facility where marijuana or medical marijuana products are dispensed or stored; and

9. The licensure fee, which the department must receive before it may issue the license.

(b) A retail license expires 2 years after the date it is issued. The retail licensee must apply for a renewed license before the expiration date. In order to receive a renewed license, a retail licensee must meet all of the requirements for initial licensure; must provide all of the documents required under paragraph (a), accompanied by the renewal fee, but not by the initial application fee or licensure fee; and must not have any outstanding substantial violations of the applicable standards adopted by department rule.

(c) Before beginning to dispense or store marijuana or medical marijuana products, the licensee must obtain an operating permit from the department for each facility where marijuana or medical marijuana products will be dispensed or stored. Upon receiving a request for a permit from a licensee, the department shall inspect the facility pursuant to subsection (8) for compliance with state law, and rules adopted thereunder. Upon a determination of compliance, and if the county has not reached its maximum number of permits and has not disallowed permits in that county pursuant to paragraph (e), the department shall issue an operating permit for the facility. The department must issue or deny the operating permit for a facility within 30 days after receiving the request for a permit. An MMTC holding a retail license must have a separate operating permit for each retail facility it operates.

(d) The department may not grant an operating permit if the proposed retail facility is located within 1,000 feet of an existing public or private elementary or secondary school, a child care facility as defined in s. 402.302, or a licensed service provider offering substance abuse services.

(e) The number of permitted retail facilities in a county may not exceed one for each 25,000 residents of the county. The governing body of a county or municipality may, by ordinance, refuse to allow retail facilities to be located within its jurisdiction, but may not prohibit an MMTC with a retail license from locating within its jurisdiction if the licensee is using a transportation operating permit to deliver medical marijuana products to qualifying patients within the jurisdiction. The department may not issue an operating permit for a retail facility in a county or municipality where the board of county commissioners of that county or the city council or other legislative body of that municipality has adopted such an ordinance. A county or municipality may levy a local business tax on a retail facility. If the number of operating permit applications determined by the department to comply with state law and rules adopted thereunder for retail facilities located in the same county exceeds the number of operating permits allowed for that county under this paragraph, the department shall employ a lottery system to determine the issuance of operating permits for that county and may not issue more than one operating permit in that county to a single MMTC. The department may issue an operating permit to an MMTC for an additional retail facility in the same county if the remaining number of allowed, but as yet unissued, permits in that county is greater than the number of qualified applications filed by applicants holding fewer operating permits in that county than the MMTC. An ordinance adopted by a municipality or county pursuant to this paragraph may not:

1. Provide exclusive access to one or several individuals or entities to operate retail facilities within the jurisdiction.

2. Prohibit specific individuals or entities from operating a retail facility within the jurisdiction if the ordinance allows retail facilities to operate in the jurisdiction.

3. Prohibit the delivery of medical marijuana products to qualifying patients within the jurisdiction by a properly licensed MMTC located within the jurisdiction.

(f) Before the expiration of an operating permit for a retail facility, the licensee shall apply for a renewal permit and the department shall reinspect the facility and issue a new operating permit for that facility upon a determination of compliance.

(g) A retail licensee or an employee of the retail licensee may dispense the allowed amount of marijuana to a qualifying patient or the patient's caregiver only if the retail licensee or employee:

1. Verifies the authenticity of the qualifying patient's or caregiver's medical marijuana patient registry identification card with the medical marijuana patient registry;

2. Verifies the physician's prescription for marijuana with the medical marijuana patient registry;

3. Determines that the qualifying patient has not been dispensed the allowed amount of marijuana within the previous 29 days, if an allowed amount has been determined by his or her physician;

4. Issues to the qualifying patient or the qualifying patient's caregiver a receipt that details the date and time of dispensing, the amount of marijuana dispensed, and the person to whom the marijuana was dispensed; and

5. Updates the medical marijuana patient registry with the date and time of dispensing and the amount and type of marijuana being dispensed to the qualifying patient before dispensing to the qualifying patient or the qualifying patient's caregiver.

(h) A retail facility may not repackage or modify a medical marijuana product that has already been packaged for retail sale by a cultivation or processing licensee, unless the repackaging is of unprocessed marijuana and is done in accordance with instructions from the cultivator and such repackaging is documented in the required seed-to-sale tracking system.

(i) A retail licensee may contract with an MMTC that has a transportation license to transport marijuana and medical marijuana products between properties owned by the retail licensee, deliver the marijuana and medical marijuana products to the residence of a qualifying patient, and pick up returns of marijuana and medical marijuana products.

(j) Onsite consumption of marijuana or medical marijuana products at a retail facility is prohibited.

(6) TRANSPORTATION LICENSES.—

(a) The department shall adopt rules under which it will issue transportation licenses to MMTCs and permit vehicles under this subsection. An MMTC may apply for a transportation license. When applying, the MMTC must provide the department, at a minimum, with all of the following:

1. The physical address of the licensee's place of business;

2. Proof of a documentation system in accordance with the required seed-to-sale tracking system, including transportation manifests, for the transportation of marijuana and medical marijuana products between licensed facilities and to qualifying patients;

3. Proof of health and sanitation standards for the transportation of marijuana and medical marijuana products; and

4. Proof that all marijuana and medical marijuana products transported between licensed facilities will be transported in tamper-evident shipping containers.

(b) Medical marijuana may not be transported on the property of an airport, a seaport, a spaceport, or any property of the Federal Government.

(c) A transportation licensee may transport marijuana or medical marijuana products only in a vehicle that is owned or leased by the licensee or a contractor of the licensee and for which a valid vehicle permit has been issued by the department.

