



# Journal of the Senate

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## CALL TO ORDER

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

Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Broxson	Montford	Torres
Cruz	Passidomo	Wright
Diaz	Perry	
Farmer	Pizzo	

## PRAYER

The following prayer was offered by the Reverend Russell Wohlever, All Saints Episcopal Church, Winter Park:

As we gather together, I ask you to quiet your hearts and your minds. May your spirits be still and open to God. Almighty God, creator of all and giver of all good things, you are the source of truth, wisdom, justice, and love. In this time of uncertainty, you are protector. Keep watch over your people of this land, as the mother hen gathers her young ones under her wings.

As we gather together, we give you thanks. We thank you for the majesty and the beauty of our magnificent state of Florida. We give you thanks for the freedom we enjoy, remembering always that it is for freedom's sake that you have set us free. We thank you for the women and men in this chamber who have been bestowed with the sacred duty of governing this land.

May everyone gathered in this chamber today rely on your strength and accept their responsibilities to their fellow citizens so that they make trustworthy and wise decisions. As we prepare for this day of service, Lord, we pause and take a deep breath in. O God, the fountain of wisdom, your will is good and gracious, and your laws' truth fill everyone here with your being. We beseech you so to guide and bless our Senators to perceive what is right, and grant them both the courage to pursue it and the grace to accomplish it. May your overflowing spirit fill

every inch of this space, every person, and every thought, so there may be godly union, concord, and hope.

As one body with one spirit, may all be united in one holy bond of truth and peace, filled with faith, grace, and charity, so that the discussions and decisions made this day may serve well the citizens of Florida and bring glory to your holy name. We ask all this to the one to whom be all dominion, power, and glory, now and forever. Amen.

## PLEDGE

Senate Pages, Elisabeth Duggar of Tallahassee; Tia Harris of Gainesville; and Bryson Lee of Port St. Joe, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Amaryllis Sánchez Wohlever of Orlando, sponsored by Senator Torres, as the doctor of the day. Dr. Sánchez Wohlever specializes in family medicine.

## BILLS ON THIRD READING

Consideration of **SB 7052** and **CS for SB 1018** was deferred.

**CS for CS for HB 821**—A bill to be entitled An act relating to public records and meetings; amending s. 282.318, F.S.; revising a provision to reflect the abolishment of the Agency for State Technology; providing an exemption from public records requirements for portions of records held by a state agency that contain network schematics, hardware and software configurations, and encryption; providing an exemption from public meetings requirements for portions of meetings that would reveal such records; requiring recording and transcription of exempt portions of such meetings; providing an exemption from public records requirements for such recordings and transcripts; providing for future legislative review and repeal of the exemptions under the Open Government Sunset Review Act; providing for retroactive application of the exemptions; providing a public necessity statement; providing an effective date.

—was read the third time by title.

On motion by Senator Baxley, **CS for CS for HB 821** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—37

Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

Vote after roll call:

Yea—Mr. President, Stargel

CS for CS for HB 1095—A bill to be entitled An act relating to underground facility damage prevention and safety; amending s. 556.102, F.S.; providing definitions; amending s. 556.107, F.S.; revising and providing noncriminal violations relating to the transportation of certain hazardous materials; authorizing the State Fire Marshal or his or her agents to issue certain citations; providing enhanced civil penalties; providing disposition of the civil penalty; requiring a report by additional entities; providing requirements for the report; providing civil penalties; amending s. 556.116, F.S.; deleting definitions; requiring certain persons to transmit an incident report to the State Fire Marshal; providing that certain incident reports must be submitted to, and investigated by, the State Fire Marshal or his or her agents; authorizing the State Fire Marshal or his or her agents to issue citations and civil penalties; providing for disposition of the civil penalty; requiring written warnings for certain noncriminal infractions; providing for an enhanced penalty upon conviction for a failure to respond; removing provisions relating to hearings by the Division of Administrative Hearings of certain incidents; creating s. 556.117, F.S.; requiring Sunshine State One-Call of Florida, Inc., to review certain reports and complaints; requiring the corporation to identify areas in the state in need of additional education and to recommend solutions; requiring an annual report to the Governor and the Legislature by a specified date; providing an effective date.

—as amended March 9, was read the third time by title.

On motion by Senator Flores, CS for CS for HB 1095, as amended, was passed and certified to the House. The vote on passage was:

Yeas—37

Table with 3 columns of names: Albritton, Baxley, Bean, Benacquisto, Berman, Book, Bracy, Bradley, Brandes, Braynon, Broxson, Cruz, Diaz, Flores, Gainer, Gibson, Gruters, Harrell, Hooper, Hutson, Mayfield, Montford, Passidomo, Perry, Powell, Rader, Rodriguez, Rouson, Simmons, Simpson, Stargel, Stewart, Taddeo, Thurston, Torres, Wright

Nays—1

Lee

Vote after roll call:

Yea—Mr. President

Yea to Nay—Rodriguez

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

—was read the third time by title.

On motion by Senator Albritton, CS for HB 1373 was passed and certified to the House. The vote on passage was:

Yeas—39

Table with 3 columns of names: Albritton, Baxley, Bean, Benacquisto, Berman, Book, Bracy, Bradley, Brandes, Braynon, Broxson, Cruz, Diaz, Farmer, Flores, Gainer, Gibson, Gruters, Harrell, Hooper, Hutson, Lee, Mayfield, Montford, Passidomo, Perry, Pizzo, Powell, Rader, Rodriguez, Rouson, Simmons, Simpson, Stargel, Stewart, Taddeo, Thurston, Torres, Wright

Nays—None

Vote after roll call:

Yea—Mr. President

CS for HB 467—A bill to be entitled An act relating to physical therapy practice; amending s. 486.021, F.S.; revising and providing definitions; amending s. 486.025, F.S.; revising the powers and duties of the Board of Physical Therapy Practice; creating s. 486.117, F.S.; requiring the board to establish minimum standards of practice for the performance of dry needling, and additional supervision and training requirements for the performance of dry needling of specified areas, by physical therapists; requiring the Department of Health to submit a report to the Legislature by a specified date; providing construction; providing an effective date.

—was read the third time by title.

On motion by Senator Albritton, CS for HB 467 was passed and certified to the House. The vote on passage was:

Yeas—38

Table with 3 columns of names: Albritton, Baxley, Bean, Benacquisto, Berman, Book, Bracy, Bradley, Brandes, Braynon, Broxson, Cruz, Diaz, Farmer, Flores, Gainer, Gibson, Gruters, Harrell, Hutson, Lee, Mayfield, Montford, Passidomo, Perry, Pizzo, Powell, Rader, Rodriguez, Rouson, Simmons, Simpson, Stargel, Stewart, Taddeo, Thurston, Torres, Wright

Nays—1

Hooper

Vote after roll call:

Yea—Mr. President

HB 163—A bill to be entitled An act relating to homelessness; amending s. 420.621, F.S.; revising and providing definitions; amending s. 420.622, F.S.; increasing the number of members on the Council on Homelessness; revising the duties of the State Office on Homelessness; revising requirements for the state’s system of homeless programs; requiring entities that receive state funding to provide summary ag-

gregated data to the council; revising the qualifications for and amount of grant awards to continuum of care lead agencies; requiring continuum of care lead agencies to submit a report to the Department of Children and Families; increasing the minimum number of years for which projects must reserve certain units for the homeless; authorizing, rather than requiring, the Department of Children and Families to adopt certain rules; authorizing the office to administer certain money; creating s. 420.6225, F.S.; specifying the purpose of a continuum of care; requiring each continuum of care to designate a collaborative applicant; providing requirements for such applicants; authorizing such applicants to be referred to as continuum of care lead agencies; providing requirements for continuum of care catchment areas and lead agencies; requiring continuums of care to create continuum of care plans; specifying requirements for such plans; requiring continuums of care to promote participation by all interested individuals and organizations; creating s. 420.6227, F.S.; providing legislative findings and program purpose; establishing a grant-in-aid program to help continuums of care prevent and end homelessness; providing requirements for such program; repealing s. 420.623, F.S., relating to local coalitions for the homeless; repealing s. 420.624, F.S., relating to local homeless assistance continuum of care; repealing s. 420.625, F.S., relating to a grant-in-aid program; amending s. 420.626, F.S.; revising procedures for certain facilities and institutions to implement when discharging specified persons to reduce homelessness; amending s. 420.6265, F.S.; revising the Rapid ReHousing methodology; amending s. 420.6275, F.S.; revising the Housing First methodology; amending s. 420.507, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Book, **HB 163** was passed and certified to the House. The vote on passage was:

Yeas—38

Albritton	Flores	Powell
Baxley	Gainer	Rader
Bean	Gibson	Rodriguez
Benacquisto	Gruters	Rouson
Berman	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright
Farmer	Pizzo	

Nays—None

Vote after roll call:

Yea—Mr. President, Broxson

**CS for HB 131**—A bill to be entitled An act relating to security in trial court facilities; amending s. 30.15, F.S.; requiring sheriffs to coordinate with certain boards of county commissioners and chief judges to develop a comprehensive plan for security of trial court facilities; specifying that sheriffs and chief judges retain certain authorities; specifying that sheriffs and their deputies, employees, and contractors are officers of the court under specified circumstances; providing an effective date.

—was read the third time by title.

On motion by Senator Gruters, **CS for HB 131** was passed and certified to the House. The vote on passage was:

Yeas—39

Albritton	Berman	Brandes
Baxley	Book	Braynon
Bean	Bracy	Broxson
Benacquisto	Bradley	Cruz

Diaz	Lee	Rouson
Farmer	Mayfield	Simmons
Flores	Montford	Simpson
Gainer	Passidomo	Stargel
Gibson	Perry	Stewart
Gruters	Pizzo	Taddeo
Harrell	Powell	Thurston
Hooper	Rader	Torres
Hutson	Rodriguez	Wright

Nays—None

Vote after roll call:

Yea—Mr. President

**CS for CS for HB 767**—A bill to be entitled An act relating to assisted living facilities; amending s. 429.02, F.S.; providing and revising definitions; amending s. 429.07, F.S.; providing that an assisted living facility licensed to provide extended congregate care services or limited nursing services must maintain a written progress report on each person receiving services from the facility's staff; conforming a cross-reference; amending s. 429.11, F.S.; prohibiting a county or municipality from issuing a business tax receipt, rather than an occupational license, to a facility under certain circumstances; amending s. 429.176, F.S.; requiring an owner of a facility to provide certain documentation to the Agency for Health Care Administration regarding a new administrator; amending s. 429.23, F.S.; authorizing a facility to send certain reports regarding adverse incidents through the agency's online portal; requiring the agency to send reminders by electronic mail to certain facility contacts regarding submission deadlines for such reports within a specified timeframe; amending s. 429.255, F.S.; authorizing certain persons to change residents' bandages for specified purposes; clarifying that the absence of an order not to resuscitate does not preclude a physician from withholding or withdrawing cardiopulmonary resuscitation or use of an automated external defibrillator; amending s. 429.256, F.S.; revising the types of medications that may be self-administered; revising provisions relating to assistance with the self-administration of such medications; requiring a person assisting with a resident's self-administration of medication to confirm that the medication is intended for that resident and to orally advise the resident of the medication name and dosage; authorizing a resident to opt out of such advisement through a signed waiver; revising provisions relating to certain medications that are not self-administered with assistance; amending s. 429.26, F.S.; including medical examinations within criteria used for admission to an assisted living facility; providing specified criteria for determinations of appropriateness for admission to and continued residency in an assisted living facility; authorizing such facility to admit certain individuals under certain conditions; defining the term "bedridden"; requiring that a resident receive a medical examination within a specified timeframe after admission to a facility; requiring that such examination be recorded on a form; providing that such form may be used only to record a practitioner's direct observations of the patient at the time of the examination; providing that such form is not a guarantee of a resident's admission to, continued residency in, or delivery of services at the facility; revising provisions relating to the placement of residents by the Department of Children and Families; requiring a facility to notify a resident's representative or designee of the need for health care services and to assist in making appointments for such care and services under certain circumstances; requiring the facility to arrange with an appropriate health care provider for the care and services needed to treat a resident under certain circumstances; removing provisions relating to the retention of certain residents in a facility; amending s. 429.28, F.S.; providing requirements for a notice of relocation or termination of residency from a facility; revising provisions requiring the agency to conduct a licensure survey to determine whether a facility has complied with certain standards and residents' rights; removing a requirement that the agency adopt certain rules; amending s. 429.31, F.S.; revising notice requirements for facilities that are terminating operations; requiring the agency to inform the State Long-Term Ombudsman Program immediately upon notice of a facility's termination of operations; amending s. 429.41, F.S.; revising legislative intent; removing provisions to conform to changes made by the act; requiring county emergency management agencies, rather than local emergency management agencies, to review and approve or disapprove

of a facility's comprehensive emergency management plan; requiring a facility to submit a comprehensive emergency management plan to the county emergency management agency within a specified timeframe after its licensure; revising the criteria under which a facility must be fully inspected; revising standards for the care of residents provided by a facility; prohibiting the use of Posey restraints in facilities; authorizing other physical restraints to be used under certain conditions and in accordance with certain rules; requiring the agency to establish resident elopement drill requirements; requiring that elopement drills include a review of a facility's procedures addressing elopement; requiring a facility to document participation in such drills; revising provisions requiring the agency to adopt by rule key quality-of-care standards; creating s. 429.435, F.S.; providing uniform firesafety standards for assisted living facilities; amending s. 429.52, F.S.; revising certain provisions relating to facility staff training and educational requirements; requiring the agency, in conjunction with providers, to establish core training requirements for facility administrators; revising the training and continuing education requirements for facility staff who assist residents with the self-administration of medications; revising provisions relating to the training responsibilities of the agency; requiring the agency to contract with another entity to administer a certain competency test; requiring the agency to adopt a curriculum outline with learning objectives to be used by core trainers; conforming provisions to changes made by the act; providing an effective date.

—was read the third time by title.

On motion by Senator Harrell, **CS for CS for HB 767** was passed and certified to the House. The vote on passage was:

Yeas—39

Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Mr. President

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

—was read the third time by title.

On motion by Senator Albritton, **CS for CS for HB 1249** was passed and certified to the House. The vote on passage was:

Yeas—39

Albritton	Bracy	Diaz
Baxley	Bradley	Farmer
Bean	Brandes	Flores
Benacquisto	Braynon	Gainer
Berman	Broxson	Gibson
Book	Cruz	Gruters

Harrell	Perry	Simpson
Hooper	Pizzo	Stargel
Hutson	Powell	Stewart
Lee	Rader	Taddeo
Mayfield	Rodriguez	Thurston
Montford	Rouson	Torres
Passidomo	Simmons	Wright

Nays—None

Vote after roll call:

Yea—Mr. President

**CS for CS for CS for HB 1391**—A bill to be entitled An act relating to technology innovation; amending s. 20.22, F.S.; establishing the Florida Digital Service and the Division of Telecommunications within the Department of Management Services; abolishing the Division of State Technology within the department; amending s. 110.205, F.S.; exempting the state chief data officer and the state chief information security officer within the Florida Digital Service from the Career Service System; providing for the salary and benefits of such positions to be set by the department; amending s. 282.0041, F.S.; defining terms; revising the definition of the term "open data"; amending s. 282.0051, F.S.; revising information technology-related powers, duties, and functions of the department acting through the Florida Digital Service; specifying the designation of the state chief information officer and the state chief data officer; specifying qualifications for such positions; specifying requirements, contingent upon legislative appropriation, for the department; authorizing the department to develop a certain process; prohibiting the department from retrieving or disclosing any data without a certain shared-data agreement in place; specifying rulemaking authority for the department; amending s. 282.00515, F.S.; requiring the Department of Legal Affairs, the Department of Financial Services, or the Department of Agriculture and Consumer Services to notify the Governor and the Legislature and provide a certain justification and explanation if such agency adopts alternative standards to certain enterprise architecture standards; providing construction; prohibiting the department from retrieving or disclosing any data without a certain shared-data agreement in place; conforming a cross-reference; amending ss. 282.318, 287.0591, 365.171, 365.172, 365.173, and 943.0415, F.S.; conforming provisions to changes made by the act; creating s. 559.952, F.S.; providing a short title; creating the Financial Technology Sandbox within the Office of Financial Regulation; defining terms; requiring the office, if certain conditions are met, to grant a license to a Financial Technology Sandbox applicant, grant exceptions to specified provisions of general law relating to consumer finance loans and money services businesses, and grant waivers of certain rules; authorizing a substantially affected person to seek a declaratory statement before applying to the Financial Technology Sandbox; specifying application requirements and procedures; specifying requirements and procedures for the office in reviewing and approving or denying applications; providing requirements for the office in specifying the number of the consumers authorized to receive an innovative financial product or service; specifying authorized actions of, limitations on, and requirements for licensees operating in the Financial Technology Sandbox; requiring licensees to make a specified disclosure to consumers; authorizing the office to enter into certain agreements with other regulatory agencies; authorizing the office to examine licensee records; authorizing a licensee to apply for one extension of an initial sandbox period for a certain timeframe; specifying requirements and procedures for applying for an extension; specifying requirements and procedures for, and authorized actions of, licensees when concluding a sandbox period or extension; requiring licensees to submit certain reports to the office at specified intervals; providing construction; specifying the liability of a licensee; authorizing the office to take certain disciplinary actions against a licensee under certain circumstances; providing construction relating to service of process; specifying the rulemaking authority of the Financial Services Commission; providing the office authority to issue orders and enforce the orders; providing an appropriation; providing that specified provisions of the act are contingent upon passage of other provisions addressing public records; providing effective dates.

—was read the third time by title.

On motion by Senator Hutson, **CS for CS for CS for HB 1391** was passed and certified to the House. The vote on passage was:

Yeas—39

Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Mr. President

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

—was read the third time by title.

On motion by Senator Hutson, **CS for CS for HB 1393** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—39

Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Mr. President

---

**HB 7015**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for body camera recordings obtained by law enforcement officers under certain circumstances; making editorial changes; removing the scheduled repeal of the exemption; providing an effective date.

—was read the third time by title.

On motion by Senator Perry, **HB 7015** was passed and certified to the House. The vote on passage was:

Yeas—32

Albritton	Diaz	Perry
Baxley	Flores	Pizzo
Bean	Gainer	Powell
Benacquisto	Gibson	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Braynon	Mayfield	Torres
Broxson	Montford	Wright
Cruz	Passidomo	

Nays—7

Brandes	Rader	Thurston
Farmer	Rodriguez	
Gruters	Rouson	

Vote after roll call:

Yea—Mr. President

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**CS for HB 1409**—A bill to be entitled An act relating to public records; creating s. 631.195, F.S.; defining the terms “consumer” and “personal financial and health information”; exempting from public records requirements certain records made or received by the Department of Financial Services acting as receiver pursuant to specified provisions; providing that such records comprise consumer personal financial and health information, certain underwriting files, insurer personnel and payroll records, consumer claim files, certain reports and documents held by the department relating to insurer own-risk, solvency assessments, corporate governance annual disclosures, and certain information received from the National Association of Insurance Commissioners or governments; providing retroactive applicability; providing that exempted records may be released under specified circumstances; providing for future legislative review and repeal of the exemptions; providing statements of public necessity; providing an effective date.

—was read the third time by title.