(d) A vehicle permit may be obtained by an MMTC holding a transportation license upon application and payment of a fee of $500 per vehicle to the department. The MMTC must designate an employee or contracted employee as the driver for each permitted vehicle. Such designation must be displayed in the vehicle at all times. The permit remains valid and does not expire unless the MMTC or its contractor disposes of the permitted vehicle or the MMTC's registration or transportation license is transferred, cancelled, not renewed, or revoked by the department. The department shall cancel a vehicle permit upon the request of the MMTC or its contractor.

(e) By acceptance of a license issued under this subsection, the MMTC and its contracted agent, if applicable, agree that a permitted vehicle is, at all times it is being used to transport marijuana or medical marijuana products, subject to inspection and search without a search warrant by authorized employees of the department, sheriffs, deputy sheriffs, police officers, or other law enforcement officers to determine that the MMTC is operating in compliance with this section.

(f) An MMTC with a transportation license may deliver, or contract for the delivery of, marijuana and medical marijuana products to qualifying patients and caregivers within the state. An MMTC or its contractor must verify the identity of the qualifying patient upon placement of the delivery order and again upon delivery. Deliveries may only be made to the same qualifying patient who placed the order or, if the patient is unable to accept delivery, his or her caregiver. A county or municipality may not prohibit deliveries of marijuana or medical marijuana products to qualifying patients within the county or municipality. The department shall adopt rules specific to the delivery of marijuana and medical marijuana products to qualifying patients and caregivers. Such rules must include:

1. Procedures for verifying the identity of the person submitting and receiving a delivery, including required training for delivery personnel; and

2. A maximum retail value for all marijuana, medical marijuana products, and currency that may be in the possession of an MMTC employee or contractor while making a delivery. The minimum value established by rule may not be less than $5,000.

(g) Licensees under this subsection may use contractors to assist with the transportation of marijuana but the licensee is ultimately responsible for all of the actions and operations of each contractor relating to the transportation of marijuana and must know the location of all marijuana and medical marijuana products at all times. All principals and employees of contractors contracted by a licensee under this subsection who will participate in the operations of the licensee must be registered with the department and issued an MMTC employee identification card.

(7) ADVERTISING PROHIBITED.—An MMTC may not advertise its marijuana or medical marijuana products. As used in this subsection, the term "advertise" means to advise on, announce, give notice of, publish, or call attention to a product by use of an oral, written, or graphic statement made in a newspaper or other publication, on radio or television, or in any electronic medium; contained in a notice, handbill, flyer, catalog, letter, or sign, including signage on a vehicle; or printed on or contained in a tag or label attached to or accompanying marijuana or a medical marijuana product.

(8) INSPECTIONS OF MMTC FACILITIES.—

(a) Inspections of MMTC facilities, other than those inspections required to determine compliance with firesafety standards or building codes or for law enforcement purposes, are preempted to the state and may be conducted by the department. The department shall inspect and permit for operation each MMTC facility used for cultivation, processing, or dispensing marijuana or medical marijuana products before the facility begins operations. The department shall inspect each permitted facility, as well as any property used for the cultivation of marijuana, at least once every 2 years. The department may conduct additional announced or unannounced inspections of a permitted facility at reasonable hours in order to ensure compliance with state law, rules, and standards set by the department. The department or a law enforcement agency may test any marijuana or medical marijuana product in order to ensure that such marijuana or medical marijuana product meets the safety and labeling standards established by the department. The department may, by interagency agreement with the Department of Business and Professional Regulation or the Department of Agriculture and Consumer Services, perform joint inspections of such facilities with these agencies.

(b) By October 3, 2017, the department shall adopt rules governing the inspection of permitted facilities including procedures for permitting and reasonable standards for the operation of facilities used for cultivation, processing, or dispensing marijuana and medical marijuana products.

(9) ACCESS TO PERMITTED FACILITIES.—The department shall adopt rules governing access to permitted facilities and delineating limited access areas, restricted access areas, and general access areas at all licensed facilities. Access to limited access areas must be limited to MMTC principals, employees, and contractors who have been registered with the department and have an MMTC employee identification card and to visitors escorted by an individual who has such a card. Access to restricted access areas must be limited to MMTC principals, employees, and contractors who have been registered with the department and issued an MMTC employee identification card, visitors escorted by an individual who has such a card, and qualifying patients and their

caregivers. The department may adopt rules governing visitor access to limited access and restricted access areas, including, but not limited to, the number of visitors that may be escorted on the premises at any given time and the number of visitors that may be escorted by a single employee.

(10) MMTC AND CONTRACTOR PERSONNEL REGISTRATION AND MMTC EMPLOYEE IDENTIFICATION CARDS.—

(a) By October 3, 2017, the department shall adopt rules governing the registration of MMTC principals, employees, and contractors who participate in the operations of the MMTC. The department may charge a reasonable fee when issuing and upon annually renewing an MMTC employee identification card. Before hiring or contracting with any individual who is not registered with the department or who does not possess a current MMTC employee identification card, an MMTC must submit an application for the registration of that person as an MMTC employee to the department. The department shall adopt by rule a form for such applications which requires the applicant to at least provide all of the following:

1. His or her full legal name, social security number, date of birth, and home address;

2. A full color, passport-type photograph taken within the past 90 days;

3. Proof that he or she has passed a level 2 background screening pursuant to chapter 435 within the previous year; and

4. Whether the applicant will be authorized by the MMTC to possess marijuana or medical marijuana products while not on MMTC property.

(b) Once the department has received a completed application and fee from an MMTC, the department shall register the principal, employee, or contractor associated with the MMTC and issue him or her an MMTC employee identification card that, at a minimum, includes all of the following:

1. The employee's name and the name of the MMTC that employs him or her;

2. The employee's photograph, as required under paragraph (a);

3. The expiration date of the card, which is 1 year after the date of its issuance; and

4. Whether the employee is authorized by the MMTC to possess marijuana or medical marijuana products while not on MMTC property.