On motion by Senator Albritton, **CS for HB 1409** was passed by the required constitutional two-thirds vote of the members present and voting and certified to the House. The vote on passage was:

Yeas—38

Albritton	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Harrell	Simmons
Book	Hooper	Simpson
Bracy	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright
Diaz	Pizzo	

Nays—1

Gruters

Vote after roll call:

Yea—Mr. President

---

**CS for CS for HB 971**—A bill to be entitled An act relating to electric bicycles; amending s. 261.03, F.S.; revising the definition of the term

“OHM” or “off-highway motorcycle”; amending s. 316.003, F.S.; revising definitions relating to the Florida Uniform Traffic Control Law; defining the term “electric bicycle”; amending s. 316.008, F.S.; authorizing local authorities to regulate the operation of electric bicycles; amending s. 316.027, F.S.; revising the definition of the term “vulnerable road user”; amending s. 316.083, F.S.; requiring the driver of a vehicle overtaking an electric bicycle to pass the electric bicycle at a certain distance; amending s. 316.1995, F.S.; expanding exceptions to a prohibition on persons driving certain vehicles on sidewalks and bicycle paths; amending s. 316.2065, F.S.; deleting obsolete language; creating s. 316.20655, F.S.; providing electric bicycle regulations; providing for rights and privileges of electric bicycles and operators of electric bicycles; providing that electric bicycles are vehicles to the same extent as bicycles; providing construction; providing that electric bicycles and operators of electric bicycles are not subject to specified provisions; requiring manufacturers and distributors, beginning on a specified date, to apply a label containing certain information to each electric bicycle; prohibiting persons from tampering with or modifying electric bicycles for certain purposes; providing an exception; requiring electric bicycles to comply with specified provisions of law; requiring electric bicycles to operate in a manner that meets certain requirements; authorizing operators to ride electric bicycles where bicycles are allowed; amending ss. 316.613, 316.614, and 320.01, F.S.; revising the definition of the term “motor vehicle”; amending s. 322.01, F.S.; revising the definitions of the terms “motor vehicle” and “vehicle”; amending ss. 324.021, 403.717, and 681.102, F.S.; revising the definition of the term “motor vehicle”; amending s. 320.08, F.S.; conforming a provision to changes made by the act; amending ss. 316.306 and 655.960, F.S.; conforming cross-references; providing an effective date.

—was read the third time by title.

On motion by Senator Brandes, **CS for CS for HB 971** was passed and certified to the House. The vote on passage was:

Yeas—39

Albritton	Farmer	Pizzo
Baxley	Flores	Powell
Bean	Gainer	Rader
Benacquisto	Gibson	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simmons
Bracy	Hooper	Simpson
Bradley	Hutson	Stargel
Brandes	Lee	Stewart
Braynon	Mayfield	Taddeo
Broxson	Montford	Thurston
Cruz	Passidomo	Torres
Diaz	Perry	Wright

Nays—None

Vote after roll call:

Yea—Mr. President

**SPECIAL ORDER CALENDAR**

Consideration of **CS for SB 714**, **CS for CS for SB 1094**, **CS for CS for SB 1676**, **CS for CS for SB 1370**, and **CS for CS for SB 1556** was deferred.

**CS for CS for SB 1332**—A bill to be entitled An act relating to towing and immobilizing vehicles and vessels; amending ss. 125.0103 and 166.043, F.S.; authorizing local governments to enact rates to tow or immobilize vessels on private property and to remove and store vessels under specified circumstances; requiring counties to establish maximum rates for such towing, immobilization, removal, and storage of vessels; providing applicability; creating s. 125.01047, F.S.; prohibiting counties from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators or towing businesses; defining the term “towing business”; providing exceptions; authorizing authorized wrecker operators or towing businesses to impose and collect a certain administrative fee or charge on behalf of the county, subject to

certain requirements; providing applicability; providing construction; prohibiting a certain charter county from imposing any new business tax, fee, or charge that was not in effect on a specified date on a towing business or an authorized wrecker operator; providing restrictions and requirements on a certain administrative fee or charge imposed and collected by such charter county; defining the term “charter county”; creating s. 166.04465, F.S.; prohibiting municipalities from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators or towing businesses; defining the term “towing business”; providing exceptions; authorizing authorized wrecker operators or towing businesses to impose and collect a certain administrative fee or charge on behalf of the municipality, subject to certain requirements; amending s. 323.002, F.S.; prohibiting counties or municipalities from adopting or maintaining in effect certain ordinances or rules that impose charges, costs, expenses, fines, fees, or penalties on authorized wrecker operators or registered owners, or other legally authorized persons in control of vehicles or vessels under certain conditions; providing an exception; authorizing authorized wrecker operators or towing businesses to impose and collect a certain administrative fee or charge on behalf of counties or municipalities, subject to certain requirements; prohibiting counties or municipalities from enacting certain ordinances or rules that require authorized wrecker operators to accept a specified form of payment; requiring that a wrecker operator maintain an operable automatic teller machine for use by the public under certain circumstances; providing exceptions; providing applicability; authorizing certain charter counties to impose a charge, cost, expense, fine, fee, or penalty on an authorized wrecker operator in connection with a certain violation; amending s. 713.78, F.S.; authorizing certain persons to place liens on vehicles or vessels to recover specified fees or charges; amending s. 715.07, F.S.; revising requirements regarding notices and signs concerning the towing or removal of vehicles or vessels; deleting a requirement that a certain receipt be signed; prohibiting counties or municipalities from enacting certain ordinances or rules that require towing businesses to accept a specified form of payment; requiring that a towing business maintain an operable automatic teller machine for use by the public under certain circumstances; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1332**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 133** was withdrawn from the Committees on Community Affairs; Infrastructure and Security; and Rules.

On motion by Senator Hooper—

**CS for CS for HB 133**—A bill to be entitled An act relating to towing and immobilizing vehicles and vessels; amending ss. 125.0103 and 166.043, F.S.; authorizing local governments to enact rates to tow or immobilize vessels on private property and to remove and store vessels under specified circumstances; creating ss. 125.01047 and 166.04465, F.S.; prohibiting counties or municipalities from enacting certain ordinances or rules that impose fees or charges on authorized wrecker operators or towing businesses; defining the term “towing business”; providing exceptions; amending s. 323.002, F.S.; prohibiting counties or municipalities from adopting or maintaining in effect certain ordinances or rules that impose charges, costs, expenses, fines, fees, or penalties on registered owners, other legally authorized persons in control or the lienholder of a vehicle or vessel under certain conditions; providing an exception; prohibiting counties or municipalities from enacting certain ordinances or rules that require authorized wrecker operators to accept a specified form of payment; providing exceptions; providing applicability; amending s. 713.78, F.S.; authorizing certain persons to place liens on vehicles or vessels to recover specified fees or charges; revising the timeframe within which the notice of sale must be sent to certain entities; amending s. 715.07, F.S.; revising a requirement regarding notices and signs concerning the towing or removal of vehicles or vessels; prohibiting counties or municipalities from enacting certain ordinances or rules that require towing businesses to accept a specified form of payment; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1332** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 133** was placed on the calendar of Bills on Third Reading.

**SB 1002**—A bill to be entitled An act relating to subpoenas; amending s. 92.605, F.S.; revising the definition of “properly served”; authorizing an applicant to petition a court to compel compliance with a subpoena; authorizing a court to address noncompliance as indirect criminal contempt and impose a daily fine for a specified amount of time; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1002**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 103** was withdrawn from the Committees on Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

On motion by Senator Rodriguez—

**CS for HB 103**—A bill to be entitled An act relating to subpoenas; amending s. 92.605, F.S.; revising the definition of the term “properly served”; authorizing an applicant to petition a court to compel compliance with a subpoena; authorizing a court to address noncompliance as indirect criminal contempt and impose a daily fine; providing an effective date.

—a companion measure, was substituted for **SB 1002** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 103** was placed on the calendar of Bills on Third Reading.

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Consideration of **SB 1256** was deferred.

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**CS for SB 1636**—A bill to be entitled An act relating to the repeal of advisory bodies and councils; repealing chapters 2003-287 and 2006-43, Laws of Florida, relating to the membership, powers, and duties of the Citrus/Hernando Waterways Restoration Council; repealing s. 215.5586(4), F.S., relating to the advisory council for the My Safe Florida Home Program; amending s. 267.0731, F.S.; removing the requirement that the Division of Historical Resources of the Department of State annually convene an ad hoc committee for purposes of administering the Great Floridians program; repealing s. 373.4597(3), F.S., relating to the Geneva Freshwater Lens Task Force; repealing s. 376.86, F.S., relating to the Brownfield Areas Loan Guarantee Council; repealing s. 378.032(3), F.S., relating to definitions; deleting a definition to conform to changes made by the act; repealing s. 378.033, F.S., relating to the Nonmandatory Land Reclamation Committee; amending s. 378.034, F.S.; modifying procedures governing reclamation program applications to conform to the repeal of the Nonmandatory Land Reclamation Committee; repealing s. 379.2524, F.S., relating to the Sturgeon Production Working Group; amending s. 379.361, F.S.; deleting cross-references to conform to changes made by the act; amending s. 379.367, F.S.; conforming a cross-reference to changes made by the act; repealing s. 379.3671(4), F.S., relating to the Trap Certificate Technical Advisory and Appeals Board; repealing s. 403.42, F.S., relating to the Clean Fuel Florida Advisory Board; repealing s. 403.87, F.S., relating to the technical advisory council for water and domestic wastewater operator certification; repealing s. 408.910(11)(h), F.S., relating to technical advisory panels of Florida Health Choices, Inc.; repealing s. 409.997(3), F.S., relating to the child welfare results-oriented accountability program technical advisory panel; repealing s. 411.226, F.S., relating to the Learning Gateway; repealing s. 430.05, F.S., relating to the Department of Elderly Affairs Advisory Council; repealing s. 571.24(7), F.S., relating to duties of the Department of Agriculture and Consumer Services; repealing s. 571.28, F.S., relating to the Florida Agricultural Promotional Campaign Advisory Council; repealing s. 595.701, F.S., relating to the Healthy Schools for Healthy Lives Council; repealing s. 603.203, F.S., relating to the Tropical Fruit Advisory Council; amending s. 603.204, F.S.; conforming a provision to changes made by the act; repealing s. 1001.7065(4)(a)-(f), F.S., relating to the advisory board on online learning for preeminent state research universities; repealing s. 1002.77, F.S., relating to the Florida Early Learning Advisory Council; amending s. 1002.83, F.S.; conforming a provision to changes made by the act; providing an effective date.

—was read the second time by title.

## THE PRESIDENT PRESIDING

Pending further consideration of **CS for SB 1636**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7039** was withdrawn from the Committees on Governmental Oversight and Accountability; Community Affairs; and Rules.

On motion by Senator Baxley—

**CS for HB 7039**—A bill to be entitled An act relating to the repeal of advisory bodies and programs; repealing chapters 2003-287 and 2006-43, Laws of Florida, relating to the membership, powers, and duties of the Citrus/Hernando Waterways Restoration Council; amending s. 215.5586, F.S.; deleting the advisory council for the My Safe Florida Home Program; amending s. 267.0731, F.S.; removing the ad hoc committee that nominates persons for designation as Great Floridian; amending s. 288.1251, F.S.; conforming a provision to changes made by the act; repealing s. 288.1252, F.S., relating to the Florida Film and Entertainment Advisory Council; amending s. 288.1254, F.S.; conforming a provision to changes made by the act; amending s. 373.4597, F.S.; deleting references to the Geneva Freshwater Lens Task Force; repealing s. 376.86, F.S., relating to the Brownfield Areas Loan Guarantee Council and program; amending s. 378.032, F.S.; deleting a definition to conform to changes made by the act; repealing s. 378.033, F.S., relating to the Nonmandatory Land Reclamation Committee; amending s. 378.034, F.S.; conforming provisions to changes made by the act; repealing s. 379.2524, F.S., relating to the Sturgeon Production Working Group; amending s. 379.361, F.S.; conforming cross-references to changes made by the act; amending s. 379.367, F.S.; conforming a cross-reference to changes made by the act; amending s. 379.3671, F.S.; deleting the Trap Certificate Technical Advisory and Appeals Board; amending s. 395.1055, F.S., deleting the pediatric cardiac technical advisory panel; repealing s. 403.42, F.S., relating to the Clean Fuel Florida Advisory Board; repealing s. 403.87, F.S., relating to the technical advisory council for water and domestic wastewater operator certification; amending s. 408.910, F.S.; deleting references to technical advisory panels that may be established by Florida Health Choices, Inc.; amending s. 409.997, F.S.; deleting the child welfare results-oriented accountability program technical advisory panel; repealing s. 411.226, F.S., relating to the Learning Gateway program and steering committee; repealing s. 430.05, F.S., relating to the Department of Elderly Affairs Advisory Council; repealing s. 570.843, F.S., relating to the Florida Young Farmer and Rancher Advisory Council; amending s. 571.24, F.S.; conforming a provision to changes made by the act; repealing s. 571.28, F.S., relating to the Florida Agricultural Promotional Campaign Advisory Council; repealing s. 595.701, F.S., relating to the Healthy Schools for Healthy Lives Council; repealing s. 603.203, F.S., relating to the Tropical Fruit Advisory Council; amending s. 603.204, F.S.; conforming a provision to changes made by the act; amending s. 1001.7065, F.S.; deleting the advisory board to support specific online degree programs at universities; repealing s. 1002.77, F.S., relating to the Florida Early Learning Advisory Council; amending s. 1002.83, F.S.; conforming a provision to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 1636** and read the second time by title.

Senator Baxley moved the following amendment which was adopted:

**Amendment 1 (169888) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. *Chapters 2003-287 and 2006-43, Laws of Florida, are repealed.*

Section 2. Subsection (4) of section 215.5586, Florida Statutes, is amended to read:

215.5586 My Safe Florida Home Program.—There is established within the Department of Financial Services the My Safe Florida Home Program. The department shall provide fiscal accountability, contract management, and strategic leadership for the program, consistent with this section. This section does not create an entitlement for property owners or obligate the state in any way to fund the inspection or retrofitting of residential property in this state. Implementation of this program is subject to annual legislative appropriations. It is the intent of the Legislature that the My Safe Florida Home Program provide

trained and certified inspectors to perform inspections for owners of site-built, single-family, residential properties and grants to eligible applicants as funding allows. The program shall develop and implement a comprehensive and coordinated approach for hurricane damage mitigation that may include the following:

~~(4) ADVISORY COUNCIL. There is created an advisory council to provide advice and assistance to the department regarding administration of the program. The advisory council shall consist of:~~

~~(a) A representative of lending institutions, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Bankers Association.~~

~~(b) A representative of residential property insurers, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Insurance Council.~~

~~(c) A representative of home builders, selected by the Financial Services Commission from a list of at least three persons recommended by the Florida Home Builders Association.~~

~~(d) A faculty member of a state university, selected by the Financial Services Commission, who is an expert in hurricane resistant construction methodologies and materials.~~

~~(e) Two members of the House of Representatives, selected by the Speaker of the House of Representatives.~~

~~(f) Two members of the Senate, selected by the President of the Senate.~~

~~(g) The Chief Executive Officer of the Federal Alliance for Safe Homes, Inc., or his or her designee.~~

~~(h) The senior officer of the Florida Hurricane Catastrophe Fund.~~

~~(i) The executive director of Citizens Property Insurance Corporation.~~

~~(j) The director of the Florida Division of Emergency Management.~~

~~Members appointed under paragraphs (a) (d) shall serve at the pleasure of the Financial Services Commission. Members appointed under paragraphs (e) and (f) shall serve at the pleasure of the appointing officer. All other members shall serve as voting ex officio members. Members of the advisory council shall serve without compensation but may receive reimbursement as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their official duties.~~

Section 3. Subsection (1) of section 267.0731, Florida Statutes, is amended to read:

267.0731 Great Floridians Program.—The division shall establish and administer a program, to be entitled the Great Floridians Program, which shall be designed to recognize and record the achievements of Floridians, living and deceased, who have made major contributions to the progress and welfare of this state.

(1)(a) The division shall nominate present or former citizens of this state, living or deceased, who during their lives have made major contributions to the progress of the nation or this state and its citizens. Nominations shall be submitted to the Secretary of State who shall select from those nominated not less than two persons each year who shall be honored with the designation “Great Floridian,” provided no person whose contributions have been through elected or appointed public service shall be selected while holding any such office.

(b)(a) To enhance public participation and involvement in the identification of any person worthy of being nominated as a Great Floridian, the division shall seek advice and assistance from persons qualified through the demonstration of special interest, experience, or education in the dissemination of knowledge about the state’s history.

~~(b) Annually, the division shall convene an ad hoc committee composed of representatives of the Governor, each member of the Florida Cabinet, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State. This committee shall meet at least twice. The committee shall nominate not fewer than two per-~~

~~sons whose names shall be submitted to the Secretary of State with the recommendation that they be honored with the designation “Great Floridian.”~~

Section 4. Subsection (3) of section 373.4597, Florida Statutes, is amended to read:

373.4597 The Geneva Freshwater Lens Protection Act.—

~~(3) The Legislature hereby directs the appropriate state agencies to implement, by December 1, 1995, recommendations of the Geneva Freshwater Lens Task Force that do not require rule amendments. The Legislature directs such agencies to act, by July 1, 1996, upon recommendations of the task force that require rule amendments, unless otherwise noted in the report. The requirements of this bill related to actions to be taken by appropriate state agencies shall not require expenditures to be made by the government of Seminole County. The St. Johns River Water Management District shall continue to implement the recommendations contained in the Geneva Freshwater Lens Task Force report to the Legislature.~~

Section 5. *Section 376.86, Florida Statutes, is repealed.*

Section 6. Subsection (3) of section 378.032, Florida Statutes, is amended to read:

378.032 Definitions.—As used in ss. 378.032-378.038, the term:

~~(3) “Committee” means the Nonmandatory Land Reclamation Committee.~~

Section 7. *Section 378.033, Florida Statutes, is repealed.*

Section 8. Subsections (5), (6), (7), (9), and (10) of section 378.034, Florida Statutes, are amended to read:

378.034 Submission of a reclamation program request; procedures.—

(5)(a) The department staff shall, by February 1 of each year, present to the ~~secretary committee~~ for his or her ~~its~~ consideration those reclamation program applications received by the preceding November 1.

(b) The department staff shall recommend an order of priority for the reclamation program applications that is consistent with subsection (6).

(c) The recommendation of the department staff shall include an estimate of the cost of each reclamation program or land acquisition.

~~(6) The committee shall recommend approval, modification, or denial of the reclamation program applications, associated cost estimates, and the department staff’s recommended prioritized list. Recommendations on the order of priority shall be based, among other criteria, on the following criteria; however, department staff the committee may give greater weight to one or more of the criteria depending on the overall needs of the nonmandatory land reclamation program:~~

(a) Whether health and safety hazards exist; and, if so, such hazards shall be given the greatest weight;

(b) Whether the economic or environmental utility or the aesthetic value of the land will return naturally within a reasonable period of time;

(c) Whether there is a reasonable geographic and applicant diversity in light of previously awarded reclamation contracts, reclamation program applications before the ~~department staff committee~~, and the remaining eligible lands;

(d) Whether reclamation is in the public interest;

(e) Whether the land has been naturally reclaimed or is eligible for acquisition by the state for hunting, fishing, or other outdoor recreation purposes or for wildlife preservation;



(f) Whether the land is to be reclaimed for agricultural use and the applicant has agreed to maintain the land in agricultural use for at least 5 years after the completion of the reclamation;

(g) Whether the program, alone or in conjunction with other reclamation programs, will provide a substantial regional benefit;

(h) Whether the program, alone or in conjunction with other reclamation programs, will benefit regional drainage patterns;

(i) Whether the land is publicly owned and will be reclaimed for public purposes;

(j) Whether the program includes a donation or agreement to sell a portion of the program application area to the state for outdoor recreational or wildlife habitat protection purposes;

(k) Whether the program is cost-effective in achieving the goals of the nonmandatory land reclamation program; and

(l) Whether the program will reclaim lands described in subsection (2).

(7) The prioritized list developed by department staff approved by the committee may contain more reclamation program applications than there are funds available during the year.

(9) The committee recommendations shall be submitted to the secretary by April 1 of each year for final agency action. By June 1 of each year, the secretary shall approve, in whole or in part, the list of reclamation program applications in the order of priority in which the applications are presented by department staff.

(10) Any approved reclamation program application that was not funded shall, at the request of the applicant, be considered by department staff the committee at its next meeting called for that purpose, together with other reclamation program applications received by November 1 of the next year.

Section 9. Section 379.2524, Florida Statutes, is repealed.

Section 10. Paragraph (b) of subsection (4) of section 379.361, Florida Statutes, is amended to read:

379.361 Licenses.—

(4) SPECIAL ACTIVITY LICENSES.—

(b) The Fish and Wildlife Conservation Commission is authorized to issue special activity licenses in accordance with this section and s. 379.2524, to permit the importation and possession of wild anadromous sturgeon. The commission is also authorized to issue special activity licenses, in accordance with this section and s. 379.2524, to permit the importation, possession, and aquaculture of native and nonnative anadromous sturgeon until best management practices are implemented for the cultivation of anadromous sturgeon pursuant to s. 597.004. The special activity license shall provide for specific management practices to protect native populations of saltwater species.

Section 11. Paragraph (b) of subsection (2) of section 379.367, Florida Statutes, is amended to read:

379.367 Spiny lobster; regulation.—

(2)

(b) Twenty-five dollars of the \$125 fee for a spiny lobster endorsement required under subparagraph (a)1. must be used only for trap retrieval as provided in s. 379.2424. The remainder of the fees collected under paragraph (a) shall be deposited as follows:

1. Fifty percent of the fees collected shall be deposited in the Marine Resources Conservation Trust Fund for use in enforcing the provisions of paragraph (a) through aerial and other surveillance and trap retrieval.

2. Fifty percent of the fees collected shall be deposited as provided in s. 379.3671(4) s. 379.3671(5).

Section 12. Subsection (4) of section 379.3671, Florida Statutes, is amended to read:

379.3671 Spiny lobster trap certificate program.—

~~(4) TRAP CERTIFICATE TECHNICAL ADVISORY AND APPEALS BOARD. There is hereby established the Trap Certificate Technical Advisory and Appeals Board. Such board shall consider and advise the commission on disputes and other problems arising from the implementation of the spiny lobster trap certificate program. The board may also provide information to the commission on the operation of the trap certificate program.~~

~~(a) The board shall consist of the executive director of the commission or designee and nine other members appointed by the executive director, according to the following criteria:~~

~~1. All appointed members shall be certificateholders, but two shall be holders of fewer than 100 certificates, two shall be holders of at least 100 but no more than 750 certificates, three shall be holders of more than 750 but not more than 2,000 certificates, and two shall be holders of more than 2,000 certificates.~~

~~2. At least one member each shall come from Broward, Miami Dade, and Palm Beach Counties; and five members shall come from the various regions of the Florida Keys.~~

~~3. At least one appointed member shall be a person of Hispanic origin capable of speaking English and Spanish.~~

~~(b) The term of each appointed member shall be for 4 years, and any vacancy shall be filled for the balance of the unexpired term with a person of the qualifications necessary to maintain the requirements of paragraph (a). There shall be no limitation on successive appointments to the board.~~

~~(c) The executive director of the commission or designee shall serve as a member and shall call the organizational meeting of the board. The board shall annually elect a chair and a vice chair. There shall be no limitation on successive terms that may be served by a chair or vice chair. The board shall meet at the call of its chair, at the request of a majority of its membership, at the request of the commission, or at such times as may be prescribed by its rules. A majority of the board shall constitute a quorum, and official action of the board shall require a majority vote of the total membership of the board present at the meeting.~~

~~(d) The procedural rules adopted by the board shall conform to the requirements of chapter 120.~~

~~(e) Members of the board shall be reimbursed for per diem and travel expenses as provided in s. 112.061.~~

~~(f) Upon reaching a decision on any dispute or problem brought before it, including any decision involving the allotment of certificates under paragraph (g), the board shall submit such decision to the executive director of the commission for final approval. The executive director of the commission may alter or disapprove any decision of the board, with notice thereof given in writing to the board and to each party in the dispute explaining the reasons for the disapproval. The action of the executive director of the commission constitutes final agency action.~~

~~(g) In addition to those certificates allotted pursuant to the provisions of subparagraph (2)(a)1., up to 125,000 certificates may be allotted by the board to settle disputes or other problems arising from implementation of the trap certificate program during the 1992-1993 and 1993-1994 license years. Any certificates not allotted by March 31, 1994, shall become permanently unavailable and shall be considered as part of the 1994-1995 reduction schedule. All appeals for additional certificates or other disputes must be filed with the board before October 1, 1993.~~

~~(h) Any trap certificates issued by the Department of Environmental Protection and, effective July 1, 1999, the commission as a result of the appeals process must be added to the existing number of trap certificates for the purposes of determining the total number of certificates from which the subsequent season's trap reduction is calculated.~~

~~(i) On and after July 1, 1994, the board shall no longer consider and advise the Fish and Wildlife Conservation Commission on disputes and other problems arising from implementation of the trap certificate program nor allot any certificates with respect thereto.~~

Section 13. ~~Section 403.42, Florida Statutes, is repealed.~~

Section 14. ~~Section 403.87, Florida Statutes, is repealed.~~

Section 15. Paragraph (h) of subsection (11) of section 408.910, Florida Statutes, is amended to read:

408.910 Florida Health Choices Program.—

(11) CORPORATION.—There is created the Florida Health Choices, Inc., which shall be registered, incorporated, organized, and operated in compliance with part III of chapter 112 and chapters 119, 286, and 617. The purpose of the corporation is to administer the program created in this section and to conduct such other business as may further the administration of the program.

~~(h) The corporation may establish technical advisory panels consisting of interested parties, including consumers, health care providers, individuals with expertise in insurance regulation, and insurers.~~

Section 16. Subsection (3) of section 409.997, Florida Statutes, is amended to read:

409.997 Child welfare results-oriented accountability program.—

~~(3) The department shall establish a technical advisory panel consisting of representatives from the Florida Institute for Child Welfare established pursuant to s. 1004.615, lead agencies, community based care providers, other contract providers, community alliances, and family representatives. The President of the Senate and the Speaker of the House of Representatives shall each appoint a member to serve as a legislative liaison to the panel. The technical advisory panel shall advise the department on the implementation of the results oriented accountability program.~~

Section 17. ~~Section 411.226, Florida Statutes, is repealed.~~

Section 18. ~~Section 430.05, Florida Statutes, is repealed.~~

Section 19. Subsection (7) of section 571.24, Florida Statutes, is amended to read:

571.24 Purpose; duties of the department.—The purpose of this part is to authorize the department to establish and coordinate the Florida Agricultural Promotional Campaign. The Legislature intends for the Florida Agricultural Promotional Campaign to serve as a marketing program to promote Florida agricultural commodities, value-added products, and agricultural-related businesses and not as a food safety or traceability program. The duties of the department shall include, but are not limited to:

~~(7) Assisting the representative of the department who serves on the Florida Agricultural Promotional Campaign Advisory Council.~~

Section 20. ~~Section 571.28, Florida Statutes, is repealed.~~

Section 21. ~~Section 595.701, Florida Statutes, is repealed.~~

Section 22. ~~Section 603.203, Florida Statutes, is repealed.~~

Section 23. Section 603.204, Florida Statutes, is amended to read:

603.204 South Florida Tropical Fruit Plan.—The Commissioner of Agriculture, in consultation with the Tropical Fruit Advisory Council, shall develop and update a South Florida Tropical Fruit Plan, which shall identify problems and constraints of the tropical fruit industry, propose possible solutions to such problems, and develop planning mechanisms for orderly growth of the industry, including:

(1) Criteria for tropical fruit research, service, and management priorities.

(2) Proposed legislation that may be required.

(3) Plans relating to other tropical fruit programs and related disciplines in the State University System.

(4) Potential tropical fruit products in terms of market and needs for development.

(5) Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum grades and standards, promotion and advertising, development of production and marketing strategies, and setting minimum standards on types and quality of nursery plants.

(6) Evaluation of policy alternatives for processed tropical fruit products, including, but not limited to, setting minimum quality standards and development of production and marketing strategies.

(7) Research and service priorities for further development of the tropical fruit industry.

(8) Identification of state agencies and public and private institutions concerned with research, education, extension, services, planning, promotion, and marketing functions related to tropical fruit development, and delineation of contributions and responsibilities. The recommendations in the plan relating to education or research shall be submitted to the Institute of Food and Agricultural Sciences.

(9) Business planning, investment potential, financial risks, and economics of production and use.

Section 24. Paragraphs (a) through (f) of subsection (4) of section 1001.7065, Florida Statutes, are amended to read:

1001.7065 Preeminent state research universities program.—

(4) PREEMINENT STATE RESEARCH UNIVERSITY INSTITUTE FOR ONLINE LEARNING.—A state research university that, as of July 1, 2013, meets all 12 of the academic and research excellence standards identified in subsection (2), as verified by the Board of Governors, shall establish an institute for online learning. The institute shall establish a robust offering of high-quality, fully online baccalaureate degree programs at an affordable cost in accordance with this subsection.

~~(a) By August 1, 2013, the Board of Governors shall convene an advisory board to support the development of high-quality, fully online baccalaureate degree programs at the university.~~

~~(b) The advisory board shall:~~

~~1. Offer expert advice, as requested by the university, in the development and implementation of a business plan to expand the offering of high-quality, fully online baccalaureate degree programs.~~

~~2. Advise the Board of Governors on the release of funding to the university upon approval by the Board of Governors of the plan developed by the university.~~

~~3. Monitor, evaluate, and report on the implementation of the plan to the Board of Governors, the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

~~(c) The advisory board shall be composed of the following five members:~~

~~1. The chair of the Board of Governors or the chair's permanent designee.~~

~~2. A member with expertise in online learning, appointed by the Board of Governors.~~

~~3. A member with expertise in global marketing, appointed by the Governor.~~

~~4. A member with expertise in cloud virtualization, appointed by the President of the Senate.~~

~~5. A member with expertise in disruptive innovation, appointed by the Speaker of the House of Representatives.~~

~~(d) The president of the university shall be consulted on the advisory board member appointments.~~

~~(e) A majority of the advisory board shall constitute a quorum, elect the chair, and appoint an executive director.~~

~~(f) By September 1, 2013, the university shall submit to the advisory board a comprehensive plan to expand high quality, fully online baccalaureate degree program offerings. The plan shall include:~~

~~1. Existing on campus general education courses and baccalaureate degree programs that will be offered online.~~

~~2. New courses that will be developed and offered online.~~

~~3. Support services that will be offered to students enrolled in online baccalaureate degree programs.~~

~~4. A tuition and fee structure that meets the requirements in paragraph (k) for online courses, baccalaureate degree programs, and student support services.~~

~~5. A timeline for offering, marketing, and enrolling students in the online baccalaureate degree programs.~~

~~6. A budget for developing and marketing the online baccalaureate degree programs.~~

~~7. Detailed strategies for ensuring the success of students and the sustainability of the online baccalaureate degree programs.~~

~~Upon recommendation of the plan by the advisory board and approval by the Board of Governors, the Board of Governors shall award the university \$10 million in nonrecurring funds and \$5 million in recurring funds for fiscal year 2013-2014 and \$5 million annually thereafter, subject to appropriation in the General Appropriations Act.~~

Section 25. *Section 1002.77, Florida Statutes, is repealed.*

Section 26. Subsection (11) of section 1002.83, Florida Statutes, is amended to read:

1002.83 Early learning coalitions.—

(11) Each early learning coalition shall establish terms for all appointed members of the coalition. The terms must be staggered and must be a uniform length that does not exceed 4 years per term. Coalition chairs shall be appointed for 4 years ~~in conjunction with their membership on the Early Learning Advisory Council~~ pursuant to s. 20.052. Appointed members may serve a maximum of two consecutive terms. When a vacancy occurs in an appointed position, the coalition must advertise the vacancy.

Section 27. This act shall take effect July 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to the repeal of advisory bodies and programs; repealing chapters 2003-287 and 2006-43, Laws of Florida, relating to the membership, powers, and duties of the Citrus/Hernando Waterways Restoration Council; amending s. 215.5586, F.S.; deleting the advisory council for the My Safe Florida Home Program; amending s. 267.0731, F.S.; removing the ad hoc committee that nominates persons for designation as Great Floridian; amending s. 373.4597, F.S.; deleting references to the Geneva Freshwater Lens Task Force; repealing s. 376.86, F.S., relating to the Brownfield Areas Loan Guarantee Council and program; amending s. 378.032, F.S.; deleting a definition to conform to changes made by the act; repealing s. 378.033, F.S., relating to the Nonmandatory Land Reclamation Committee; amending s. 378.034, F.S.; conforming provisions to changes made by the act; repealing s. 379.2524, F.S., relating to the Sturgeon Production Working Group; amending ss. 379.361 and 379.367, F.S.; conforming cross-references; amending s. 379.3671, F.S.; deleting the Trap Certificate Technical Advisory and Appeals Board; repealing s. 403.42, F.S., relating to the Clean Fuel Florida Advisory Board; repealing s. 403.87, F.S., relating to the technical advisory council for water and domestic wastewater operator certification; amending s. 408.910, F.S.; deleting references to technical advisory panels that may be established by Florida Health

Choices, Inc.; amending s. 409.997, F.S.; deleting the child welfare results-oriented accountability program technical advisory panel; repealing s. 411.226, F.S., relating to the Learning Gateway program and steering committee; repealing s. 430.05, F.S., relating to the Department of Elderly Affairs Advisory Council; amending s. 571.24, F.S.; conforming a provision to changes made by the act; repealing s. 571.28, F.S., relating to the Florida Agricultural Promotional Campaign Advisory Council; repealing s. 595.701, F.S., relating to the Healthy Schools for Healthy Lives Council; repealing s. 603.203, F.S., relating to the Tropical Fruit Advisory Council; amending s. 603.204, F.S.; conforming a provision to changes made by the act; amending s. 1001.7065, F.S.; deleting the advisory board to support specific online degree programs at preeminent state research universities; repealing s. 1002.77, F.S., relating to the Florida Early Learning Advisory Council; amending s. 1002.83, F.S.; conforming a provision to changes made by the act; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 7039**, as amended, was placed on the calendar of Bills on Third Reading.

## SPECIAL GUESTS

The President recognized Commissioner of Agriculture Nikki Fried and Chief Financial Officer Jimmy Patronis, who were present in the chamber.

## SPECIAL RECOGNITION OF SENATOR BRADLEY

At the direction of the President, the Senate proceeded to the recognition of Senator Rob Bradley, honoring his years of service to the Senate as he approaches the completion of his term for the 5<sup>th</sup> Senate District. A video tribute was played honoring Senator Bradley. The President recognized Senator Bradley for farewell remarks. On behalf of the Senate, Senator Passidomo presented Senator Bradley with framed ceremonial copies of CS for SB 10 (2017) Water Resources, ch. 2017-10, Laws of Florida, and CS for SB 82 (2019) Vegetable Gardens, ch. 2019-120, Laws of Florida.

## RECESS

The President declared the Senate in recess at 12:41 p.m. to reconvene at 1:30 p.m. or upon his call.

## AFTERNOON SESSION

The Senate was called to order by the President at 1:30 p.m. A quorum present—39:

Mr. President	Diaz	Pizzo
Albritton	Farmer	Powell
Baxley	Flores	Rader
Bean	Gainer	Rodriguez
Benacquisto	Gibson	Rouson
Berman	Gruters	Simmons
Book	Harrell	Simpson
Bracy	Hooper	Stargel
Bradley	Hutson	Stewart
Brandes	Mayfield	Taddeo
Braynon	Montford	Thurston
Broxson	Passidomo	Torres
Cruz	Perry	Wright

## SPECIAL ORDER CALENDAR, continued

**CS for CS for SB 380**—A bill to be entitled An act relating to the disposition of personal property; amending s. 655.059, F.S.; specifying that a financial institution is not prohibited from disclosing specified information and providing copies of specified affidavits to certain persons relating to deceased account holders; creating s. 735.303, F.S.; providing definitions; authorizing a financial institution to pay funds on deposit in certain accounts to a specified family member of a decedent

without any court proceeding, order, or judgment under certain circumstances; requiring the family member to provide the financial institution a certified copy of the decedent's death certificate and a specified affidavit in order to receive the funds; providing an affidavit form that the family member may use; providing that the financial institution has no duty to make certain determinations; specifying that a person does not have a right or cause of action against a financial institution for certain actions or for failing to take certain actions; providing liability for the family member who withdraws funds; requiring a financial institution to maintain a copy or image of the affidavit for a specified time; authorizing the financial institution to provide copies of the affidavit to certain persons; providing a criminal penalty; creating s. 735.304, F.S.; providing that estates of certain decedents are not subject to probate administration if certain conditions are met; providing that specified persons may request distribution of a decedent's assets by affidavit filed with a court under certain circumstances; providing requirements for content of the affidavit and service of the affidavit on specified persons; requiring certain actions relating to the decedent's creditors; authorizing the court to approve the affidavit and payment of personal property under certain circumstances; providing that bona fide purchasers of personal property take the property free of certain claims and rights; providing for liability against certain personal property for a specified time; providing for liability of recipients of the decedent's personal property under certain circumstances; providing a limitation on liability of the decedent's estate and recipients of the estate under certain circumstances; providing for the award of costs and reasonable attorney fees under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 380**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1439** was withdrawn from the Committees on Banking and Insurance; Judiciary; and Rules.

On motion by Senator Baxley—

**CS for CS for HB 1439**—A bill to be entitled An act relating to bank property of deceased account holders; amending s. 655.059, F.S.; specifying that a financial institution is not prohibited from disclosing specified information and providing copies of specified affidavits to certain persons relating to deceased account holders; creating s. 735.303, F.S.; providing definitions; authorizing a financial institution to pay funds on deposit in certain accounts to a specified family member of a decedent without any court proceeding, order, or judgment under certain circumstances; requiring the family member to provide the financial institution a certified copy of the decedent's death certificate and a specified affidavit in order to receive the funds; providing an affidavit form that the family member may use; providing that the financial institution has no duty to make certain determinations; specifying that a person does not have a right or cause of action against a financial institution for taking certain actions or for failing to take certain actions; providing liability for the family member who withdraws funds; requiring a financial institution to maintain a copy or image of the affidavit for a specified time; authorizing the financial institution to provide copies of the affidavit to certain persons; providing penalties; creating s. 735.304, F.S.; providing that specified types of personal property are not subject to probate administration or formal proceedings under certain circumstances; providing that specified persons may request distribution of a decedent's assets by affidavit through an informal application under certain circumstances; providing requirements for such affidavits; requiring certain actions relating to the decedent's creditors; providing requirements for service of the affidavit on specified persons; authorizing the court to approve the payment, transfer, disposition, delivery, or assignment of personal property under certain circumstances; providing discharge from liability for certain individuals and entities under certain circumstances; providing certain bona fide purchasers protection from specified claims of creditors and from rights of spouses, beneficiaries, and heirs of decedents; providing for liability against certain personal property for a specified time; authorizing specified creditors to enforce claims and to be awarded costs under certain circumstances; providing liability of recipients of the decedent's personal property under certain circumstances; providing a limitation on liability of the decedent's estate and recipients of the estate under certain circumstances; providing an exception; authorizing specified heirs or devisees of a decedent to enforce all rights in proceedings under certain circumstances; providing for the award of costs

and reasonable attorney fees under certain circumstances; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 380** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1439** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 506**—A bill to be entitled An act relating to the public procurement of services; amending s. 255.103, F.S.; revising the maximum dollar amount for continuing contracts for construction projects; amending s. 287.055, F.S.; revising the term "continuing contract" to increase certain maximum dollar amounts for professional architectural, engineering, landscape architectural, and surveying and mapping services; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 506**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 441** was withdrawn from the Committees on Governmental Oversight and Accountability; Appropriations Subcommittee on Agriculture, Environment, and General Government; and Appropriations.

On motion by Senator Perry—

**CS for CS for HB 441**—A bill to be entitled An act relating to the public procurement of services; amending s. 255.103, F.S.; revising the maximum dollar amount for continuing contracts for construction projects; amending s. 287.055, F.S.; revising the term "continuing contract" to increase certain maximum dollar amounts for professional architectural, engineering, landscape architectural, and surveying and mapping services; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 506** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 441** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 688**—A bill to be entitled An act relating to the illegal taking, possession, and sale of bears; amending s. 379.401, F.S.; providing that a person commits specified violations for the illegal taking, possession, and sale of bears; creating s. 379.4041, F.S.; prohibiting the illegal taking, possession, and sale of bears; providing an exception; providing penalties; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 688**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 327** was withdrawn from the Committees on Environment and Natural Resources; Criminal Justice; and Rules.

On motion by Senator Wright—

**CS for HB 327**—A bill to be entitled An act relating to illegal taking, possession, and sale of bears; amending s. 379.401, F.S.; providing that a person commits specified violations for the illegal taking, possession, and sale of bears; creating s. 379.4041, F.S.; prohibiting the illegal taking, possession, and sale of bears; providing penalties; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 688** and read the second time by title.

Senator Wright moved the following amendment which was adopted:

**Amendment 1 (686766) (with title amendment)**—Delete line 76 and insert:

*(1) Unless a person is acting under the authority of rule 68A-4.009, Florida Administrative Code, a person who takes a bear or possesses a freshly*

And the title is amended as follows:

Between lines 7 and 8 insert: an exception; providing

Pursuant to Rule 4.19, **CS for HB 327**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 708** was deferred.