(c) If any information provided to the department for the registration of an MMTC principal, employee, or contractor or in the application for an MMTC employee identification card changes or if the registered person's status with the MMTC changes, the registered person and the MMTC must update the department with the new information or status within 7 days after the change.

(11) ADDITIONAL REQUIREMENTS.—

(a) An MMTC is responsible for knowing and complying with all state laws and rules governing marijuana.

(b) The premises of a permitted facility must comply with all security and surveillance requirements established by department rule before the licensee cultivates, sells, possesses, processes, tests, or dispenses any marijuana or medical marijuana products at the licensed facility. All areas of ingress or egress to limited or restricted access areas of the permitted facility must be clearly identified as such by signage approved by the department.

(c) A licensee must possess and maintain possession of the facility for which a permit is issued by ownership, lease, rental, or other arrangement.

(d) A licensee must keep complete and current records for the current tax year and the 3 preceding tax years necessary to fully show the business transactions of the licensee, all of which must be open at all times during business hours for inspection and examination by the department and authorized representatives of the Department of Law Enforcement, as required by department rule.

(e) A licensee must establish an inventory tracking system that is approved by the department in compliance with the required seed-to-sale tracking system.

(f) All marijuana and medical marijuana products must meet the labeling and packaging requirements established by department rule.

(12) VIOLATIONS, FINES, AND ADMINISTRATIVE PENALTIES.—

(a) The department shall adopt by rule a schedule of violations in order to impose reasonable fines, not to exceed $10,000 per violation, on an MMTC. In determining the amount of the fine to be levied for a violation, the department shall consider:

1. The severity of the violation;

2. Any action taken by the MMTC to correct the violation or to remedy complaints; and

3. Any previous violations.

(b) The department may suspend, revoke, deny, or refuse to renew an MMTC's registration or function-specific license or impose an administrative penalty not to exceed $10,000 per violation for:

1. Violating this act or department rule;

2. Failing to maintain qualifications for registration or licensure;

3. Endangering the health, safety, or security of a qualifying patient or caregiver;

4. Improperly disclosing personal and confidential information of a qualifying patient or caregiver;

5. Attempting to procure a registration, license, or permit by bribery or fraudulent misrepresentation;

6. Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the business of an MMTC;

7. Making or filing a report or record that the MMTC knows to be false;

8. Willfully failing to maintain a record required by this section or rule of the department;

9. Willfully impeding or obstructing an employee or agent of the department in the furtherance of his or her official duties;

10. Engaging in fraud, deceit, negligence, incompetence, or misconduct in the business practices of an MMTC;

11. Making misleading, deceptive, or fraudulent representations in or related to the business practices of an MMTC; or

12. Violating a lawful order of the department or an agency of the state or failing to comply with a lawfully issued subpoena of the department or an agency of the state.

(13) MMTC LIST.—The department shall maintain on its website a publicly available, easily accessible list of the names and locations of all retail licensees operating under active retail facility function permits.

(14) DISPENSING ORGANIZATION GRANDFATHERING.—As soon as practicable after the effective date of this act and not later than October 3, 2017, the department shall:

(a) Register each dispensing organization that is in compliance with the requirements of, and that was approved pursuant to, chapter 2014-157, Laws of Florida, or chapter 2016-123, Laws of Florida, as an MMTC, effective retroactively to the date of the dispensing organization's approval as a dispensing organization;

(b) Issue each such dispensing organization one cultivation license, one processing license, one retail license, and one transportation license; and

(c) For each such dispensing organization facility in operation on or before July 1, 2017, issue the applicable permit for the function or functions performed at that facility to the dispensing organization.

Section 8. Section 381.996, Florida Statutes, is created to read:

381.996 Medical marijuana testing and labeling.—

(1) To ensure accurate reporting of test results, the department shall adopt by rule a certification process and testing standards for independent testing laboratories. The Department of Agriculture and Consumer Services shall provide resources to the department regarding the certification process and standards for laboratories that test similar agricultural products and their derivatives in this state. The standards must include, but need not be limited to, educational requirements for laboratory directors, proficiency testing for professional licensees employed by a laboratory, standard operating procedures, and quality control procedures for testing.

(2) An MMTC may not distribute or sell marijuana or a medical marijuana product to a retail licensee unless the batch of origin of that marijuana or medical marijuana product has been tested by an independent testing laboratory and the selling MMTC has received test results from the independent testing laboratory which certify that the batch meets the quality standards established by the department. An independent testing laboratory is not required to be registered as an MMTC or to hold a transportation license under this act in order to transport or receive marijuana or medical marijuana products for testing purposes.

(3) When testing a batch of origin of marijuana or medical marijuana product, an independent testing laboratory must, at a minimum, test for:

(a) Potency, to ensure accurate labeling; and

(b) Unsafe contaminants, including, but not limited to, dangerous microbial organisms, molds, pesticides, residual solvents, and other harmful chemicals and toxins.

(4) Each independent testing laboratory shall report its findings for each batch tested to the MMTC from which the batch originated and to the department. Such findings must include, at a minimum, the inspection certificate number or numbers of the cultivation facility or processing facility from which the batch originated, the size and batch number of the batch tested, the types of tests performed on the batch, and the results of each test. The department may require by rule the electronic submission of findings.

(5) The department shall adopt by rule a comprehensive tracking and labeling system that allows a marijuana plant or medical marijuana product to be identified and tracked from cultivation to the final retail product. The department may adopt rules that establish qualifications for private entities to provide product tracking services to meet the requirements of this subsection and may establish a preferred vendor list based on those qualifications.