**CS for CS for SB 1220**—A bill to be entitled An act relating to K-12 scholarship programs; amending s. 1002.394, F.S.; revising initial scholarship eligibility criteria for the Family Empowerment Scholarship Program; establishing a priority order for award of a scholarship that includes an adjusted maximum eligible household income level that is increased in specified circumstances; requiring the Department of Education to maintain and publish a list of nationally norm-referenced tests and to establish deadlines for lists of eligible students, applications, and notifications; requiring a private school to report scores to a state university by a specified date; requiring parents to annually renew participation in the program; requiring an eligible nonprofit scholarship-funding organization to award scholarships in priority order and implement deadlines; requiring, rather than authorizing, an annual specified increase in the maximum number of students participating in the scholarship program; amending s. 1002.395, F.S.; revising eligibility criteria for the Florida Tax Credit Scholarship Program and applying the criteria only to initial eligibility; requiring that priority be given to students whose household income levels do not exceed a specified amount or who are in foster care or out-of-home care; requiring scholarship-funding organizations to prioritize renewal scholarships over initial scholarships; requiring a scholarship-funding organization to refer students who did not receive a scholarship because of lack of funds to another scholarship-funding organization; amending s. 1002.40, F.S.; requiring scholarship-funding organizations to use excess contributions to fund scholarships for specified students under certain conditions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1220**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7067** was withdrawn from the Committees on Education; and Appropriations.

On motion by Senator Diaz—

**CS for HB 7067**—A bill to be entitled An act relating to K-12 scholarship programs; amending s. 1002.394, F.S.; revising initial scholarship eligibility criteria for the Family Empowerment Scholarship Program; establishing a priority order for award of a scholarship that includes an adjusted maximum eligible household income level that is increased in specified circumstances; requiring the Department of Education to maintain and publish a list of nationally norm-referenced tests and to establish deadlines for lists of eligible students, applications, and notifications; requiring a private school to report scores to a state university by a specified date; requiring parents to annually renew participation in the program; requiring an eligible nonprofit scholarship-funding organization to award scholarships in priority order and implement deadlines; requiring, rather than authorizing, an annual specified increase in the maximum number of students participating in the scholarship program; amending s. 1002.395, F.S.; revising eligibility criteria for the Florida Tax Credit Scholarship Program and applying the criteria only to initial eligibility; requiring that priority be given to students whose household income levels do not exceed a specified amount or who are in foster care or out-of-home care; requiring scholarship-funding organizations to prioritize renewal scholarships over initial scholarships; requiring a scholarship-funding organization to refer students who did not receive a scholarship because of lack of funds to another scholarship-funding organization; amending s. 1002.40, F.S.; requiring scholarship-funding organizations to use excess contributions to fund scholarships for specified students under certain conditions; amending s. 1011.62, F.S.; revising funding calculations for certain student memberships; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1220** and read the second time by title.

On motion by Senator Diaz, further consideration of **CS for HB 7067** was deferred.

**CS for SB 1784**—A bill to be entitled An act relating to vocational rehabilitation services; amending s. 413.20, F.S.; defining the term “preemployment transition services”; amending s. 413.207, F.S.; revising information that the Division of Vocational Rehabilitation must include in its annual performance report to the Governor and the Legislature; amending s. 413.23, F.S.; requiring the division to provide preemployment transition services to potentially eligible persons; amending s. 413.30, F.S.; removing provisions relating to trial work evaluation requirements; requiring the division to assess the service needs of eligible individuals within a specified period; providing for an extension of time for the division’s assessment under certain circumstances; creating s. 413.301, F.S.; requiring preemployment transition services to be provided to certain individuals with disabilities under certain conditions; requiring that the division provide such services within a reasonable period of time under certain circumstances; requiring the division to work with qualified providers to provide such services under certain circumstances; amending s. 413.405, F.S.; revising the composition of the Florida Rehabilitation Council; revising the responsibilities of the council to conform to changes made by the act; amending s. 413.41, F.S.; requiring the division to enter into a formal interagency agreement with the state education agency for certain purposes; requiring that such agreement meet specified requirements; requiring the division to work with local educational agencies to provide specified services and arrange for timely referrals; amending s. 413.615, F.S.; revising definitions and legislative intent; revising provisions relating to revenue for the endowment fund of the Florida Endowment for Vocational Rehabilitation; revising provisions relating to the board of directors of the Florida Endowment Foundation; revising provisions relating to administrative costs of the foundation; amending s. 1003.5716, F.S.; requiring that a student’s individual education plan contain a statement regarding preemployment transition services; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1784**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 901** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Gainer—

**CS for HB 901**—A bill to be entitled An act relating to vocational rehabilitation services; amending s. 413.20, F.S.; providing a definition; amending s. 413.207, F.S.; revising information that the Division of Vocational Rehabilitation must include in its annual performance report to the Governor and the Legislature; amending s. 413.23, F.S.; requiring the division to provide preemployment transition services to certain potentially eligible persons; amending s. 413.30, F.S.; removing provisions relating to trial work evaluation requirements; requiring the division to assess the service needs of eligible individuals within a specified period; providing for an extension of such assessment under certain circumstances; creating s. 413.301, F.S.; requiring preemployment transition services be provided to certain individuals with disabilities under certain conditions; requiring that the division provide such services within a reasonable period of time under certain circumstances; requiring the division to work with qualified providers to provide such services under certain circumstances; amending s. 413.405, F.S.; revising the composition of the Florida Rehabilitation Council; revising the responsibilities of the Florida Rehabilitation Council to conform to changes made by the act; amending s. 413.41, F.S.; requiring the division to enter into a formal interagency agreement with the state education agency for certain purposes; requiring that such agreement meet specified requirements; requiring the division to work with local educational agencies to provide specified services and arrange for referrals; amending s. 413.615, F.S.; revising definitions and legislative intent; revising provisions relating to revenue for the endowment fund of the Florida Endowment for Vocational Rehabilitation; revising provisions relating to the board of directors of the Florida Endowment Foundation; revising provisions relating to administrative costs for the administration of the foundation; amending s. 1003.5716, F.S.; requiring that a student’s individual education plan contain a statement regarding preemployment transition services; providing an effective date.

—a companion measure, was substituted for **CS for SB 1784** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 901** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 190**—A bill to be entitled An act relating to health care for children; amending s. 383.14, F.S.; requiring the Department of Health to create and make available electronically a pamphlet with specified information; amending s. 383.318, F.S.; requiring birth centers to provide the informational pamphlet to clients during postpartum care; amending s. 395.1053, F.S.; requiring hospitals that provide birthing services to provide the informational pamphlet to parents during postpartum education; creating s. 456.0496, F.S.; requiring certain health care practitioners to ensure that the pamphlet is provided to parents after a planned out-of-hospital birth; amending s. 409.9071, F.S.; revising applicable provisions for the reimbursement of school-based services by the Agency for Health Care Administration to certain school districts; deleting a requirement specifying the use of certified state and local education funds for school-based services; conforming a provision to changes made by the act; deleting an obsolete provision; amending s. 409.908, F.S.; specifying the federal agency that may waive certain school-based provider qualifications; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 190**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 81** was withdrawn from the Committees on Education; Health Policy; and Appropriations.

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

**CS for HB 81**—A bill to be entitled An act relating to Medicaid school-based services; amending s. 409.9071, F.S.; revising applicable provisions for the reimbursement of school-based services by the Agency for Health Care Administration to certain school districts; removing a requirement specifying the use of certified state and local education funds for school-based services; conforming a provision to changes made by the act; removing an obsolete provision; amending s. 409.9072, F.S.; revising a requirement for the agency's reimbursement of school-based services to certain private and charter schools; conforming a provision to changes made by the act; removing a requirement that certain health care practitioners be enrolled as Medicaid providers; amending s. 409.908, F.S.; specifying the federal agency that may waive certain school-based provider qualifications; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 190** and read the second time by title.

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

Senator Montford moved the following amendment which was adopted:

**Amendment 1 (719906) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (i) is added to subsection (3) of section 383.14, Florida Statutes, to read:

383.14 Screening for metabolic disorders, other hereditary and congenital disorders, and environmental risk factors.—

(3) DEPARTMENT OF HEALTH; POWERS AND DUTIES.—The department shall administer and provide certain services to implement the provisions of this section and shall:

(i) Create and make available electronically a pamphlet with information on screening for, and the treatment of, preventable infant and childhood eye and vision disorders, including, but not limited to, retinoblastoma and amblyopia.

All provisions of this subsection must be coordinated with the provisions and plans established under this chapter, chapter 411, and Pub. L. No. 99-457.

Section 2. Paragraph (i) is added to subsection (3) of section 383.318, Florida Statutes, to read:

383.318 Postpartum care for birth center clients and infants.—

(3) The birth center shall provide a postpartum evaluation and followup care that includes all of the following:

(i) *Provision of the informational pamphlet on infant and childhood eye and vision disorders created by the department pursuant to s. 383.14(3)(i).*

Section 3. Section 395.1053, Florida Statutes, is amended to read:

395.1053 Postpartum education.—A hospital that provides birthing services shall incorporate information on safe sleep practices and the possible causes of Sudden Unexpected Infant Death into the hospital's postpartum instruction on the care of newborns and provide to each parent the informational pamphlet on infant and childhood eye and vision disorders created by the department pursuant to s. 383.14(3)(i).

Section 4. Section 456.0496, Florida Statutes, is created to read:

456.0496 *Provision of information to parents during planned out-of-hospital births.*—A health care practitioner who attends an out-of-hospital birth must ensure that the informational pamphlet on infant and childhood eye and vision disorders created by the department pursuant to s. 383.14(3)(i) is provided to each parent after such a birth.

Section 5. Subsection (1), paragraph (b) of subsection (2), and subsection (6) of section 409.9071, Florida Statutes, are amended to read:

409.9071 Medicaid provider agreements for school districts certifying state match.—

(1) The agency shall reimburse school-based services as provided in ss. 409.908(21) and 1011.70 ~~former s. 236.0812~~ pursuant to the rehabilitative services option provided under 42 U.S.C. s. 1396d(a)(13). For purposes of this section, billing agent consulting services are ~~shall~~ be considered billing agent services, as that term is used in s. 409.913(10), and, as such, payments to such persons ~~may shall~~ not be based on amounts for which they bill nor based on the amount a provider receives from the Medicaid program. This provision ~~may shall~~ not restrict privatization of Medicaid school-based services. Subject to any limitations provided for in the General Appropriations Act, the agency, in compliance with appropriate federal authorization, shall develop policies and procedures and shall allow for certification of state and local education funds ~~that which~~ have been provided for school-based services as specified in s. 1011.70 and authorized by a physician's order where required by federal Medicaid law. ~~Any state or local funds certified pursuant to this section shall be for children with specified disabilities who are eligible for both Medicaid and part B or part H of the Individuals with Disabilities Education Act (IDEA), or the exceptional student education program, or who have an individualized educational plan.~~

(2) School districts that wish to enroll as Medicaid providers and that certify state match in order to receive federal Medicaid reimbursements for services, pursuant to subsection (1), shall agree to:

(b) Develop and maintain the financial and ~~other student individual education plan~~ records needed to document the appropriate use of state and federal Medicaid funds.

~~(6) Retroactive reimbursements for services as specified in former s. 236.0812 as of July 1, 1996, including reimbursement for the 1995 1996 and 1996 1997 school years, are subject to federal approval.~~

Section 6. Subsection (21) of section 409.908, Florida Statutes, is amended to read:

409.908 Reimbursement of Medicaid providers.—Subject to specific appropriations, the agency shall reimburse Medicaid providers, in accordance with state and federal law, according to methodologies set forth in the rules of the agency and in policy manuals and handbooks incorporated by reference therein. These methodologies may include fee schedules, reimbursement methods based on cost reporting, negotiated fees, competitive bidding pursuant to s. 287.057, and other mechanisms the agency considers efficient and effective for purchasing services or

goods on behalf of recipients. If a provider is reimbursed based on cost reporting and submits a cost report late and that cost report would have been used to set a new reimbursement rate for a rate semester, then the provider's rate for that semester shall be retroactively calculated using the new cost report, and full payment at the recalculated rate shall be effected retroactively. Medicare-granted extensions for filing cost reports, if applicable, shall also apply to Medicaid cost reports. Payment for Medicaid compensable services made on behalf of Medicaid eligible persons is subject to the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216. Further, nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, or number of services, or making any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act, provided the adjustment is consistent with legislative intent.

(21) The agency shall reimburse school districts ~~that which~~ certify the state match pursuant to ss. 409.9071 and 1011.70 for the federal portion of the school district's allowable costs to deliver the services, based on the reimbursement schedule. The school district shall determine the costs for delivering services as authorized in ss. 409.9071 and 1011.70 for which the state match will be certified. Reimbursement of school-based providers is contingent on such providers being enrolled as Medicaid providers and meeting the qualifications contained in 42 C.F.R. s. 440.110, unless otherwise waived by the *United States Department of Health and Human Services Federal Health Care Financing Administration*. Speech therapy providers who are certified through the Department of Education pursuant to rule 6A-4.0176, Florida Administrative Code, are eligible for reimbursement for services that are provided on school premises. Any employee of the school district who has been fingerprinted and has received a criminal background check in accordance with Department of Education rules and guidelines ~~is shall~~ be exempt from any agency requirements relating to criminal background checks.

Section 7. Paragraph (a) of subsection (1) and subsection (3) of section 1002.391, Florida Statutes, are amended to read:

1002.391 Auditory-oral education programs.—

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

(a) "Auditory-oral education program" means a program that develops and relies solely on listening skills and uses an implant or assistive hearing device for the purpose of relying on speech and spoken language skills as the method of communication *and uses faculty and supervisors certified as listening and spoken language specialists each day the child is in attendance*.

(3) The level of services shall be determined by the individual educational plan team or individualized family support plan team, which includes the child's parent in accordance with the rules of the State Board of Education *and a certified listening and spoken language specialist from the family's chosen program*. A child is eligible for services under this section until the end of the school year in which he or she reaches the age of 7 years or after grade 2, whichever comes first.

Section 8. This act shall take effect July 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to health care for children; amending s. 383.14, F.S.; requiring the Department of Health to create and make available electronically a pamphlet with specified information; amending s. 383.318, F.S.; requiring birth centers to provide the informational pamphlet to clients during postpartum care; amending s. 395.1053, F.S.; requiring hospitals that provide birthing services to provide the informational pamphlet to parents during postpartum education; creating s. 456.0496, F.S.; requiring certain health care practitioners to ensure that the pamphlet is provided to parents after a planned out-of-hospital birth; amending s. 409.9071, F.S.; revising applicable provisions for the reimbursement of school-based services by the Agency for Health Care Administration to certain school districts; deleting a requirement specifying the use of certified state and local education funds for school-based services; conforming a provision to changes made by

the act; deleting an obsolete provision; amending s. 409.908, F.S.; specifying the federal agency that may waive certain school-based provider qualifications; amending s. 1002.391, F.S.; revising the definition for the term "auditory-oral education program"; requiring certain individual educational plan teams and individualized family support plan teams to include a specified specialist; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 81**, as amended, was placed on the calendar of Bills on Third Reading.

**SB 946**—A bill to be entitled An act relating to moments of silence in public schools; amending s. 1003.45, F.S.; providing legislative findings; requiring that public school principals require teachers to set aside time for a moment of silence at the beginning of each school day; specifying the duration of the required moment of silence; prohibiting teachers from making suggestions as to the nature of any reflection that a student may engage in during the moment of silence; deleting a provision authorizing district school boards to provide a brief period of silent prayer or meditation; requiring certain teachers to encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 946**, pursuant to Rule 3.11(3), there being no objection, **HB 737** was withdrawn from the Committee on Rules.

On motion by Senator Baxley—

**HB 737**—A bill to be entitled An act relating to moments of silence in public schools; amending s. 1003.45, F.S.; providing legislative findings; requiring public school principals to require certain teachers to set aside time for a moment of silence at the beginning of each school day; specifying the duration of the required moment of silence; prohibiting teachers from making specified suggestions; deleting a provision authorizing district school boards to provide a brief period of silent prayer or meditation; requiring certain teachers to encourage parents to discuss the moment of silence with their children and to make suggestions as to the best use of this time; providing an effective date.

—a companion measure, was substituted for **SB 946** and read the second time by title.

Pursuant to Rule 4.19, **HB 737** was placed on the calendar of Bills on Third Reading.

**SB 7038**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 895.06, F.S., relating to an exemption from public records requirements for information held by an investigative agency pursuant to an investigation relating to an activity prohibited under the Florida RICO Act; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7038**, pursuant to Rule 3.11(3), there being no objection, **HB 7005** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Accountability; and Rules.

On motion by Senator Perry—

**HB 7005**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 895.06, F.S., which provides an exemption from public records requirements for certain documents and information held by an investigative agency pursuant to an investigation relating to an activity prohibited under the Florida RICO Act; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **SB 7038** and read the second time by title.

Pursuant to Rule 4.19, **HB 7005** was placed on the calendar of Bills on Third Reading.

**CS for SB 358**—A bill to be entitled An act relating to estates and trusts; creating s. 731.1065, F.S.; specifying that precious metals are tangible personal property for the purposes of the Florida Probate Code; providing for retroactive application; amending s. 731.201, F.S.; revising the definition of the term “property”; amending s. 731.301, F.S.; specifying that formal notice is not sufficient to invoke a court’s personal jurisdiction over a person receiving such formal notice; providing applicability; amending s. 733.212, F.S.; revising the required contents of a notice of administration; amending s. 733.610, F.S.; expanding the list of sales or encumbrances that are voidable by interested persons under certain circumstances; amending s. 733.612, F.S.; revising the types of claims and proceedings a personal representative may properly prosecute or defend; amending s. 733.617, F.S.; specifying that certain attorneys and persons are not entitled to compensation for serving as a personal representative unless the attorney or person is related to the testator or unless certain disclosures are made before a will is executed; requiring the testator to execute a written statement that acknowledges that certain disclosures were made; providing requirements for the written statement; specifying when an attorney is deemed to have prepared or supervised the execution of a will; specifying how a person may be related to an individual; specifying when an attorney or a person related to the attorney is deemed to have been nominated in a will; providing construction; providing applicability; amending s. 736.0708, F.S.; specifying that certain attorneys and persons are not entitled to compensation for serving as a trustee unless the attorney or person is related to the settlor or unless certain disclosures are made before the trust instrument is executed; requiring a settlor to execute a written statement that acknowledges that certain disclosures were made; providing requirements for the written statement; specifying when an attorney is deemed to have prepared or supervised the execution of a trust instrument; specifying how a person may be related to an individual; specifying when an attorney or a person related to the attorney is deemed appointed in a trust instrument; providing construction; providing applicability; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 358**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 505** was withdrawn from the Committees on Judiciary; Children, Families, and Elder Affairs; and Rules.

On motion by Senator Berman—

**CS for HB 505**—A bill to be entitled An act relating to estates and trusts; creating s. 731.1065, F.S.; specifying that precious metals are tangible personal property for the purposes of the Florida Probate Code; providing for retroactive application; amending s. 731.201, F.S.; revising the definition of the term “property”; amending s. 731.301, F.S.; specifying that formal notice is not sufficient to invoke a court’s personal jurisdiction over a person receiving such formal notice; providing applicability; amending s. 733.212, F.S.; revising the required contents of a notice of administration; amending s. 733.610, F.S.; expanding the list of sales or encumbrances that are voidable by interested persons under certain circumstances; amending s. 733.612, F.S.; revising the types of claims and proceedings a personal representative may properly prosecute or defend; amending s. 733.617, F.S.; specifying that certain attorneys and persons are not entitled to compensation for serving as a personal representative unless the attorney or person is related to the testator or unless certain disclosures are made before a will is executed; requiring the testator to execute a written statement that acknowledges that certain disclosures were made; providing requirements for the written statement; specifying when an attorney is deemed to have prepared or supervised the execution of a will; specifying how a person may be related to an individual; specifying when an attorney or a person related to the attorney is deemed to have been nominated in a will; providing construction; providing applicability; amending s. 736.0708, F.S.; specifying that certain attorneys and persons are not entitled to compensation for serving as a trustee unless the attorney or person is related to the settlor or unless certain disclosures are made before the trust instrument is executed; requiring a settlor to execute a written statement that acknowledges that certain disclosures were made; providing requirements for the written statement; specifying when an attorney is deemed to have prepared or supervised the execution of a trust instrument; specifying how a person may be related to an individual; specifying when an attorney or a person related to the attorney is deemed appointed in a trust instrument; providing construction; providing applicability; providing effective dates.

—a companion measure, was substituted for **CS for SB 358** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 505** was placed on the calendar of Bills on Third Reading.

**CS for SB 714**—A bill to be entitled An act relating to the testing for and treatment of influenza; amending s. 381.0031, F.S.; requiring specified licensed pharmacists to report certain information to the Department of Health; amending s. 465.003, F.S.; revising the definition of the term “practice of the profession of pharmacy”; creating s. 465.1895, F.S.; authorizing pharmacists to test for and treat influenza and providing requirements relating thereto; requiring the written protocol between a pharmacist and a supervising physician to contain certain information, terms, and conditions; requiring the Board of Medicine, in consultation with the Board of Pharmacy and the Board of Osteopathic Medicine, to develop a specified certification program for pharmacists within a specified timeframe; requiring a pharmacist to collect a medical history before testing and treating a patient; requiring a pharmacy in which a pharmacist tests for and treats influenza to display and distribute specified information; providing limitations on the medications a pharmacist may administer to treat influenza; requiring pharmacists to review certain information for a specified purpose before testing and treating patients; requiring a pharmacist who tests for and treats influenza to maintain professional liability insurance in a specified amount; providing recordkeeping requirements for pharmacists who test for and treat influenza; providing that a person may not interfere with a physician’s professional decision to enter into a written protocol with a pharmacist; providing that a pharmacist may not enter into a written protocol under certain circumstances; requiring the Board of Medicine, in consultation with the Board of Pharmacy and the Board of Osteopathic Medicine, to adopt rules within a specified timeframe; requiring pharmacists to notify a patient’s primary care provider and follow up with the treated patient within specified timeframes; prohibiting a pharmacist from testing or treating patients under certain circumstances; specifying circumstances under which a physician may supervise a pharmacist under a written protocol; providing a contingency on implementation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 714**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 389** was withdrawn from the Committee on Appropriations.

The motion to substitute **CS for HB 389** for **CS for SB 714** failed.

On motion by Senator Hutson, further consideration of **CS for SB 714** was deferred.

**CS for CS for SB 1564**—A bill to be entitled An act relating to genetic information for insurance purposes; amending s. 627.4301, F.S.; providing definitions; prohibiting life insurers and long-term care insurers from canceling, limiting, or denying coverage or establishing differentials in premium rates based on genetic information under certain circumstances; prohibiting such insurers from taking certain actions relating to genetic information for any insurance purpose; providing construction and applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1564**, pursuant to Rule 3.11(3), there being no objection, **HB 1189** was withdrawn from the Committee on Rules.

On motion by Senator Stargel—

**HB 1189**—A bill to be entitled An act relating to genetic information for insurance purposes; amending s. 627.4301, F.S.; providing definitions; prohibiting life insurers and long-term care insurers from canceling, limiting, or denying coverage, or establishing differentials in premium rates based on genetic information under certain circumstances; prohibiting such insurers from taking certain actions relating to genetic information for any insurance purpose; providing applicability; providing an effective date.



—a companion measure, was substituted for **CS for CS for SB 1564** and read the second time by title.

Senator Stargel moved the following amendment which was adopted:

**Amendment 1 (624566) (with title amendment)**—Between lines 64 and 65 insert:

*(d) Nothing in this section shall be construed as preventing a life insurer or long-term care insurer from accessing an individual's medical record as part of an application exam. Nothing in this section prohibits a life insurer or long-term care insurer from considering a medical diagnosis included in an individual's medical record, even if a diagnosis was made based on the results of a genetic test.*

And the title is amended as follows:

Delete line 10 and insert: any insurance purpose; providing construction and applicability;

#### SENATOR SIMMONS PRESIDING

Pursuant to Rule 4.19, **HB 1189**, as amended, was placed on the calendar of Bills on Third Reading.

**SB 7058**—A bill to be entitled An act relating to the Internal Revenue Code; amending s. 220.03, F.S.; adopting the 2020 version of the Internal Revenue Code for purposes of the state corporate income tax code; providing for retroactive operation; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7058**, pursuant to Rule 3.11(3), there being no objection, **HB 7095** was withdrawn from the Committees on Finance and Tax; and Appropriations.

On motion by Senator Gainer—

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

—a companion measure, was substituted for **SB 7058** and read the second time by title.

Pursuant to Rule 4.19, **HB 7095** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 7060** was deferred.

**CS for SB 1312**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; defining the term “automatic tabulating equipment” for purposes of the Florida Election Code; amending s. 101.5612, F.S.; revising the timeframes for conducting public preelection testing of automatic tabulating equipment; amending s. 101.5614, F.S.; revising procedures governing the canvassing of returns to specify usage of a voting system’s automatic tabulating equipment; amending s. 102.141, F.S.; clarifying the circumstances under which ballots must be processed through automatic tabulating equipment in a recount; amending s. 102.166, F.S.; specifying the manner by which a manual recount may be conducted; revising requirements for hardware or software used in a manual recount; authorizing overvotes and undervotes to be identified and sorted physically or digitally in a manual recount; revising minimum requirements for Department of State rules to require procedures regarding the certification and use of automatic tabulating equipment for manual recounts; providing construction; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for SB 1312**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1005** was withdrawn from

the Committees on Ethics and Elections; Governmental Oversight and Accountability; and Appropriations.

On motion by Senator Montford—

**CS for HB 1005**—A bill to be entitled An act relating to voting systems; amending s. 97.021, F.S.; defining the term “automatic tabulating equipment” for purposes of the Florida Election Code; amending s. 101.5612, F.S.; revising the timeframes for certain public testing of automatic tabulating equipment; amending s. 101.5614, F.S.; revising procedures governing the canvassing of returns to specify usage of a voting system’s automatic tabulating equipment; amending s. 102.141, F.S.; specifying the circumstances under which ballots must be processed through automatic tabulating equipment in a recount; amending s. 102.166, F.S.; specifying the manner by which a manual recount may be conducted; revising requirements for hardware or software used in a manual recount; authorizing overvotes and undervotes to be identified and sorted physically or digitally in a manual recount; revising minimum requirements for Department of State rules to require procedures regarding the certification and use of automatic tabulating equipment for manual recounts; providing construction; providing effective dates.

—a companion measure, was substituted for **CS for SB 1312** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1005** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 888**—A bill to be entitled An act relating to public nuisances; amending s. 60.05, F.S.; authorizing sheriffs to enjoin public nuisances; revising notice requirements for the filing of temporary injunctions relating to the enjoinder of certain nuisances; extending the period of notice before a lien may attach to certain real estate; amending s. 823.05, F.S.; making technical changes; declaring that the use of a location by a criminal gang, criminal gang members, or criminal gang associates for criminal gang-related activity is a public nuisance; declaring that any place or premises that has been used on more than two occasions during a certain period as the site of specified violations is a nuisance and may be abated or enjoined pursuant to specified provisions; providing a property owner an opportunity to remedy a nuisance before specified legal actions may be taken against the property under certain circumstances; amending s. 893.138, F.S.; declaring that any place or premises that has been used on more than two occasions during a certain period as the site of any combination of specified violations may be declared to be a nuisance and may be abated pursuant to specified procedures; providing a property owner an opportunity to remedy a nuisance before specified legal actions may be taken against the property under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 888**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 625** was withdrawn from the Committees on Criminal Justice; Community Affairs; and Rules.

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

**CS for CS for HB 625**—A bill to be entitled An act relating to public nuisances; amending s. 60.05, F.S.; authorizing sheriffs to sue to enjoin nuisances; revising notice requirements for the filing of temporary injunctions relating to the enjoinder of certain nuisances; extending the period of notice before a lien may attach to certain real estate; amending s. 823.05, F.S.; making technical changes; declaring that the use of a location by a criminal gang, criminal gang members, or criminal gang associates for criminal gang-related activity is a public nuisance; declaring that any place or premises that has been used on more than two occasions during a certain time period as the site of specified violations is a nuisance and may be abated or enjoined pursuant to specified provisions; providing a property owner an opportunity to remedy a nuisance before specified legal actions may be taken against the property under certain circumstances; amending s. 893.138, F.S.; declaring that any place or premises that has been used on more than two occasions during a certain time period as the site of any combination of specified violations is a nuisance and may be abated pursuant to specified provisions; prohibiting a rental property from being abated or

subject to forfeiture under certain conditions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 888** and, by two-thirds vote, read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 625** was placed on the calendar of Bills on Third Reading.

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**CS for SB 4**—A bill to be entitled An act for the relief of Dontrell Stephens through Evett L. Simmons, as guardian of his property, by the Palm Beach County Sheriff's Office; providing for an appropriation to compensate him for personal injuries and damages sustained as the result of the negligence of a deputy of the office; providing a limitation on the payment of compensation, fees, and costs; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 4**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 6501** was withdrawn from the Committees on Judiciary; and Rules.

On motion by Senator Flores—

**CS for CS for HB 6501**—A bill to be entitled An act for the relief of Dontrell Stephens through Evett L. Simmons, as guardian of his property, by the Palm Beach County Sheriff's Office; providing for an appropriation to compensate him for personal injuries and damages sustained as the result of the negligence of a deputy of the office; providing for payment of compensation, fees, and costs; providing a limitation on the payment of attorney fees, lobbying fees, and costs; providing for the waiver and extinguishment of certain liens; providing that certain unextinguished lien interest shall be the responsibility of the Palm Beach County Sheriff's Office; providing a limitation on the payment of such liens; providing an effective date.

—a companion measure, was substituted for **CS for SB 4** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 6501** was placed on the calendar of Bills on Third Reading.

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**SB 1020**—A bill to be entitled An act relating to institutional formularies established by nursing home facilities; creating s. 400.143, F.S.; defining terms; authorizing a nursing home facility to establish and implement an institutional formulary; requiring such formulary to be developed by a committee established by the nursing home facility; providing for committee membership; providing requirements for the development and implementation of the institutional formulary; requiring a nursing home facility to maintain written policies and procedures for the institutional formulary; requiring a nursing home facility to make available such policies and procedures to the Agency for Health Care Administration, upon request; requiring a prescriber to annually authorize the use of the institutional formulary for certain patients; requiring the prescriber to opt into any changes made to the institutional formulary; authorizing a prescriber to opt out of use of the institutional formulary or to prevent a therapeutic substitution, under certain circumstances; prohibiting a nursing home facility from taking adverse action against a prescriber for refusing to agree to the use of the institutional formulary; amending s. 465.025, F.S.; authorizing a pharmacist to therapeutically substitute medicinal drugs under an institutional formulary established by a nursing home facility, under certain circumstances; prohibiting a pharmacist from therapeutically substituting a medicinal drug, under certain circumstances; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1020**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 559** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

On motion by Senator Bean—

**CS for HB 559**—A bill to be entitled An act relating to institutional formularies established by nursing home facilities; creating s. 400.143, F.S.; providing definitions; authorizing a nursing home facility to establish and implement an institutional formulary; requiring a nursing home facility to establish a committee to develop an institutional formulary; providing for committee membership; providing requirements for the development and implementation of the institutional formulary; requiring a nursing home facility to maintain the written policies and procedures for the institutional formulary; requiring a nursing home facility to make available such policies and procedures to the Agency for Health Care Administration, upon request; requiring a prescriber to authorize the use of the institutional formulary for each patient; requiring a nursing home facility to obtain the prescriber's approval for any changes made to the institutional formulary; authorizing a prescriber to opt out of using the institutional formulary; prohibiting a nursing home facility from taking adverse action against a prescriber for declining to use the institutional formulary; requiring a nursing home facility to notify the prescriber of therapeutic substitutions using a certain method of communication; requiring the nursing home facility to document such substitutions in a resident's medical records; authorizing a prescriber to prevent a therapeutic substitution for a specific prescription; requiring the nursing home facility to obtain informed consent for the use of the institutional formulary; requiring such facility to inform a resident or the resident's legal representative, or his or her designee, of the right to refuse to participate in the use of the institutional formulary; prohibiting a nursing home facility from taking adverse action against a resident for refusing to participate in the use of the institutional formulary; amending s. 465.025, F.S.; authorizing a pharmacist to therapeutically substitute medicinal drugs under an institutional formulary established by a nursing home facility under certain circumstances; prohibiting a pharmacist from therapeutically substituting a medicinal drug under certain circumstances; providing an effective date.

—a companion measure, was substituted for **SB 1020** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 559** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for CS for SB 160** was deferred.

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**CS for SB 170**—A bill to be entitled An act relating to the time limitation on the prosecution of sexual battery cases; amending s. 775.15, F.S.; providing that a prosecution may be commenced at any time for specified sexual battery offenses against victims who were younger than a certain age at the time the offense was committed; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 170**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 199** was withdrawn from the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

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

**CS for HB 199**—A bill to be entitled An act relating to the sexual battery prosecution time limitation; providing a short title; amending s. 775.15, F.S.; creating an exception to the general time limitations which allows a prosecution to be commenced at any time for specified sexual battery offenses against victims younger than a certain age at the time the offense was committed; providing applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 170** and, by two-thirds vote, read the second time by title.

Pursuant to Rule 4.19, **CS for HB 199** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1726**—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 383.327, F.S.; requiring birth centers to report certain deaths and stillbirths to the agency; revising the frequency with which a certain report must be submitted to the agency; authorizing the agency to prescribe by rule the frequency with which such report is submitted; amending s. 395.003, F.S.; removing a requirement that specified information be listed on licenses for certain facilities; amending s. 395.1055, F.S.; requiring the agency to adopt specified rules related to ongoing quality improvement programs for certain cardiac programs; amending s. 395.602, F.S.; revising the definition of the term “rural hospital”; repealing s. 395.7015, F.S., relating to an annual assessment on health care entities; amending s. 395.7016, F.S.; conforming a provision to changes made by the act; amending s. 400.19, F.S.; revising provisions requiring the agency to conduct licensure inspections of nursing homes; requiring the agency to conduct additional licensure surveys under certain circumstances; requiring the agency to assess a specified fine for such surveys; amending s. 400.462, F.S.; revising definitions; amending s. 400.464, F.S.; revising exemptions from licensure requirements for home health agencies; amending s. 400.471, F.S.; revising provisions related to certain application requirements for home health agencies; amending s. 400.492, F.S.; revising provisions related to services provided by home health agencies during an emergency; amending s. 400.506, F.S.; revising provisions related to licensure requirements for nurse registries; amending s. 400.509, F.S.; revising provisions related to the registration of certain service providers; amending s. 400.605, F.S.; removing a requirement that the agency conduct specified inspections of certain licensees; amending s. 400.60501, F.S.; deleting an obsolete date; removing a requirement that the agency develop a specified annual report; amending s. 400.9905, F.S.; revising the definition of the term “clinic”; amending s. 400.991, F.S.; removing the option for health care clinics to file a surety bond under certain circumstances; amending s. 400.9935, F.S.; revising provisions related to the schedule of charges published and posted by certain clinics; specifying that urgent care centers are subject to such requirements; amending s. 408.033, F.S.; conforming a provision to changes made by the act; amending s. 408.05, F.S.; requiring the agency to publish by a specified date an annual report identifying certain health care services; amending s. 408.061, F.S.; revising provisions requiring health care facilities to submit specified data to the agency; amending s. 408.0611, F.S.; removing a requirement that the agency annually report to the Governor and the Legislature by a specified date on the progress of implementation of electronic prescribing and, instead, requiring the agency to annually publish such information on its website; amending s. 408.062, F.S.; removing requirements that the agency annually report specified information to the Governor and Legislature by a specified date and, instead, requiring the agency to annually publish such information on its website; amending s. 408.063, F.S.; removing a requirement that the agency publish certain annual reports; amending s. 408.802, F.S.; conforming provisions to changes made by the act; amending s. 408.803, F.S.; conforming a definition to changes made by the act; defining the term “low-risk provider”; amending s. 408.806, F.S.; exempting certain providers from a specified inspection; amending s. 408.808, F.S.; authorizing the issuance of a provisional license to certain applicants; amending s. 408.809, F.S.; revising background screening requirements for certain licensees and providers; amending s. 408.811, F.S.; authorizing the agency to grant certain providers an exemption from a specified inspection under certain circumstances; authorizing the agency to adopt rules to grant waivers of certain inspections and allow for extended inspection periods under certain circumstances; requiring the agency to conduct unannounced licensure inspections of certain providers during a specified time period; providing that the agency may conduct regulatory compliance inspections of providers at any time; amending s. 408.820, F.S.; conforming a provision to changes made by the act; amending s. 408.821, F.S.; revising provisions requiring licensees to have a specified plan; providing requirements for the submission of such plan; amending ss. 408.831 and 408.832, F.S.; conforming provisions to changes made by the act; amending s. 408.909, F.S.; removing a requirement that the agency and the Office of Insurance Regulation evaluate a specified program; amending s. 408.9091, F.S.; deleting a requirement that the agency and office submit a specified joint annual report to the Governor and the Legislature;

amending s. 409.905, F.S.; providing construction for a provision that requires the agency to discontinue its hospital retrospective review program under certain circumstances; providing legislative intent; amending s. 409.907, F.S.; requiring that a specified background screening be conducted through the agency on certain persons and entities; repealing s. 19 of chapter 2019-116, Laws of Florida, relating to the abrogation of the scheduled expiration of an amendment to s. 409.908(23), F.S., and the scheduled reversion of the text of that subsection; amending 409.908, F.S.; revising provisions related to the prospective payment methodology for certain Medicaid provider reimbursements; reenacting s. 409.908(23), relating to reimbursement of Medicaid providers for certain services; amending s. 409.913, F.S.; revising the due date for a certain annual report; deleting the requirement that certain agencies submit their annual reports jointly; providing that the agency or its contractor is entitled to recover certain costs and attorney fees related to audits, investigations, or enforcement actions conducted by the agency or its contractor; amending s. 409.920, F.S.; revising provisions related to prohibited referral practices in the Medicaid program; amending ss. 409.967 and 409.973, F.S.; revising the length of managed care plan contracts procured by the agency beginning during a specified timeframe; requiring the agency to extend the term of certain existing managed care plan contracts until a specified date; amending s. 429.11, F.S.; removing an authorization for the issuance of a provisional license to certain facilities; amending s. 429.19, F.S.; removing requirements that the agency develop and disseminate a specified list and the Department of Children and Families disseminate such list to certain providers; amending ss. 429.35 and 429.905, F.S.; revising provisions requiring a biennial inspection cycle for specified facilities; amending s. 429.929, F.S.; revising provisions requiring a biennial inspection cycle for adult day care centers; amending ss. 627.6387, 627.6648, and 641.31076, F.S.; revising the definition of the term “shoppable health care service”; revising the duties of certain health insurers and health maintenance organizations; repealing part I of ch. 483, F.S., relating to the Florida Multiphasic Health Testing Center Law; redesignating parts II and III of ch. 483, F.S., as parts I and II, respectively; amending ss. 20.43, 381.0034, 456.001, 456.057, 456.076, and 456.47, F.S.; conforming cross-references; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1726**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 731** was withdrawn from the Committee on Appropriations.

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

**CS for CS for HB 731**—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 383.327, F.S.; requiring birth centers to report certain deaths and stillbirths to the Agency for Health Care Administration; removing a requirement that a certain report be submitted annually to the agency; authorizing the agency to prescribe by rule the frequency at which such report is submitted; amending s. 395.003, F.S.; removing a requirement that specified information be listed on licenses for certain facilities; amending s. 395.1055, F.S.; requiring the agency to adopt specified rules related to ongoing quality improvement programs for certain cardiac programs; amending s. 395.602, F.S.; extending a certain date relating to the designation of certain rural hospitals; repealing s. 395.7015, F.S., relating to an annual assessment on health care entities; amending s. 395.7016, F.S.; conforming a provision to changes made by the act; amending s. 400.19, F.S.; revising provisions requiring the agency to conduct licensure inspections of nursing homes; requiring the agency to conduct biannual licensure surveys under certain circumstances; revising a provision requiring the agency to assess a specified fine for such surveys; amending s. 400.462, F.S.; revising definitions; amending s. 400.464, F.S.; revising provisions relating to exemptions from licensure requirements for home health agencies; exempting certain persons from such licensure requirements; amending ss. 400.471, 400.492, 400.506, and 400.509, F.S.; revising provisions relating to licensure requirements for home health agencies to conform to changes made by the act; amending s. 400.605, F.S.; removing a requirement that the agency conduct specified inspections of certain licensees; amending s.