(6) Before distribution or sale to a retail licensee, any marijuana or medical marijuana product that meets department testing standards must be packaged in a child-resistant container and labeled with at least the name and license number of the MMTC or MMTCs from which it originated; the inspection certificate number of the facility or facilities where the batch was harvested and processed; the harvest or production batch number; the concentration range of each individual cannabinoid present at testing; a warning statement and a universal, easily identifiable symbol indicating that the package contains marijuana for medical use; and any other information required under federal or state law, rule, or regulation for that form of product, including any additional information required for edible products, if applicable. For purposes of this subsection, any oil-based extraction meant for direct consumption in small quantities as a supplement is not required to be labeled as a food product.

(7) Before sale to a qualifying patient or caregiver, a retail licensee must affix an additional label to each medical marijuana product which includes the retail licensee's name and retail license number and the identification number on the medical marijuana patient registry identification card of the qualifying patient who is to receive the product.

(8) By January 1, 2018, the department shall establish standards for quality, testing procedures, and maximum levels of unsafe contaminants. The department shall also create a list of individual cannabinoids for which marijuana and medical marijuana products must be tested which specifies for each cannabinoid the concentration considered significant and the varying ranges of concentrations upon which a physician may base his or her recommendation for a patient's use of a specific strain of marijuana.

Section 9. Section 381.997, Florida Statutes, is created to read:

381.997 Penalties.—

(1) A qualifying patient or caregiver may not purchase, acquire, or possess any marijuana above the allowed amount of marijuana for the qualifying patient's medical use. A qualifying patient or caregiver who violates this subsection is subject to prosecution under chapter 893.

(2) A physician may not certify marijuana or medical marijuana products for a patient without a reasonable belief that the patient is suffering from a debilitating medical condition. A physician who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) A person who fraudulently represents that he or she has a debilitating medical condition for the purpose of being certified to receive marijuana or medical marijuana products by a physician commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) A person who knowingly and fraudulently uses or attempts to use a medical marijuana patient registry identification card that has expired, is counterfeit, or belongs to another person commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(5) An employee or contractor of an MMTC may not possess, transport, or deliver any medical marijuana above the allowed amount specified in the transport or delivery order. An employee or contractor of an MMTC who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Section 381.998, Florida Statutes, is created to read:

381.998 Insurance.—The Florida Medical Marijuana Act does not require a governmental, private, or other health insurance provider or health care services plan to cover a claim for reimbursement for the purchase of marijuana or medical marijuana products; however, the act does not restrict such coverage.

Section 11. Section 381.9981, Florida Statutes, is created to read:

381.9981 Rulemaking authority.—The department may adopt rules to administer ss. 381.99-381.9981.

Section 12. Section 385.211, Florida Statutes, is amended to read:

385.211 Refractory and intractable epilepsy treatment and research at recognized medical centers.—

(1) As used in this section, the term *"marijuana" has the same meaning* ~~"low-THC cannabis" means "low-THC cannabis"~~ as ~~defined~~ in *s. 381.991 but applies only to marijuana* ~~s. 381.986 that is~~ dispensed *by an MMTC* ~~only from a dispensing organization~~ as defined in *s. 381.991* ~~s. 381.986~~.

(2) Notwithstanding chapter 893, medical centers recognized pursuant to s. 381.925, or an academic medical research institution legally affiliated with a licensed children's specialty hospital as defined in s. 395.002(28) *which* ~~that~~ contracts with the Department of Health, may conduct research on cannabidiol and *marijuana* ~~low-THC cannabis~~. This research may include, but *need not be* ~~is not~~ limited to, the agricultural development, production, clinical research, and use of liquid medical derivatives of cannabidiol and *marijuana* ~~low-THC cannabis~~ for the treatment for refractory or intractable epilepsy. The authority for

recognized medical centers to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the activities described in this section.

Section 13. Subsections (2) and (3) of section 499.0295, Florida Statutes, are amended to read:

499.0295 Experimental treatments for terminal conditions.—

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

~~(a) "Dispensing organization" means an organization approved by the Department of Health under s. 381.986(5) to cultivate, process, transport, and dispense low-THC cannabis, medical cannabis, and cannabis delivery devices.~~

(a)~~(b)~~ "Eligible patient" means a person who:

1. Has a terminal condition that is attested to by the patient's physician and confirmed by a second independent evaluation by a board-certified physician in an appropriate specialty for that condition;

2. Has considered all other treatment options for the terminal condition currently approved by the United States Food and Drug Administration;

3. Has given written informed consent for the use of an investigational drug, biological product, or device; and

4. Has documentation from his or her treating physician that the patient meets the requirements of this paragraph.

(b)~~(c)~~ "Investigational drug, biological product, or device" means~~:~~

~~1.~~ a drug, biological product, or device that has successfully completed phase 1 of a clinical trial but has not been approved for general use by the United States Food and Drug Administration and remains under investigation in a clinical trial approved by the United States Food and Drug Administration~~; or~~

~~2. Medical cannabis that is manufactured and sold by a dispensing organization~~.

(c)~~(d)~~ "Terminal condition" means a progressive disease or medical or surgical condition that causes significant functional impairment, is not considered by a treating physician to be reversible even with the administration of available treatment options currently approved by the United States Food and Drug Administration, and, without the administration of life-sustaining procedures, will result in death within 1 year after diagnosis if the condition runs its normal course.

(d)~~(e)~~ "Written informed consent" means a document that is signed by a patient, a parent of a minor patient, a court-appointed guardian for a patient, or a health care surrogate designated by a patient and includes:

1. An explanation of the currently approved products and treatments for the patient's terminal condition.

2. An attestation that the patient concurs with his or her physician in believing that all currently approved products and treatments are unlikely to prolong the patient's life.

3. Identification of the specific investigational drug, biological product, or device that the patient is seeking to use.