400.60501, F.S.; removing an obsolete date and a requirement that the agency develop a specified annual report; amending s. 400.9905, F.S.; revising the definition of the term “clinic”; amending s. 400.991, F.S.; conforming provisions to changes made by the act; removing the option for health care clinics to file a surety bond under certain circumstances; amending s. 400.9935, F.S.; requiring certain clinics to publish and post a schedule of charges; amending s. 408.033, F.S.; conforming a provision to changes made by the act; amending s. 408.05, F.S.; requiring the agency to publish an annual report identifying certain health care services by a specified date; amending s. 408.061, F.S.; revising provisions requiring health care facilities to submit specified data to the agency; amending s. 408.0611, F.S.; requiring the agency to annually publish a report on the progress of implementation of electronic prescribing on its Internet website; amending s. 408.062, F.S.; requiring the agency to annually publish certain information on its Internet website; removing a requirement that the agency submit certain annual reports to the Governor and Legislature; amending s. 408.063, F.S.; removing a requirement that the agency annually publish certain reports; amending ss. 408.802, 408.820, 408.831, and 408.832, F.S.; conforming provisions to changes made by the act; amending s. 408.803, F.S.; conforming a provision to changes made by the act; providing a definition of the term “low-risk provider”; amending s. 408.806, F.S.; exempting certain low-risk providers from a specified inspection; amending s. 408.808, F.S.; authorizing the issuance of a provisional license to certain applicants; amending s. 408.809, F.S.; revising provisions relating to background screening requirements for certain licensure applicants; removing an obsolete date and provisions relating to certain rescreening requirements; amending s. 408.811, F.S.; authorizing the agency to exempt certain low-risk providers from inspections and conduct unannounced licensure inspections of such providers under certain circumstances; authorizing the agency to adopt rules to waive routine inspections and grant extended time periods between relicensure inspections under certain conditions; amending s. 408.821, F.S.; revising provisions requiring licensees to have a specified plan; providing requirements for the submission of such plan; amending s. 408.909, F.S.; removing a requirement that the agency and Office of Insurance Regulation evaluate a specified program; amending s. 408.9091, F.S.; removing a requirement that the agency and office jointly submit a specified annual report to the Governor and Legislature; amending s. 409.905, F.S.; providing construction for a provision that requires the agency to discontinue its hospital retrospective review program under certain circumstances; providing legislative intent; amending s. 409.907, F.S.; requiring that a specified background screening be conducted through the agency on certain persons and entities; amending s. 409.908, F.S.; revising provisions related to the prospective payment methodology for certain Medicaid provider reimbursements; amending s. 409.913, F.S.; revising a requirement that the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs submit a specified report to the Legislature; authorizing the agency to recover specified costs associated with an audit, investigation, or enforcement action relating to provider fraud under the Medicaid program; amending s. 409.920, F.S.; revising provisions related to prohibited referral practices under the Medicaid program; providing applicability; amending ss. 409.967 and 409.973, F.S.; revising the length of managed care plan and Medicaid prepaid dental health program contracts, respectively, procured by the agency beginning during a specified timeframe; requiring the agency to extend the term of certain existing contracts until a specified date; amending s. 429.11, F.S.; removing an authorization for the issuance of a provisional license to certain facilities; amending s. 429.19, F.S.; removing requirements that the agency develop and disseminate a specified list and the Department of Children and Families disseminate such list to certain providers; amending ss. 429.35, 429.905, and 429.929, F.S.; revising provisions requiring a biennial inspection cycle for specified facilities and centers, respectively; repealing part I of chapter 483, F.S., relating to The Florida Multiphasic Health Testing Center Law; amending ss. 627.6387, 627.6648, and 641.31076, F.S.; revising the definition of the term “shoppable health care service”; revising duties of certain health insurers and health maintenance organizations; amending ss. 20.43, 381.0034, 456.001, 456.057, 456.076, and 456.47, F.S.; conforming cross-references; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 1726** and, by two-thirds vote, read the second time by title.

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

Senator Bradley moved the following amendment which was adopted:

**Amendment 1 (419896) (with title amendment)**—Before line 136 insert:

Section 1. Paragraph (c) of subsection (4) of section 381.915, Florida Statutes, is amended to read:

381.915 Florida Consortium of National Cancer Institute Centers Program.—

(4) Tier designations and corresponding weights within the Florida Consortium of National Cancer Institute Centers Program are as follows:

(c) Tier 3: Florida-based cancer centers seeking designation as either a NCI-designated cancer center or NCI-designated comprehensive cancer center, which shall be weighted at 1.0.

1. A cancer center shall meet the following minimum criteria to be considered eligible for Tier 3 designation in any given fiscal year:

a. Conducting cancer-related basic scientific research and cancer-related population scientific research;

b. Offering and providing the full range of diagnostic and treatment services on site, as determined by the Commission on Cancer of the American College of Surgeons;

c. Hosting or conducting cancer-related interventional clinical trials that are registered with the NCI’s Clinical Trials Reporting Program;

d. Offering degree-granting programs or affiliating with universities through degree-granting programs accredited or approved by a nationally recognized agency and offered through the center or through the center in conjunction with another institution accredited by the Commission on Colleges of the Southern Association of Colleges and Schools;

e. Providing training to clinical trainees, medical trainees accredited by the Accreditation Council for Graduate Medical Education or the American Osteopathic Association, and postdoctoral fellows recently awarded a doctorate degree; and

f. Having more than \$5 million in annual direct costs associated with their total NCI peer-reviewed grant funding.

2. The General Appropriations Act or accompanying legislation may limit the number of cancer centers which shall receive Tier 3 designations or provide additional criteria for such designation.

3. A cancer center’s participation in Tier 3 *may not extend beyond June 30, 2024* ~~shall be limited to 6 years.~~

4. A cancer center that qualifies as a designated Tier 3 center under the criteria provided in subparagraph 1. by July 1, 2014, is authorized to pursue NCI designation as a cancer center or a comprehensive cancer center *until June 30, 2024* ~~for 6 years after qualification.~~

And the title is amended as follows:

Delete line 3 and insert: Administration; amending s. 381.915, F.S.; revising time limits for Tier 3 cancer center designations within the Florida Consortium of National Cancer Institute Centers Program; amending s. 383.327, F.S.; requiring

Pursuant to Rule 4.19, **CS for CS for HB 731**, as amended, was placed on the calendar of Bills on Third Reading.

**CS for SB 1738**—A bill to be entitled An act relating to motor vehicle dealers; providing legislative findings; amending s. 324.021, F.S.; providing that certain motor vehicle dealers and their leasing or rental

affiliates are immune from causes of action and are not liable for harm to persons or property under certain circumstances; defining the term “service customer”; providing exceptions to the limits on liability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1738**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 977** was withdrawn from the Committees on Infrastructure and Security; Judiciary; and Rules.

On motion by Senator Brandes—

**CS for CS for HB 977**—A bill to be entitled An act relating to motor vehicle dealers; providing legislative findings; amending s. 324.021, F.S.; revising the definition of the term “rental company” to exclude certain motor vehicle dealers, for the purpose of determining minimum insurance coverage requirements; providing that specified motor vehicle dealers and their affiliates are immune to causes of action and not vicariously or directly liable for harm to persons or property under certain circumstances; providing that specified motor vehicle dealers and their affiliates are not adjudged liable in civil proceedings or guilty in criminal proceedings under certain circumstances; providing exceptions; providing an effective date.

—a companion measure, was substituted for **CS for SB 1738** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 977** was placed on the calendar of Bills on Third Reading.

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Consideration of **CS for SB 798** was deferred.

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**SB 7036**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending ss. 119.071 and 943.0583, F.S.; abrogating the scheduled repeals of provisions relating to specified criminal intelligence information or criminal investigative information; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7036**, pursuant to Rule 3.11(3), there being no objection, **HB 7019** was withdrawn from the Committees on Criminal Justice; Governmental Oversight and Accountability; and Rules.

On motion by Senator Perry—

**HB 7019**—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 119.071, F.S., which provides an exemption from public records requirements for certain criminal intelligence and criminal investigative information that reveals the identity of a victim of certain human trafficking offenses; removing the scheduled repeal of the exemption; amending s. 943.0583, F.S., which provides an exemption from public records requirements for criminal intelligence and criminal investigative information revealing the identity of a victim of human trafficking whose criminal history record has been ordered expunged; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **SB 7036** and read the second time by title.

Pursuant to Rule 4.19, **HB 7019** was placed on the calendar of Bills on Third Reading.

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**SB 1042**—A bill to be entitled An act relating to aquatic preserves; creating s. 258.3991, F.S.; creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in the aquatic preserve system; describing the boundaries of the preserve; outlining the authority of the Board of Trustees of the Internal Improvement Trust Fund in respect to the preserve; requiring the board to adopt rules; prohibiting the establishment and management of the preserve from infringing upon the riparian rights of upland property owners adjacent to or within the

preserve; providing civil penalties; providing applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1042**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1061** was withdrawn from the Committees on Environment and Natural Resources; and Rules.

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

**CS for CS for HB 1061**—A bill to be entitled An act relating to aquatic preserves; creating s. 258.3991, F.S.; creating the Nature Coast Aquatic Preserve; designating the preserve for inclusion in the aquatic preserve system and as an Outstanding Florida Water; describing the boundaries of the preserve; providing an effective date.

—a companion measure, was substituted for **SB 1042** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1061** was placed on the calendar of Bills on Third Reading.

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**CS for SB 1366**—A bill to be entitled An act relating to trusts; creating s. 736.08145, F.S.; authorizing trustees of certain trusts to reimburse persons being treated as the owner of the trust for specified amounts and in a specified manner; prohibiting certain policies, values, and proceeds from being used for such reimbursement; providing applicability; prohibiting certain trustees from taking specified actions relating to trusts; requiring that specified powers be granted to certain persons if the terms of the trust require a trustee to act at the direction or with the consent of such persons or that specified decisions be made directly by such persons; providing construction; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1366**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1089** was withdrawn from the Committees on Judiciary; Banking and Insurance; and Rules.

On motion by Senator Gruters—

**CS for HB 1089**—A bill to be entitled An act relating to trusts; creating s. 736.08145, F.S.; authorizing trustees of certain trusts to reimburse persons being treated as the owner of the trust for specified amounts and in a specified manner; prohibiting certain policies, values, and proceeds from being used for such reimbursement; providing applicability; prohibiting certain trustees from taking specified actions relating to trusts; requiring that specified powers be granted to certain persons if the terms of the trust require a trustee to act at the direction or with the consent of such persons or that specified decisions be made directly by such persons; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for SB 1366** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1089** was placed on the calendar of Bills on Third Reading.

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**CS for CS for CS for SB 1516**—A bill to be entitled An act relating to organ donation; amending s. 381.0041, F.S.; providing that it is a felony for certain persons who are infected with human immunodeficiency virus to donate blood, plasma, organs, skin, or other human tissue for use in another person, with an exception; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt by rule specified minimum standards for certain organ transplants; providing for the expiration of the requirement upon the adoption of specified rules; amending s. 627.6045, F.S.; prohibiting a health insurance policy from limiting or excluding coverage solely on the basis that an insured is a living organ donor; amending s. 765.514, F.S.; revising a written document required for making an anatomical gift to include a specified statement relating to the responsibility of payment for fees associated with certain services; amending s. 765.5155, F.S.; revising the responsibilities of a contractor procured by the agency for the purpose of educating and informing the public about anatomical

gifts; amending s. 765.517, F.S.; prohibiting an organ procurement organization from charging a deceased donor or his or her family member any fee for services relating to the procurement or donation of organs; creating s. 765.5175, F.S.; prohibiting an organ transplantation facility from charging a living donor or his or her family member any fee for services relating to the procurement or donation of organs, with an exception; amending s. 765.53, F.S.; requiring the agency to establish the Organ Transplant Technical Advisory Council for a specified purpose; providing for membership, meetings, and duties of the council; requiring the council to submit a report to the Governor, the Legislature, the Secretary of Health Care Administration, and the State Surgeon General by a specified date; providing for sovereign immunity of council members under certain circumstances; requiring the agency to adopt specified rules based on the council's recommendations; providing for future legislative review and repeal of certain provisions; amending s. 765.543, F.S.; revising the duties of the Organ and Tissue Procurement and Transplantation Advisory Board; requiring the board to submit certain recommendations to the agency by a specified date; creating s. 765.548, F.S.; providing additional duties of the agency relating to organ transplantation facilities and organ procurement organizations and organ donation procedures and protocols; requiring the agency to publish certain data and information by a specified date and annually thereafter; amending s. 409.815, F.S.; conforming a provision to changes made by the act; providing an effective date.

—was read the second time by title.

Amendments were considered and adopted to conform **CS for CS for CS for SB 1516** to **CS for HB 1187**.

Pending further consideration of **CS for CS for CS for SB 1516**, as amended, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1187** was withdrawn from the Committees on Health Policy; Judiciary; and Rules.

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

**CS for HB 1187**—A bill to be entitled An act relating to organ donation; amending s. 395.1055, F.S.; revising a provision relating to certain rules adopted by the Agency for Health Care Administration; amending s. 765.5155, F.S.; revising the responsibilities of a contractor procured by the agency for the purpose of educating and informing the public about anatomical gifts; amending s. 765.517, F.S.; prohibiting an organ transplantation facility from charging a donor or his or her family member any fee for services relating to the procurement or donation of organs; amending s. 765.522, F.S.; revising a requirement that the agency establish rules and guidelines relating to the education of certain individuals designated to perform certain organ donation procedures; amending s. 765.543, F.S.; revising the duties of the Organ and Tissue Procurement and Transplantation Advisory Board; requiring the board to submit certain recommendations to the agency by a specified date; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1516**, as amended, and read the second time by title.

Senator Harrell moved the following amendment which was adopted:

**Amendment 1 (422452) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (b) of subsection (11) of section 381.0041, Florida Statutes, is amended to read:

381.0041 Donation and transfer of human tissue; testing requirements.—

(11)

(b) Any person who has human immunodeficiency virus infection, who knows he or she is infected with human immunodeficiency virus, and who has been informed that he or she may communicate this disease by donating blood, plasma, organs, skin, or other human tissue who donates blood, plasma, organs, skin, or other human tissue for use in another person commits ~~is guilty of~~ a felony of the third degree,

punishable as provided in s. 775.082, s. 775.083, or s. 775.084. *This paragraph does not apply if the donation is made specifically for a recipient who is infected with human immunodeficiency virus and who knows that the donor is infected with human immunodeficiency virus.*

Section 2. Paragraph (j) is added to subsection (1) of section 395.1055, Florida Statutes, to read:

395.1055 Rules and enforcement.—

(1) The agency shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement the provisions of this part, which shall include reasonable and fair minimum standards for ensuring that:

(j) *Hospitals providing organ transplants meet the following minimum volume of transplants by organ type:*

1. *For heart transplants, performance of at least 12 such transplants per year.*

2. *For liver transplants, performance of at least 5 such transplants per year.*

3. *For adult kidney transplants, performance of at least 15 such transplants per year.*

4. *For pediatric kidney transplants, performance of at least 5 such transplants per year averaged over a 3-year period.*

5. *For allogeneic and autologous bone marrow transplants, performance of at least 10 transplants per year of each such transplant the hospital offers.*

6. *For lung transplants, performance of at least 10 such transplants per year.*

*This paragraph expires upon the agency's adoption of rules pursuant to s. 765.53(7).*

Section 3. Present subsections (3) and (4) of section 627.6045, Florida Statutes, are redesignated as subsections (4) and (5), respectively, and a new subsection (3) is added to that section, to read:

627.6045 Preexisting condition.—A health insurance policy must comply with the following:

(3) *A preexisting condition provision may not limit or exclude coverage solely on the basis that an insured is a living organ donor.*

Section 4. Paragraph (f) of subsection (1) of section 765.514, Florida Statutes, is amended to read:

765.514 Manner of making anatomical gifts.—

(1) A person may make an anatomical gift of all or part of his or her body under s. 765.512(1) by:

(f) Expressing a wish to donate in a document other than a will. The document must be signed by the donor in the presence of two witnesses who shall sign the document in the donor's presence. If the donor cannot sign, the document may be signed for him or her at the donor's direction and in his or her presence and the presence of two witnesses who must sign the document in the donor's presence. Delivery of the document of gift during the donor's lifetime is not necessary to make the gift valid. The following form of written document is sufficient for any person to make an anatomical gift for the purposes of this part:

UNIFORM DONOR CARD

The undersigned hereby makes this anatomical gift, if medically acceptable, to take effect on death. The words and marks below indicate my desires:

I give:

(a) .... any needed organs, tissues, or eyes;

(b) .... only the following organs, tissues, or eyes

...[Specify the organs, tissues, or eyes]...

for the purpose of transplantation, therapy, medical research, or education;

(c) .... my body for anatomical study if needed. Limitations or special wishes, if any:

...(If applicable, list specific donee; this must be arranged in advance with the donee.)...

*I understand that neither I nor any member of my family is responsible for the payment of any fees associated with services relating to the procurement or donation of my organs, tissues, or eyes.*

Signed by the donor and the following witnesses in the presence of each other:

...(Signature of donor)... ...(Date of birth of donor)...

...(Date signed)... ...(City and State)...

...(Witness)... ...(Witness)...

...(Address)... ...(Address)...

Section 5. Paragraph (b) of subsection (3) of section 765.5155, Florida Statutes, is amended to read:

765.5155 Donor registry; education program.—

(3) The contractor shall be responsible for:

(b) A continuing program to educate and inform medical professionals, law enforcement agencies and officers, other state and local government employees, high school students, minorities, and the public about *state and federal* the laws of this state relating to anatomical gifts and the need for anatomical gifts, including the organ donation and transplantation process.

1. Existing community resources, when available, must be used to support the program and volunteers may assist the program to the maximum extent possible.

2. The contractor shall coordinate with the head of a state agency or other political subdivision of the state, or his or her designee, to establish convenient times, dates, and locations for educating that entity's employees.

Section 6. Subsection (4) of section 765.517, Florida Statutes, is amended to read:

765.517 Rights and duties at death.—

(4) All reasonable additional expenses incurred in the procedures to preserve the donor's organs or tissues shall be reimbursed by the procurement organization. *An organ procurement organization may not charge a deceased donor or his or her family member any fee for services relating to the procurement or donation of the deceased donor's organs.*

Section 7. Section 765.5175, Florida Statutes, is created to read:

765.5175 *Rights and duties of living donors.—An organ transplantation facility may not charge a living donor or his or her family member, other than a family member who is the recipient of the organ, any fee for services relating to the procurement or donation of his or her organs.*

Section 8. Section 765.53, Florida Statutes, is amended to read:

*(Substantial rewording of section. See s. 765.53, F.S., for present text.)*

765.53 *Organ Transplant Technical Advisory Council.—*

(1) **CREATION AND PURPOSE.**—*The Organ Transplant Technical Advisory Council, an advisory council as defined in s. 20.03, is created within the agency to develop standards for measuring quality and outcomes of adult and pediatric organ transplant programs. In order to increase the number of organs available for transplantation in this state, the council shall advise the agency and the Legislature regarding the cost savings, trends, research, and protocols and procedures relating to organ donation and transplantation, including the availability of organs*

*for donation, organ donor benefits, and access to organ transplants for persons with disabilities. Unless otherwise expressly provided in this section, the council shall operate in a manner consistent with s. 20.052.*

(2) **MEMBERS.**—

*(a) Voting members of the council must have technical expertise in adult or pediatric organ transplantation. The chief executive officers of the following organ transplantation facilities shall each appoint one representative, who must be an organ transplant nurse coordinator licensed under chapter 464 or an organ transplant surgeon licensed under chapter 458 or chapter 459, to serve as a voting member of the council:*

1. *Jackson Memorial Hospital in Miami.*
2. *Tampa General Hospital in Tampa.*
3. *University of Florida Health Shands Hospital in Gainesville.*
4. *AdventHealth Orlando in Orlando.*
5. *Mayo Clinic in Jacksonville.*
6. *Cleveland Clinic Florida in Weston.*
7. *Largo Medical Center in Largo.*
8. *Broward Health Medical Center in Fort Lauderdale.*

*(b) Voting members of the council must reflect the ethnic and gender diversity of this state.*

*(c) The Secretary of Health Care Administration, or his or her designee, shall serve as the chair and as a nonvoting member of the council.*

*(d) The Secretary of Health Care Administration shall appoint the following individuals to serve as voting members of the council:*

1. *The State Surgeon General or his or her designee.*
2. *A parent of a child who has had an organ transplant.*
3. *An adult who has had an organ transplant.*
4. *An adult patient who is on an organ transplant waiting list.*
5. *A licensed organ transplant physician for each of the following organ types:*
  - a. *Kidneys.*
  - b. *Lungs.*
  - c. *Heart.*
  - d. *Liver.*
  - e. *Pancreas.*
6. *A representative from an organ procurement organization.*
7. *An administrator of an organ transplant program.*

*(e) Appointments made under paragraph (a) are contingent upon the hospital's compliance with chapter 395 and rules adopted thereunder. A member of the council appointed under paragraph (a) whose hospital fails to comply with such law and rules may serve only as a nonvoting member until the hospital comes into compliance.*

*(f) Any vacancy on the council must be filled in the same manner as the original appointment. Members are eligible for reappointment.*

*(g) Members of the council shall serve without compensation but may be reimbursed as provided in s. 112.061 for per diem and travel expenses incurred in the performance of their duties under this section.*

(3) **MEETINGS.**—*The council shall meet at least twice annually and upon the call of the chair. The council may use any method of telecommunications to conduct its meetings.*

(4) *DUTIES.*—The council shall recommend to the agency and the Legislature the standards for quality care of adult and pediatric organ transplant patients, including recommendations on standards related to minimum volume of transplants by organ type; personnel; physical plant; equipment; transportation; and data reporting for hospitals that perform organ transplants. The council may further advise the agency and the Legislature regarding research focused on improving overall organ availability and benefits for organ donors. A voting member may vote on standards related to a specific type of organ only if he or she represents a hospital that has a transplant program for that organ.

(5) *REPORT.*—By October 1, 2021, and every 5 years thereafter, the council shall submit a report of its recommendations to the Governor, the President of the Senate, the Speaker of the House of Representatives, the Secretary of Health Care Administration, and the State Surgeon General.

(6) *SOVEREIGN IMMUNITY.*—Members of the council acting in good faith in the performance of their duties under this section are considered agents of the state for purposes of s. 768.28.

(7) *AGENCY RULES.*—

(a) Based on the recommendations of the council, the agency shall develop and adopt rules for organ transplant programs which, at a minimum, include all of the following:

1. Quality of care standards for adult and pediatric organ transplants, including those related to minimum volume thresholds by organ type; personnel; physical plant; equipment; transportation; and data reporting.

2. Outcome and survival rate standards that meet or exceed nationally established levels of performance in organ transplantation.

3. Specific steps to be taken by the agency and licensed facilities when the facilities do not meet the volume, outcome, or survival rate standards within a specified timeframe that includes the time required for detailed case reviews and the development and implementation of corrective action plans.

(b) This subsection is repealed July 1, 2030, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 9. Subsection (3) of section 765.543, Florida Statutes, is amended to read:

765.543 Organ and Tissue Procurement and Transplantation Advisory Board; creation; duties.—

(3) The board shall:

(a) Assist the agency, in collaboration with other relevant public or private entities, in the development of necessary professional qualifications, including, but not limited to, the continuing education, training, and performance of persons engaged in the various facets of organ and tissue procurement, processing, preservation, and distribution for transplantation;

(b) Assist the agency in monitoring the appropriate and legitimate expenses associated with organ and tissue procurement, processing, and distribution for transplantation and developing methodologies to assure the uniform statewide reporting of data to facilitate the accurate and timely evaluation of the organ and tissue procurement and transplantation system;

(c) Provide assistance to the Florida Medical Examiners Commission in the development of appropriate procedures and protocols to ensure the continued improvement in the approval and release of potential donors by the district medical examiners and associate medical examiners;

(d) Develop with and recommend to the agency the necessary procedures and protocols required to assure that all residents of this state have reasonable access to available organ and tissue transplantation therapy and that residents of this state can be reasonably assured that the statewide procurement transplantation system is able to fulfill their organ and tissue requirements within the limits of the available supply and according to the severity of their medical condition and need; and

(e) Develop with and recommend to the agency any changes to the laws of this state or administrative rules or procedures to ensure that the statewide organ and tissue procurement and transplantation system is able to function smoothly, effectively, and efficiently, in accordance with the Federal Anatomical Gift Act and in a manner that assures the residents of this state that no person or entity profits from the altruistic voluntary donation of organs or tissues.

(f) In addition to the general duties described in this subsection, by September 1, 2021, submit to the agency recommendations that address all of the following:

1. The frequency of communication between patients and organ transplant coordinators.

2. The monitoring of each organ transplantation facility and the annual reporting and publication of relevant information regarding the statewide number of patients placed on waiting lists and the number of patients who receive transplants, aggregated by the facility.

3. The establishment of a coordinated communication system between organ transplantation facilities and living organ donors for the purpose of minimizing the cost and time required for duplicative lab tests, including the sharing of lab results between facilities.

4. The potential incentives for organ transplantation facilities which may be necessary to increase organ donation in this state.

5. The evaluation and encouragement of an efficient living organ donor process.

6. The potential opportunities and incentives for organ transplantation research.

7. The best practices for organ transplantation facilities and organ procurement organizations which promote the most efficient and effective outcomes for patients.

8. The monitoring of organ procurement organizations.

Section 10. Section 765.548, Florida Statutes, is created to read:

765.548 Duties of the agency; organ donation.—

(1) The agency shall do all of the following:

(a) Monitor the operation of each organ transplantation facility and organ procurement organization located in this state.

(b) Develop uniform statewide rules regarding organ donation. The rules must require that each hospital that performs organ transplants designate at least one employee or representative of the hospital who is educated on the protocols of the hospital and federal and state regulations regarding organ donation to provide a clear explanation of such subjects to any patient, or a patient's representative, who is considering posthumous or living organ donation. The rules may also include, but need not be limited to, procedures for maintaining a coordinated system of communication between organ transplantation facilities.

(c) Evaluate the current protocols and procedures used by organ transplantation facilities and make recommendations for improving such protocols and procedures.

(d) Establish annual reporting requirements for organ transplantation facilities and organ procurement organizations.

(e) In consultation with the State Board of Education and the contractor procured by the agency pursuant to s. 765.5155, develop a curriculum for educating high school students regarding the laws of this state relating to organ donation.

(2) By December 1, 2021, and each year thereafter, the agency shall publish any data and other relevant information to adequately inform patients and potential donors about organ donation and organ transplantation.

Section 11. Paragraph (e) of subsection (2) of section 409.815, Florida Statutes, is amended to read:



409.815 Health benefits coverage; limitations.—

(2) **BENCHMARK BENEFITS.**—In order for health benefits coverage to qualify for premium assistance payments for an eligible child under ss. 409.810-409.821, the health benefits coverage, except for coverage under Medicaid and Medikids, must include the following minimum benefits, as medically necessary.

(e) *Organ transplantation services.*—Covered services include pre-transplant, transplant, and postdischarge services and treatment of complications after transplantation for transplants deemed necessary and appropriate within the guidelines set by the Organ Transplant Technical Advisory Council under s. 765.53 or the Bone Marrow Transplant Advisory Panel under s. 627.4236.

Section 12. This act shall take effect July 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to organ donation; amending s. 381.0041, F.S.; providing that it is a felony for certain persons who are infected with human immunodeficiency virus to donate blood, plasma, organs, skin, or other human tissue for use in another person, with an exception; amending s. 395.1055, F.S.; requiring the Agency for Health Care Administration to adopt by rule specified minimum standards for certain organ transplants; providing for the expiration of the requirement upon the adoption of specified rules; amending s. 627.6045, F.S.; prohibiting a health insurance policy from limiting or excluding coverage solely on the basis that an insured is a living organ donor; amending s. 765.514, F.S.; revising a written document required for making an anatomical gift to include a specified statement relating to the responsibility of payment for fees associated with certain services; amending s. 765.5155, F.S.; revising the responsibilities of a contractor procured by the agency for the purpose of educating and informing the public about anatomical gifts; amending s. 765.517, F.S.; prohibiting an organ procurement organization from charging a deceased donor or his or her family member any fee for services relating to the procurement or donation of organs; creating s. 765.5175, F.S.; prohibiting an organ transplantation facility from charging a living donor or his or her family member any fee for services relating to the procurement or donation of organs, with an exception; amending s. 765.53, F.S.; establishing the Organ Transplant Technical Advisory Council within the agency for a specified purpose; providing for membership, meetings, and duties of the council; requiring the council to submit a report to the Governor, the Legislature, the Secretary of Health Care Administration, and the State Surgeon General by a specified date and periodically thereafter; providing for sovereign immunity of council members under certain circumstances; requiring the agency to adopt specified rules based on the council's recommendations; providing for future legislative review and repeal of certain provisions; amending s. 765.543, F.S.; revising the duties of the Organ and Tissue Procurement and Transplantation Advisory Board; requiring the board to submit certain recommendations to the agency by a specified date; creating s. 765.548, F.S.; providing additional duties of the agency relating to organ transplantation facilities and organ procurement organizations and organ donation procedures and protocols; requiring the agency to publish certain data and information by a specified date and annually thereafter; amending s. 409.815, F.S.; conforming a provision to changes made by the act; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 1187**, as amended, was placed on the calendar of Bills on Third Reading.

**SJR 146**—A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead, and to provide an effective date.

—was read the second time by title.

Pending further consideration of **SJR 146**, pursuant to Rule 3.11(3), there being no objection, **HJR 369** was withdrawn from the Committees on Community Affairs; Finance and Tax; and Appropriations.

On motion by Senator Brandes—

**HJR 369**—A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead and to provide an effective date.

—a companion measure, was substituted for **SJR 146** and read the second time by title.

Pursuant to Rule 4.19, **HJR 369** was placed on the calendar of Bills on Third Reading.

**CS for SB 148**—A bill to be entitled An act relating to limitations on homestead assessments; amending s. 193.155, F.S.; revising the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead; deleting obsolete provisions; revising the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election; providing applicability; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 148**, pursuant to Rule 3.11(3), there being no objection, **HB 371** was withdrawn from the Committees on Community Affairs; Finance and Tax; and Appropriations.

On motion by Senator Brandes—

**HB 371**—A bill to be entitled An act relating to limitations on homestead assessments; amending s. 193.155, F.S.; revising the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead; deleting obsolete provisions; revising the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election; providing applicability; providing a contingent effective date.

—a companion measure, was substituted for **CS for SB 148** and read the second time by title.

Pursuant to Rule 4.19, **HB 371** was placed on the calendar of Bills on Third Reading.

**CS for SB 660**—A bill to be entitled An act relating to the Uniform Commercial Real Estate Receivership Act; creating chapter 714, F.S., relating to the Uniform Commercial Real Estate Receivership Act; providing a short title; defining terms; prohibiting a court from issuing certain orders unless certain requirements are met; providing requirements for certain court orders; providing construction and applicability; specifying that a court has exclusive jurisdiction to direct receivers and determine controversies under certain circumstances; providing requirements and authorizations relating to the appointment of a receiver; authorizing certain parties to move to dissolve or modify certain orders; requiring that such motions be heard within a specified timeframe; specifying when a person is or is not disqualified from appointment as a receiver; authorizing certain persons to nominate someone to serve as a receiver; specifying that the court is not bound by such nomination; requiring a receiver to post a bond with the court which meets certain requirements; providing an exception; prohibiting a claim against a receiver's bond or alternative security from being made after a certain time; providing that an appointed receiver has certain statuses of a lien creditor; providing that certain property is subject to specified security agreements; providing requirements relating to the collection and turnover of receivership property; providing for powers and duties of a receiver; authorizing the court to expand, modify, or limit such

powers and duties; providing for duties of an owner; authorizing a court to take certain actions if a person knowingly fails to perform a duty; authorizing a court to take certain actions relating to stays and injunctions; authorizing certain persons to apply for relief from a stay or injunction; requiring that certain motions be heard within a specified timeframe; specifying when an order does not operate as a stay or injunction; authorizing receivers to engage and compensate certain professionals under certain circumstances; requiring certain persons to file an itemized statement with the court; requiring a receiver to pay an amount approved by the court; defining the term “good faith”; authorizing a receiver to use or transfer receivership property other than in the ordinary course of business under certain circumstances; providing for the service of notice to lienholders who are not parties to the action; defining the term “timeshare interest”; authorizing a receiver to adopt or reject an executory contract of the owner relating to receivership property under certain circumstances; requiring that a claim of damages for rejection of a contract be submitted within a specified timeframe; authorizing a purchaser to take certain actions if a receiver rejects an executory contract under certain circumstances; prohibiting a receiver from rejecting unexpired leases of certain property under certain circumstances; providing for defenses and immunities of a receiver; providing requirements for interim reports filed by a receiver; providing requirements relating to notices of appointment; authorizing the court to enter certain orders if the court concludes that receivership property is likely to be insufficient to satisfy certain claims; providing requirements for certain distributions of receivership property; authorizing a court to award fees and expenses; authorizing a court to order certain persons to pay fees and expenses; providing for the removal and replacement of a receiver and the termination of a court’s administration of the receivership property under certain circumstances; requiring a receiver to file a final report containing certain information upon completion of the receiver’s duties; specifying that a receiver is discharged if certain requirements are met; authorizing a court to appoint ancillary receivers under certain circumstances; providing for rights, powers, and duties of an ancillary receiver; specifying that certain requests, appointments, and applications by a mortgagee do not have certain effects; providing construction and applicability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 660**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 783** was withdrawn from the Committees on Judiciary, Commerce and Tourism; and Rules.

On motion by Senator Berman—

**CS for HB 783**—A bill to be entitled An act relating to the Uniform Commercial Real Estate Receivership Act; creating chapter 714, F.S., relating to the Uniform Commercial Real Estate Receivership Act; providing a short title; defining terms; prohibiting a court from issuing certain orders unless certain requirements are met; providing requirements for certain court orders; providing construction and applicability; specifying that a court has exclusive jurisdiction to direct receivers and determine controversies under certain circumstances; providing requirements and authorizations relating to the appointment of a receiver; authorizing certain parties to move to dissolve or modify certain orders; requiring that such motions be heard within a specified timeframe; specifying when a person is or is not disqualified from appointment as a receiver; authorizing certain persons to nominate someone to serve as a receiver; specifying that the court is not bound by such nomination; requiring a receiver to post a bond with the court which meets certain requirements; providing an exception; prohibiting a claim against a receiver’s bond or alternative security from being made after a certain time; providing that an appointed receiver has certain statuses of a lien creditor; providing that certain property is subject to specified security agreements; providing requirements relating to the collection and turnover of receivership property; providing for powers and duties of a receiver; authorizing the court to expand, modify, or limit such powers and duties; providing for duties of an owner; authorizing a court to take certain actions if a person knowingly fails to perform a duty; authorizing a court to take certain actions relating to stays and injunctions; providing requirements for certain injunctions; authorizing

certain persons to apply for relief from a stay or injunction; requiring that certain motions be heard within a specified timeframe; specifying when an order does not operate as a stay or injunction; authorizing receivers to engage and compensate certain professionals under certain circumstances; requiring certain persons to file an itemized statement with the court; requiring a receiver to pay an amount approved by the court; defining the term “good faith”; authorizing a receiver to use or transfer receivership property other than in the ordinary course of business under certain circumstances; providing for the service of notice to lienholders who are not parties to the action; defining the term “timeshare interest”; authorizing a receiver to adopt or reject an executory contract of the owner relating to receivership property under certain circumstances; requiring that a claim of damages for rejection of a contract be submitted within a specified timeframe; authorizing a purchaser to take certain actions if a receiver rejects an executory contract under certain circumstances; prohibiting a receiver from rejecting unexpired leases of certain property under certain circumstances; providing for defenses and immunities of a receiver; providing requirements for interim reports filed by a receiver; providing requirements relating to notices of appointment; authorizing the court to enter certain orders if the court concludes that receivership property is likely to be insufficient to satisfy certain claims; providing requirements for certain distributions of receivership property; authorizing a court to award fees and expenses; authorizing a court to order certain persons to pay fees and expenses; providing for the removal and replacement of a receiver and the termination of a court’s administration of the receivership property under certain circumstances; requiring a receiver to file a final report containing certain information upon completion of the receiver’s duties; specifying that a receiver is discharged if certain requirements are met; authorizing a court to appoint ancillary receivers under certain circumstances; providing for rights, powers, and duties of an ancillary receiver; specifying that certain requests, appointments, and applications by a mortgagee do not have certain effects; providing construction and applicability; providing an effective date.

—a companion measure, was substituted for **CS for SB 660** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 783** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 812**—A bill to be entitled An act relating to public records; creating s. 379.1026, F.S.; providing an exemption from public records requirements for the site-specific location information of certain endangered and threatened species; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 812**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 549** was withdrawn from the Committees on Environment and Natural Resources; Governmental Oversight and Accountability; and Rules.

On motion by Senator Hutson—

**CS for HB 549**—A bill to be entitled An act relating to public records; creating s. 379.1026, F.S.; providing an exemption from public records requirements for the site-specific location information of certain endangered and threatened species; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 812** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 549** was placed on the calendar of Bills on Third Reading.

## RECESS

Senator Simmons declared the Senate in recess at 3:15 p.m. to reconvene at 3:45 p.m. or upon his call.

## AFTERNOON SESSION

The Senate was called to order by the President at 3:45 p.m. A quorum present—34:

Mr. President	Gibson	Rodriguez
Albritton	Gruters	Rouson
Baxley	Harrell	Simmons
Berman	Hooper	Simpson
Book	Hutson	Stargel
Brandes	Lee	Stewart
Broxson	Mayfield	Taddeo
Cruz	Montford	Thurston
Diaz	Passidomo	Torres
Farmer	Perry	Wright
Flores	Powell	
Gainer	Rader	

## SPECIAL ORDER CALENDAR, continued

Consideration of **CS for CS for CS for SB 474**, **CS for CS for SB 1450**, and **CS for CS for CS for SB 998** was deferred.

**CS for CS for SB 1352**—A bill to be entitled An act relating to transportation companies; amending s. 627.748, F.S.; redefining terms; defining the term “transportation network company digital advertising device”; deleting for-hire vehicles from the list of vehicles that are excluded from transportation network company (TNC) provisions; providing that TNC vehicle owners may maintain required insurance coverages; authorizing TNC drivers or their designees to contract with companies to install TNC digital advertising devices on TNC vehicles; providing requirements and restrictions for such devices; providing immunity from certain liability for TNC drivers, TNC vehicle owners, owners and operators of TNC digital advertising devices, and TNCs except under certain circumstances; providing construction relating to such devices; defining the term “luxury ground transportation network company”; authorizing entities to elect to be regulated as luxury ground TNCs by notifying the Department of Financial Services; providing requirements for luxury ground TNCs; providing for the preemption of local law in the governance of luxury ground TNCs, luxury ground TNC drivers, and luxury ground TNC vehicles; providing that TNCs are not liable for certain harm to persons or property if certain conditions are met; providing construction relating to insurance coverage and liability; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1352**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1039** was withdrawn from the Committees on Infrastructure and Security; Innovation, Industry, and Technology; and Rules.