4. A realistic description of the most likely outcomes of using the investigational drug, biological product, or device. The description shall include the possibility that new, unanticipated, different, or worse symptoms might result and death could be hastened by the proposed treatment. The description shall be based on the physician's knowledge of the proposed treatment for the patient's terminal condition.

5. A statement that the patient's health plan or third-party administrator and physician are not obligated to pay for care or treatment consequent to the use of the investigational drug, biological product, or device unless required to do so by law or contract.

6. A statement that the patient's eligibility for hospice care may be withdrawn if the patient begins treatment with the investigational drug, biological product, or device and that hospice care may be reinstated if the treatment ends and the patient meets hospice eligibility requirements.

7. A statement that the patient understands he or she is liable for all expenses consequent to the use of the investigational drug, biological product, or device and that liability extends to the patient's estate, unless a contract between the patient and the manufacturer of the investigational drug, biological product, or device states otherwise.

(3) Upon the request of an eligible patient, a manufacturer may *do any of the following*~~, or upon a physician's order pursuant to s. 381.986, a dispensing organization may~~:

(a) Make its investigational drug, biological product, or device available under this section.

(b) Provide an investigational drug, biological product, *or* device~~, or cannabis delivery device as defined in s. 381.986~~ to an eligible patient without receiving compensation.

(c) Require an eligible patient to pay the costs of, or the costs associated with, the manufacture of the investigational drug, biological product, *or* device~~, or cannabis delivery device as defined in s. 381.986~~.

Section 14. Subsection (3) of section 893.02, Florida Statutes, is amended to read:

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

(3) "Cannabis" means 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 "low-THC cannabis," as defined in s. 381.986, if manufactured, possessed, sold, purchased, delivered, distributed, or dispensed, in conformance with s. 381.986.~~

Section 15. Section 1004.441, Florida Statutes, is amended to read:

1004.441 ~~Refractory and intractable epilepsy treatment and~~ Research *on the use of marijuana to treat serious medical conditions and symptoms*.—

(1) As used in this section, the term *"marijuana" has the same meaning* ~~"low-THC cannabis" means "low-THC cannabis"~~ as ~~defined~~ in *s. 381.991 but applies only to marijuana* ~~s. 381.986 that is~~ dispensed *by an MMTC* ~~only from a dispensing organization~~ as defined in *s. 381.991* ~~s. 381.986~~.

(2) Notwithstanding chapter 893, state universities with both medical and agricultural research programs, including those that have satellite campuses or research agreements with other similar institutions, may conduct research on *marijuana and* cannabidiol ~~and low-THC cannabis~~. This research may include, but is not limited to, the agricultural development, production, clinical research, and use of ~~liquid~~ medical derivatives*, medical marijuana products, and* ~~of~~ cannabidiol ~~and low-THC cannabis~~ for the treatment *of any debilitating medical condition as defined in s. 381.991* ~~for refractory or intractable epilepsy~~. The authority for state universities to conduct this research is derived from 21 C.F.R. parts 312 and 316. Current state or privately obtained research funds may be used to support the activities authorized by this section.

Section 16. *The University of Florida, in consultation with a veterinary research organization, may conduct research to determine the benefits and contraindications of the use of low-THC cannabis and low-THC cannabis products for treatment of animals with seizure disorders or other life-limiting illnesses. State funds may not be used for such research.*

Section 17. *If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can be given effect without the*

invalid provision or application, and to this end the provisions of this act are severable.

Section 18. *The Division of Law Revision and Information is directed to replace the phrase "the effective date of this act" wherever it occurs in this act with the date the act becomes a law.*

Section 19. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to medical marijuana; repealing s. 381.986, F.S., relating to the compassionate use of low-THC and medical cannabis; creating s. 381.99, F.S.; providing a short title; creating s. 381.991, F.S.; defining terms; creating s. 381.992, F.S.; authorizing a qualifying patient or his or her caregiver to purchase, acquire, and possess up to the allowed amount of marijuana, medical marijuana products, and associated paraphernalia for a qualifying patient's medical use; authorizing a medical marijuana treatment center (MMTC), including its employees and contractors, to perform certain activities; authorizing certified independent testing laboratories and their employees or contractors to receive and process marijuana for the sole purpose of testing the marijuana for compliance with the act; specifying that certain provisions do not exempt persons from the prohibition against driving under the influence; providing that specified provisions apply to the smoking of marijuana or medical marijuana products; authorizing the department to restrict the smoking of marijuana or such products at certain facilities; creating s. 381.993, F.S.; providing that a physician must certify, on a specified form, that a patient is suffering from a debilitating medical condition and that the benefits to the patient of using marijuana outweigh the potential health risks before a patient may register with the department and obtain a registry identification card; requiring the certification to specify the length of time recommended for the use of marijuana or a medical marijuana product; specifying that the allowable amount for any patient may not exceed a maximum determined by department rule; authorizing physicians to submit the physician certification form electronically through the department's website or by mail; providing criteria for the certification of patients by physicians; requiring patients who wish to use marijuana or medical marijuana products to register with the department; providing requirements for registration; authorizing adult qualifying patients to authorize caregivers; requiring the consent of a parent or legal guardian for minor patients; providing requirements for caregivers; prohibiting caregivers from registering to assist more than one patient at any given time unless specified circumstances are met; requiring the department to designate the parent or legal guardian of a qualifying minor patient as the patient's caregiver; prohibiting qualifying minor patients from purchasing or acquiring marijuana and medical marijuana products; requiring the department to notify the qualifying patient that the caregiver's application for registration is disallowed; specifying the responsibilities of the department; requiring the department to create a patient and caregiver registration form and a physician certification form and make those forms available to the public by a specified date; requiring the registration form to allow the patient to include specified information; requiring the department to create and make available to the public a specified caregiver training course by a specified date; requiring the department to enter the information for the qualifying patient or his or her caregiver into the medical marijuana patient registry and to issue a medical marijuana patient registry identification card to the patient and the caregiver after the receipt of specified documents; requiring that medical marijuana registry identification cards be resistant to counterfeiting and include specified information; providing that patient and caregiver registration and medical marijuana patient registry identification cards expire 1 year after the date of issuance; requiring a physician to certify specified information in order to renew a registration or medical marijuana patient registry identification card; requiring the written consent of a parent or legal guardian of a qualifying patient who is a minor for the continued consent of the minor's treatment with marijuana; providing for the disqualification of patients and caregivers; requiring the department to notify specified persons of a change in registration status in specified circumstances; requiring the department to give notice within a specified timeframe to the qualifying patient and the caregiver before removing the patient or caregiver from the medical marijuana patient registry; requiring the qualifying patient or caregiver to return specified items within a specified timeframe after receiving the notification; requiring a retail facility to notify the department upon the receipt of such items; authorizing the retail facility to notify the department electronically; requiring the personal representative of a patient or a caregiver to return the identification card of the patient or caregiver to the retail facility after his or her death; requiring the retail facility to update the medical marijuana patient registry and notify the department after the return of the identification cards; authorizing the retail facility to notify the department electronically; requiring the department, on a quarterly basis, to compare all qualifying patients and caregivers in the medical marijuana patient registry with the records of deaths on file on the electronic death registration system and to adjust the file of the patient or caregiver accordingly within a certain timeframe; requiring the department to notify law enforcement of the expired or cancelled identification card in certain circumstances; authorizing the department to adopt rules to implement a process for MMTCs to accept and dispose of returned marijuana or medical marijuana products and registry identification cards; creating s. 381.994, F.S.; requiring that the department create a secure, online, electronic medical marijuana patient registry containing a file containing specified information for each qualifying patient, caregiver, and certifying physician; requiring that the medical marijuana patient registry meet specified criteria; creating s. 381.995, F.S.; requiring the department to establish operating standards for the cultivation, processing, packaging, and labeling of marijuana and procedures and requirements for the registration of MMTCs by a specified date; providing for the registration of MMTCs and certain of their principles, employees and contractors; requiring the department to charge registration fees that may not exceed specified amounts; requiring the department to develop a registration form for MMTCs which must require the applicant to provide specified information; requiring the department to begin registering MMTCs by a specified date; requiring MMTCs to provide specified documentation and to pay a performance and compliance bond in a specified amount, which is subject to forfeiture; prohibiting registration from taking place until all principals, employees, and contractors who will participate in the operations of the MMTC have registered with the department and have been issued identification cards; providing a 2-year registration period and requiring that renewals comply with a process established by department rule; requiring MMTCs to obtain certain licenses before engaging in certain activities; requiring the department to develop rules enforcing the use of a seed-to-sale tracking system; providing criteria; authorizing the department to charge application and license fees for cultivation licenses; specifying fees for specified licenses and facility permits; requiring the department to begin issuing cultivation and processing licenses by a specified date; authorizing MMTCs to apply for cultivation and processing licenses; providing application requirements; providing for expiration and renewal of licenses; requiring licensees to obtain an operating permit from the department for each facility before beginning cultivation and processing; requiring the department to inspect facilities for which operating permits are sought; requiring the department to approve or disapprove applications within a specified timeframe; prohibiting facilities from certain operations if their permit has expired; requiring cultivation and processing facilities to be secure, closed to the public, and not within a specified proximity to specified schools, child care facilities, or specified licensed service providers; authorizing the department to establish rules providing additional security and zoning requirements; providing that licensees may use contractors to assist in the cultivation and processing of marijuana, but holding licensees responsible for their actions; requiring principals and employees of contractors who participate in the operations of the licensee to be registered with the department and to have MMTC employee identification cards; requiring cultivation and processing licensees to destroy certain marijuana byproducts within a specified timeframe; requiring MMTCs that transport or deliver marijuana outside of the property owned by the licensee to hold a transportation license; requiring the department to begin issuing retail licenses by a specified date; providing requirements for application; providing for the expiration and renewal of licenses; requiring licensees to obtain an operating permit from the department for each dispensing facility before dispensing or storing marijuana or medical marijuana products; providing a permitting process; requiring the department to act on permit applications within a certain timeframe; requiring an MMTC that holds a retail license to have a separate operating permit for each retail facility it operates; prohibiting the department from granting an operating permit if a proposed retail facility is located on the same property as a cultivation or processing facility or if it is located proximate to specified schools or facilities; restricting the number of available retail licenses in a county based on population; authorizing a governing body of a county or municipality to refuse to allow a retail facility within its jurisdiction; prohibiting the department

from licensing a retail facility in a county or municipality that has prohibited retail facilities by ordinance; authorizing a county or municipality to levy a local business tax on a retail facility; authorizing the department to employ a lottery system for the issuance of permits in certain circumstances; limiting the number of operating permits that may be issued to a single MMTC in those circumstances; providing for the expiration and renewal of operating permits; providing requirements for retail licensees and their employees in the dispensing of marijuana to qualifying patients and their caregivers; prohibiting a retail facility from repackaging or modifying a medical marijuana product that has been packaged for retail sale by a cultivation or processing licensee; authorizing retail licensees to contract with certain MMTCs to transport marijuana and medical marijuana products between properties owned by the retail licensee and to make deliveries to and pick up returns from the residences of qualifying patients; prohibiting onsite consumption of marijuana or medical marijuana products at retail facilities; requiring the department to adopt rules governing the issuance of transportation licenses to MMTCs and the permitting of vehicles; authorizing MMTCs to apply for retail licenses and providing application requirements; prohibiting the transportation of marijuana or medical marijuana products on the property of an airport, seaport, or spaceport; authorizing a transportation licensee to transport marijuana or medical marijuana products in specified permitted vehicles; specifying the fee for vehicle permits; providing requirements for the designation of drivers and requiring that designations be displayed in a vehicle at all times; providing for expiration of the permit in certain circumstances; requiring the department to cancel a vehicle permit upon the request of specified persons; providing that the licensee authorizes the inspection and search of his or her vehicle by certain persons without a search warrant for purposes of determining compliance with the act; authorizing certain MMTCs to deliver or contract for the delivery of marijuana and medical marijuana products to qualifying patients and their caregivers; providing requirements for and restrictions on such delivery; prohibiting a county or municipality from prohibiting deliveries; requiring the department to adopt rules governing the delivery of marijuana and medical marijuana products to qualifying patients and their caregivers; authorizing licensees to use contractors to assist with the transportation of marijuana or medical marijuana products; providing requirements for such transportation; requiring that principals and employees of contractors contracted by a licensee be registered with the department and issued an employee identification card; prohibiting MMTCs from advertising marijuana or medical marijuana products; defining the term "advertise"; providing that inspections of MMTC facilities are preempted to the state and may be conducted by the department; requiring the department to inspect and license specified facilities of MMTCs before those facilities begin operations; requiring the department to conduct such inspection at least once every 2 years; authorizing the department to conduct additional or unannounced inspections at reasonable hours; authorizing the department to test marijuana or medical marijuana products to ensure that they meet the standards established by the department; authorizing the department, through an interagency agreement, to perform joint inspections of such facilities; requiring the department to adopt rules by a specified date governing access to licensed facilities which impose specified requirements on limited access areas, restricted access areas, and general access areas at all licensed facilities; authorizing the department to adopt rules governing visitor access; requiring the department to adopt rules governing the registration of MMTC principals, employees and contractors; authorizing the department to charge a reasonable fee for MMTC employee identification cards; requiring that MMTCs submit an application for the registration of a person they intend to hire or contract with in certain circumstances; requiring the department to adopt by rule a form for submitting an employee registration; specifying the information that must be provided by applicants; requiring the department to register certain persons and to issue them MMTC employee identification cards that meet certain requirements; requiring MMTCs to notify the department of any changes in status of such employees or contactors within a specified timeframe; providing that MMTCs are responsible for knowing and complying with specified laws and rules; requiring that the licensed premises comply with security and surveillance requirements established by the department by rule before the licensee can undertake specified actions; requiring that specified areas of the licensed facility be clearly identified as such by signage approved by the department; requiring that a licensee possess and maintain possession of the premises for which the license is issued; requiring a licensee to keep a complete set of all records necessary to show fully the business transactions of the licensee for specified tax years; requiring a licensee to establish an inventory tracking system that is approved by the department; requiring that marijuana or medical marijuana products meet the labeling and packaging requirements established by department rule; requiring the department to adopt by rule a schedule of violations in order to impose fines not to exceed a specified amount per violation; requiring the department to consider specified factors in determining the amount of the fine to be levied; authorizing the department to suspend, revoke, deny, or refuse to renew a license of an MMTC or impose a specified administrative penalty for specified acts and omissions; requiring the department to maintain a publicly available, easily accessible list on its website of all permitted retail facilities; providing for the grandfathering of MMTCs that meet specified requirements by a specified date; requiring the department to issue specified licenses and permits; creating s. 381.996, F.S.; providing requirements for marijuana testing and labeling; requiring the Department of Health to adopt by rule a certification process and testing standards for independent testing laboratories; requiring the Department of Agriculture and Consumer Services to provide resources to the department; prohibiting cultivation licensees and processing licensees from distributing or selling marijuana or medical marijuana products to retail licensees unless specified conditions are met; providing that independent laboratories are not required to be registered as MMTCs or to hold transportation licenses to transport or receive marijuana or medical marijuana products for testing purposes; requiring independent testing laboratories to conduct specified testing and to report specified findings to the department; requiring that such findings include specified information; requiring the department to establish by rule a comprehensive tracking and labeling system for marijuana plants and products; authorizing the department to adopt rules that establish qualifications for private entities that provide product tracking services and to establish a preferred vendor list; requiring that medical marijuana and medical marijuana products that meet testing standards be packaged in a specified manner; providing an exception; requiring a retail licensee to affix an additional label to each medical marijuana product which includes specified information; requiring the department to establish specified standards for quality, testing procedures, and maximum levels of unsafe contaminants by a specified date; requiring the department to create a list of individual cannabinoids for which marijuana and medical marijuana products must be tested; creating s. 381.997, F.S.; providing penalties for specified violations; creating s. 381.998, F.S.; providing that this act does not require specified insurance providers or a health care services plan to cover a claim for reimbursement for the purchase of medical marijuana; providing that the act does not restrict such coverage; creating s. 381.9981, F.S.; authorizing the department to adopt rules to implement this act; amending ss. 385.211, 499.0295, 893.02, and 1004.441, F.S.; conforming provisions to changes made by the act; authorizing the University of Florida, in consultation with a veterinary research organization, to conduct specified research for treatment of animals with seizure disorders or other life-limiting illnesses; prohibiting the use of state funds for such research; providing for severability; providing effective dates.

The vote was:

Yeas—15

Bracy	Garcia	Rodriguez
Brandes	Gibson	Rouson
Braynon	Lee	Steube
Clemens	Powell	Thurston
Farmer	Rader	Torres

Nays—21

Mr. President	Flores	Passidomo
Baxley	Gainer	Perry
Bean	Galvano	Simmons
Benacquisto	Grimsley	Simpson
Book	Hutson	Stargel
Bradley	Mayfield	Stewart
Broxson	Montford	Young

Vote after roll call:

Yea to Nay—Garcia

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

Senator Latvala offered the following amendment which was moved by Senator Thurston and failed:

Amendment 5 (686760)—Delete line 703 and insert:
marijuana treatment center. The department shall also issue a license to the next remaining applicant with the highest ranking from each region that has only one current licenseholder if the applicant does not hold a license in another region and has maintained operations under its applicant name since submitting its initial application.

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

Senator Rouson moved the following amendment which failed:

Amendment 6 (328552)—Delete lines 620-640 and insert:

(a) The department shall issue electronic or physical medical marijuana use registry identification cards for qualified patients and caregivers who are residents of this state. The identification cards, which must be renewed annually, must be resistant to counterfeiting and tampering and must include, at a minimum, the following:

1. The name, address, and date of birth of the qualified patient or caregiver.

2. A full-face, passport-type, color photograph of the qualified patient or caregiver taken within the 90 days immediately preceding registration or the Florida driver license or Florida identification card photograph of the qualified patient or caregiver obtained directly from the Department of Highway Safety and Motor Vehicles.

3. Identification as a qualified patient or a caregiver.

4. The unique numeric identifier used for the qualified patient in the medical marijuana use registry.

5. For a caregiver, the name and unique numeric identifier of the caregiver and the qualified patient or patients that the caregiver is assisting.

6. The expiration date of the identification card.

7. Compliance with the Health Insurance Portability and Accountability Act 1996 (HIPAA) as it pertains to protected health information and all other relevant state and federal privacy and security laws and regulations.

8. For electronic patient and caregiver identification cards:

a. Contain the technology to automatically expire and be remotely terminated by the department;

b. Collect timestamped, geotagged data to be uploaded in real time into the compassionate use registry; and

c. Maintain compatibility with smartphone and web-based platforms.

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

Senator Bradley moved the following amendment which was adopted:

Amendment 7 (640322)—Delete line 821 and insert:
administering this section, and establishing supplemental licensure fees for payment beginning May 1, 2018, sufficient to cover the costs of administering ss. 381.989 and 1004.4351. The

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

Senator Clemens moved the following amendments which failed:

Amendment 8 (424838)—Delete lines 211-213 and insert:

2. Possession, use, or administration of marijuana in the form of commercially produced food items other than edibles or of marijuana seeds or flower,

The vote was:

Yeas—14

Book	Farmer	Rouson
Bracy	Garcia	Stewart
Brandes	Gibson	Thurston
Braynon	Rader	Torres
Clemens	Rodriguez	

Nays—20

Baxley	Galvano	Perry
Bean	Grimsley	Simmons
Benacquisto	Hutson	Simpson
Bradley	Lee	Stargel
Broxson	Mayfield	Steube
Flores	Montford	Young
Gainer	Passidomo	

Amendment 9 (228642)—Delete lines 1259-1262.

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

Senator Gibson moved the following amendment which failed:

Amendment 10 (421600)—Between lines 2165 and 2166 insert:

(5) The department shall develop a mechanism to collect income level data on qualified patients. The department shall provide a report to the Legislature by January 1, 2018. The report shall include, but not be limited to, the number of qualified patients with incomes at or below 100 percent of the federal poverty level, and the number of qualified patients with incomes between 101 percent to 200 percent of the federal poverty level.

THE PRESIDENT PRESIDING

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

Senator Brandes moved the following amendment which failed:

Amendment 11 (694930)—Delete lines 718-724.

The vote was:

Yeas—16

Bean	Gibson	Steube
Bracy	Lee	Stewart
Brandes	Powell	Thurston
Braynon	Rader	Torres
Clemens	Rodriguez	
Farmer	Rouson	

Nays—20

Mr. President	Gainer	Passidomo
Baxley	Galvano	Perry
Benacquisto	Garcia	Simmons
Book	Grimsley	Simpson
Bradley	Hutson	Stargel
Broxson	Mayfield	Young
Flores	Montford	

Pursuant to Rule 4.19, **SB 8-A**, as amended, was ordered engrossed and then placed on the calendar of Bills on Third Reading.

On motion by Senator Bradley—

SB 6-A—A bill to be entitled An act relating to public records; amending s. 381.987, F.S.; exempting from public records requirements personal identifying information of patients, caregivers, and physicians held by the Department of Health in the medical marijuana use registry and personal identifying information related to the physician certification for marijuana and the dispensing thereof held by the department; authorizing specified persons and entities access to the exempt information; requiring that information released from the registry or the department remain confidential and exempt; providing a criminal penalty; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date.

—was read the second time by title.

SENATOR FLORES PRESIDING

Pursuant to Rule 4.19, **SB 6-A** was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Benacquisto, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Friday, June 9, 2017.

REPORTS OF COMMITTEES

The Committee on Health Policy recommends the following pass: SB 6-A; SB 8-A with 3 amendments

The bills were referred to the Committee on Appropriations under the original reference.

The Committee on Appropriations recommends the following pass: SB 2-A with 4 amendments; SB 4-A; SB 6-A; SB 8-A; SB 2500-A with 1 amendment; SB 2502-A with 1 amendment

The bills were placed on the Calendar.

BILLS FILED OUTSIDE THE CALL

By Senator Farmer—

SB 12-A—A bill to be entitled An act relating to school district capital outlay funding; amending s. 1011.71, F.S.; increasing the millage school boards are authorized to levy for school purposes upon a specified vote; providing requirements for the distribution of such funds to charter schools; amending s. 1013.738, F.S.; conforming a provision to changes made by the act; providing for construction of the act in pari materia with laws enacted during the 2017 Regular Session of the Legislature; providing an effective date.

—was placed in the Committee on Rules.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of June 7 was corrected and approved.

CO-INTRODUCERS

Senator Young—SB 6-A, SB 8-A

ADJOURNMENT

On motion by Senator Benacquisto, the Senate adjourned at 6:19 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Friday, June 9 or upon call of the President.