On motion by Senator Brandes—

**CS for CS for HB 1039**—A bill to be entitled An act relating to transportation network companies; amending s. 627.748, F.S.; revising and providing definitions; deleting for-hire vehicles from the list of vehicles that are not considered TNC carriers or are not exempt from certain registration; providing that insurance maintained by TNC vehicle owners may satisfy required insurance coverages; authorizing TNC drivers or their designees to contract with companies to install TNC digital advertising devices on TNC vehicles; providing requirements and restrictions for such devices; providing immunity from certain liability for TNCs, TNC drivers, TNC vehicle owners, and owners and operators of TNC digital advertising devices; providing exceptions; providing construction relating to such devices; authorizing entities to elect to be regulated as luxury ground TNCs by notifying the Department of Financial Services; providing requirements for luxury ground TNCs; providing for preemption over local law on the governance of

luxury ground TNCs, luxury ground TNC drivers, and luxury ground TNC vehicles; providing that TNCs are not liable for certain harm to persons or property if certain conditions are met; providing construction relating to insurance coverage and liability; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1352** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1039** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1692**—A bill to be entitled An act relating to driver licenses; amending s. 322.08, F.S.; requiring application forms for original, renewal, and replacement driver licenses and identification cards to include language allowing a voluntary contribution to the Live Like Bella Childhood Cancer Foundation; amending s. 322.14, F.S.; authorizing a person with specified disabilities to have the capital letter “D” exhibited on his or her driver license under certain circumstances; providing requirements for the placement of such letter on a person’s driver license; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1692**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 787** was withdrawn from the Committees on Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Flores—

**CS for CS for HB 787**—A bill to be entitled An act relating to driver licenses and identification cards; amending s. 322.08, F.S.; requiring application forms for original, renewal, and replacement driver licenses and identification cards to include language allowing a voluntary contribution to the Live Like Bella Childhood Cancer Foundation; amending s. 322.14, F.S.; authorizing a person with specified disabilities to have the capital letter “D” placed on his or her driver license under certain circumstances; providing requirements for the placement of such letter on, or the removal of such letter from, a person’s driver license; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1692** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 787** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1694**—A bill to be entitled An act relating to driver license fees; amending s. 322.14, F.S.; providing fees for the placement of a specified letter on the driver license of a person who has a developmental disability; providing a contingent effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1694**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 789** was withdrawn from the Committees on Infrastructure and Security; Appropriations Subcommittee on Transportation, Tourism, and Economic Development; and Appropriations.

On motion by Senator Flores—

**CS for CS for HB 789**—A bill to be entitled An act relating to driver license fees; amending s. 322.14, F.S.; providing fees for the placement of a specified letter on, or the removal of such letter from, the driver license of a person who has a developmental disability; providing a contingent effective date.

—a companion measure, was substituted for **CS for CS for SB 1694** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 789** was placed on the calendar of Bills on Third Reading.

Consideration of **SB 726** was deferred.

By direction of the President, there being no objection, the Senate reverted to—

**BILLS ON THIRD READING, continued**

**CS for SB 1018**—A bill to be entitled An act relating to exposure of sexual organs; amending s. 800.03, F.S.; increasing criminal penalties for exposure of sexual organs for a second or subsequent offense; providing an exception to the unlawful exposure of sexual organs; amending s. 901.15, F.S.; authorizing warrantless arrests when a law enforcement officer has probable cause to believe that a person has violated s. 800.03, F.S.; providing an effective date.

—as amended March 6, was read the third time by title.

Pending further consideration of **CS for SB 1018**, as amended, pursuant to Rule 3.11(3), there being no objection, **CS for HB 675** was withdrawn from the Committees on Criminal Justice; Judiciary; and Rules.

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

**CS for HB 675**—A bill to be entitled An act relating to exposure of sexual organs; amending s. 800.03, F.S.; increasing criminal penalties for exposure of sexual organs for a second or subsequent offense; amending s. 901.15, F.S.; authorizing warrantless arrests when a law enforcement officer has probable cause to believe that a person has violated s. 800.03, F.S.; providing an effective date.

—a companion measure, was substituted for **CS for SB 1018**, as amended, and, by two-thirds vote, read the second time by title.

On motion by Senator Stewart, by two-thirds vote, **CS for HB 675** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Flores	Powell
Albritton	Gainer	Rader
Baxley	Gibson	Rodriguez
Bean	Gruters	Rouson
Benacquisto	Harrell	Simmons
Berman	Hooper	Simpson
Book	Hutson	Stargel
Bradley	Lee	Stewart
Brandes	Mayfield	Taddeo
Broxson	Montford	Torres
Cruz	Passidomo	Wright
Diaz	Perry	
Farmer	Pizzo	

Nays—1

Thurston

By direction of the President, there being no objection, the Senate proceeded to—

**SPECIAL ORDER CALENDAR, continued**

The Senate resumed consideration of—

**CS for SB 714**—A bill to be entitled An act relating to the testing for and treatment of influenza; amending s. 381.0031, F.S.; requiring specified licensed pharmacists to report certain information to the Department of Health; amending s. 465.003, F.S.; revising the definition of the term “practice of the profession of pharmacy”; creating s. 465.1895, F.S.; authorizing pharmacists to test for and treat influenza and providing requirements relating thereto; requiring the written protocol between a pharmacist and a supervising physician to contain certain information, terms, and conditions; requiring the Board of Medicine, in consultation with the Board of Pharmacy and the Board of Osteopathic Medicine, to develop a specified certification program for pharmacists

within a specified timeframe; requiring a pharmacist to collect a medical history before testing and treating a patient; requiring a pharmacy in which a pharmacist tests for and treats influenza to display and distribute specified information; providing limitations on the medications a pharmacist may administer to treat influenza; requiring pharmacists to review certain information for a specified purpose before testing and treating patients; requiring a pharmacist who tests for and treats influenza to maintain professional liability insurance in a specified amount; providing recordkeeping requirements for pharmacists who test for and treat influenza; providing that a person may not interfere with a physician’s professional decision to enter into a written protocol with a pharmacist; providing that a pharmacist may not enter into a written protocol under certain circumstances; requiring the Board of Medicine, in consultation with the Board of Pharmacy and the Board of Osteopathic Medicine, to adopt rules within a specified timeframe; requiring pharmacists to notify a patient’s primary care provider and follow up with the treated patient within specified timeframes; prohibiting a pharmacist from testing or treating patients under certain circumstances; specifying circumstances under which a physician may supervise a pharmacist under a written protocol; providing a contingency on implementation; providing an effective date.

—which was previously considered this day.

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

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

—a companion measure, was substituted for **CS for SB 714** and read the second time by title.

Senator Hutson moved the following amendment which was adopted:

**Amendment 1 (850564) (with title amendment)**—Delete lines 104-400 and insert:  
 465.189, *the testing or screening for and treatment of minor, nonchronic health conditions pursuant to s. 465.1895*, and the preparation of pre-packaged drug products in facilities holding Class III institutional pharmacy permits.

Section 3. Section 465.1865, Florida Statutes, is created to read:

465.1865 Collaborative pharmacy practice for chronic health conditions.—

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

(a) “Collaborative pharmacy practice agreement” means a written agreement between a pharmacist who meets the qualifications of this section and a physician licensed under chapter 458 or chapter 459 in which a collaborating physician authorizes a pharmacist to provide specified patient care services to the collaborating physician’s patients.

(b) “Chronic health condition” means:

1. Arthritis;
2. Asthma;
3. Chronic obstructive pulmonary diseases;
4. Type 2 diabetes;
5. Human immunodeficiency virus or acquired immune deficiency syndrome;
6. Obesity; or
7. Any other chronic condition adopted in rule by the board, in consultation with the Board of Medicine and Board of Osteopathic Medicine.

(2) To provide services under a collaborative pharmacy practice agreement, a pharmacist must be certified by the board, according to the rules adopted by the board in consultation with the Board of Medicine and the Board of Osteopathic Medicine. To be certified, a pharmacist must, at a minimum:

(a) Hold an active and unencumbered license to practice pharmacy in this state.

(b) Have earned a degree of doctor of pharmacy or have completed 5 years of experience as a licensed pharmacist.

(c) Have completed an initial 20-hour course approved by the board, in consultation with the Board of Medicine and Board of Osteopathic Medicine, that includes, at a minimum, instruction on the following:

1. Performance of patient assessments.
2. Ordering, performing, and interpreting clinical and laboratory tests related to collaborative pharmacy practice.
3. Evaluating and managing diseases and health conditions in collaboration with other health care practitioners.
4. Any other area required by board.

(d) Maintain at least \$250,000 of professional liability insurance coverage. However, a pharmacist who maintains professional liability insurance coverage pursuant to s. 465.1895 satisfies this requirement.

(e) Have established a system to maintain records of all patients receiving services under a collaborative pharmacy practice agreement for a period of 5 years from each patient’s most recent provision of service.

(3) The terms and conditions of the collaborative pharmacy practice agreement must be appropriate to the pharmacist’s training and the services delegated to the pharmacist must be within the collaborating physician’s scope of practice. A copy of the certification issued under subsection (2) must be included as an attachment to the collaborative pharmacy practice agreement.

(a) A collaborative pharmacy practice agreement must include the following:

1. Name of the collaborating physician’s patient or patients for whom a pharmacist may provide services.
2. Each chronic health condition to be collaboratively managed.

3. Specific medicinal drug or drugs to be managed by the pharmacist for each patient.

4. Circumstances under which the pharmacist may order or perform and evaluate laboratory or clinical tests.

5. Conditions and events upon which the pharmacist must notify the collaborating physician and the manner and timeframe in which such notification must occur.

6. Beginning and ending dates for the collaborative pharmacy practice agreement and termination procedures, including procedures for patient notification and medical records transfers.

7. A statement that the collaborative pharmacy practice agreement may be terminated, in writing, by either party at any time.

(b) A collaborative pharmacy practice agreement shall automatically terminate 2 years after execution if not renewed.

(c) The pharmacist, along with the collaborating physician, must maintain on file the collaborative pharmacy practice agreement at his or her practice location, and must make such agreements available to the department or board upon request or inspection.

(d) A pharmacist who enters into a collaborative pharmacy practice agreement must submit a copy of the signed agreement to the board before the agreement may be implemented.

(4) A pharmacist may not:

(a) Modify or discontinue medicinal drugs prescribed by a health care practitioner with whom he or she does not have a collaborative pharmacy practice agreement.

(b) Enter into a collaborative pharmacy practice agreement while acting as an employee without the written approval of the owner of the pharmacy.

(5) A physician may not delegate the authority to initiate or prescribe a controlled substance as described in s. 893.03 or 21 U.S.C. s. 812 to a pharmacist.

(6) A pharmacist who practices under a collaborative pharmacy practice agreement must complete an 8-hour continuing education course approved by the board that addresses issues related to collaborative pharmacy practice each biennial licensure renewal in addition to the continuing education requirements under s. 465.009. A pharmacist must submit confirmation of having completed such course when applying for licensure renewal. A pharmacist who fails to comply with this subsection shall be prohibited from practicing under a collaborative pharmacy practice agreement under this section.

(7) The board, in consultation with the Board of Medicine and the Board of Osteopathic Medicine, shall adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.

Section 4. Section 465.1895, Florida Statutes, is created to read:

465.1895 Testing or screening for and treatment of minor, non-chronic health conditions.—

(1) A pharmacist may test or screen for and treat minor, nonchronic health conditions within the framework of an established written protocol with a supervising physician licensed under chapter 458 or chapter 459. For purposes of this section, a minor, nonchronic health condition is typically a short-term condition that is generally managed with minimal treatment or self-care, and includes:

(a) Influenza.

(b) Streptococcus.

(c) Lice.

(d) Skin conditions, such as ringworm and athlete’s foot.

(e) Minor, uncomplicated infections.

(2) A pharmacist who tests or screens for and treats minor, non-chronic health conditions under this section must:

(a) Hold an active and unencumbered license to practice pharmacy in the state.

(b) Hold a certification issued by the board to test and screen for and treat minor, nonchronic health conditions, in accordance with requirements established by the board in rule in consultation with the Board of Medicine and Board of Osteopathic Medicine. The certification must require a pharmacist to complete, on a one-time basis, a 20-hour education course approved by the board in consultation with the Board of Medicine and the Board of Osteopathic Medicine. The course, at a minimum, must address patient assessments; point-of-care testing procedures; safe and effective treatment of minor, nonchronic health conditions; and identification of contraindications.

(c) Maintain at least \$250,000 of liability coverage. A pharmacist who maintains liability coverage pursuant to s. 465.1865 satisfies this requirement.

(d) Report a diagnosis or suspected existence of a disease of public health significance to the department pursuant to s. 381.0031.

(e) Upon request of a patient, furnish patient records to a health care practitioner designated by the patient.

(f) Maintain records of all patients receiving services under this section for a period of 5 years from each patient's most recent provision of service.

(3) The board shall adopt, by rule, a formulary of medicinal drugs that a pharmacist may prescribe for the minor, nonchronic health conditions approved under subsection (1). The formulary must include medicinal drugs approved by the United States Food and Drug Administration which are indicated for treatment of the minor, nonchronic health condition. The formulary may not include any controlled substance as described in s. 893.03 or 21 U.S.C. s. 812.

(4) A pharmacist who tests or screens for and treats minor, non-chronic health conditions under this section may use any tests that may guide diagnosis or clinical decisionmaking which the Centers for Medicare and Medicaid Services has determined qualifies for a waiver under the federal Clinical Laboratory Improvement Amendments of 1988, or the federal rules adopted thereunder, or any established screening procedures that can safely be performed by a pharmacist.

(5) The written protocol between a pharmacist and supervising physician under this subsection must include particular terms and conditions imposed by the supervising physician relating to the testing and screening for and treatment of minor, nonchronic health conditions under this section. The terms and conditions must be appropriate to the pharmacist's training. A pharmacist who enters into such a protocol with a supervising physician must submit the protocol to the board.

(a) At a minimum, the protocol shall include:

1. Specific categories of patients who the pharmacist is authorized to test or screen for and treat minor, nonchronic health conditions.

2. The physician's instructions for obtaining relevant patient medical history for the purpose of identifying disqualifying health conditions, adverse reactions, and contraindications to the approved course of treatment.

3. The physician's instructions for the treatment of minor, non-chronic health conditions based on the patient's age, symptoms, and test results, including negative results.

4. A process and schedule for the physician to review the pharmacist's actions under the protocol.

5. A process and schedule for the pharmacist to notify the physician of the patient's condition, tests administered, test results, and course of treatment.

6. Any other requirements as established by the board in consultation with the Board of Medicine and the Board of Osteopathic Medicine.

(b) A pharmacist authorized to test and screen for and treat minor, nonchronic conditions under a protocol shall provide evidence of current certification by the board to the supervising physician. A supervising physician shall review the pharmacist's actions in accordance with the protocol.

(6) A pharmacist providing services under this section may not perform such services while acting as an employee without the written approval of the owner of the pharmacy.

(7) A pharmacist providing services under this section must complete a 3-hour continuing education course approved by the board addressing issues related to minor, nonchronic health conditions each biennial licensure renewal in addition to the continuing education requirements under s. 465.009. Each pharmacist must submit confirmation of having completed the course when applying for licensure renewal. A pharmacist who fails to comply with this subsection may not provide testing, screening, or treatment services.

(8) A pharmacist providing services under this section must provide a patient with written information to advise the patient to seek followup care from his or her primary care physician. The board, by rule, shall adopt guidelines for the circumstances under which the information required under this subsection shall be provided.

(9) The pharmacy in which a pharmacist tests and screens for and treats minor, nonchronic health conditions must prominently display signage indicating that any patient receiving testing, screening, or treatment services under this section is advised to seek followup care from his or her primary care physician.

(10) A pharmacist providing services under this section must comply with applicable state and federal laws and regulations.

(11) The requirements of the section do not apply with respect to minor, nonchronic health conditions when treated with over-the-counter products.

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

And the title is amended as follows:

Delete lines 27-47 and insert: the Board of Pharmacy to adopt rules in consultation with the Board of Medicine and the Board of Osteopathic Medicine; creating s. 465.1895, F.S.; requiring the Board of Pharmacy to identify minor, nonchronic health conditions that a pharmacist may test or screen for and treat; providing requirements for a pharmacist to test or screen for and treat minor, nonchronic health conditions; requiring the board to develop a formulary of medicinal drugs that a pharmacist may prescribe; providing requirements for the written protocol between a pharmacist and a supervising physician; prohibiting a pharmacist from providing certain services under certain circumstances; requiring a pharmacist to complete a specified amount of continuing education; providing additional requirements for pharmacists and pharmacies providing testing and screening services; providing for applicability; providing an effective date.

Pursuant to Rule 4.19, **CS for HB 389**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 7040** was deferred.

**CS for CS for SB 1094**—A bill to be entitled An act relating to the practice of pharmacy; amending s. 381.0031, F.S.; requiring certain licensed pharmacists to report specified information relating to public health to the Department of Health; amending s. 465.003, F.S.; revising the definition of the term "practice of the profession of pharmacy"; amending s. 465.0125, F.S.; requiring a pharmacist to complete additional training to be licensed as a consultant pharmacist; authorizing a consultant pharmacist to perform specified services under certain circumstances and within the scope of a written collaborative practice agreement with certain health care practitioners; providing requirements for the agreement; prohibiting a consultant pharmacist from modifying or discontinuing medicinal drugs prescribed by a health care practitioner without a written collaborative practice agreement; revising the responsibilities of a consultant pharmacist; requiring written

collaborative practice agreements to be made available upon request from or upon inspection by the Department of Health; prohibiting a consultant pharmacist from diagnosing any disease or condition; defining the term “health care facility”; creating s. 465.1865, F.S.; defining the terms “collaborative pharmacy practice agreement” and “chronic health condition”; specifying criteria a pharmacist must meet to provide services under a collaborative pharmacy practice agreement; providing requirements for collaborative pharmacy practice agreements; providing for the renewal of such agreements; requiring collaborating pharmacists and physicians to maintain a copy of the collaborative pharmacy practice agreements at their practices and make such agreements available upon request or inspection; requiring pharmacists to submit a copy of the signed collaborative pharmacy practice agreement to the Board of Pharmacy before implementing it; prohibiting pharmacists from engaging in specified activities without a collaborative pharmacy practice agreement; prohibiting pharmacists from entering into collaborative pharmacy practice agreements under certain circumstances; prohibiting collaborating physicians from delegating to pharmacists the authority to initiate or prescribe a controlled substance; providing continuing education requirements for pharmacists practicing under collaborative pharmacy practice agreements; requiring the Board of Medicine in consultation with the Board of Osteopathic Medicine and the Board of Pharmacy to adopt rules; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1094**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 599** was withdrawn from the Committees on Health Policy; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

**CS for CS for HB 599**—A bill to be entitled An act relating to consultant pharmacists; amending s. 465.003, F.S.; revising the definition of the term “practice of the profession of pharmacy”; amending s. 465.0125, F.S.; requiring a pharmacist to complete additional training to be licensed as a consultant pharmacist; authorizing a consultant pharmacist to perform specified services under certain conditions; prohibiting a consultant pharmacist from modifying or discontinuing medicinal drugs prescribed by a health care practitioner under certain conditions; revising the responsibilities of a consultant pharmacist; requiring a consultant pharmacist and a collaborating practitioner to maintain written collaborative practice agreements; requiring written collaborative practice agreements to be made available upon request from or upon inspection by the Department of Health; prohibiting a consultant pharmacist from diagnosing any disease or condition; defining the term “health care facility”; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1094** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 599** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1370**—A bill to be entitled An act relating to patient safety culture surveys; amending s. 395.1012, F.S.; requiring certain licensed facilities to biennially conduct an anonymous patient safety culture survey using a specified federal publication; authorizing facilities to contract for the administration of the survey; requiring facilities to biennially submit patient safety culture survey data to the Agency for Health Care Administration; authorizing facilities to develop an internal action plan for a specified purpose and submit such plan to the agency; amending s. 395.1055, F.S.; conforming a cross-reference; amending s. 408.05, F.S.; requiring the agency to collect, compile, and publish patient safety culture survey data submitted by facilities; amending s. 408.061, F.S.; revising requirements for the submission of health care data to the agency; providing an appropriation; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1370**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 763** was withdrawn from the Committee on Appropriations.

On motion by Senator Harrell—

**CS for CS for HB 763**—A bill to be entitled An act relating to patient safety culture surveys; amending s. 395.1012, F.S.; requiring licensed facilities to biennially conduct an anonymous patient safety culture survey using an applicable federal publication; authorizing facilities to contract for the administration of such survey; requiring facilities to biennially submit patient safety culture survey data to the Agency for Health Care Administration; authorizing facilities to develop an internal action plan for a specified purpose and submit such plan to the agency; amending s. 395.1055, F.S.; conforming a cross-reference; amending s. 408.05, F.S.; requiring the agency to collect, compile, and publish patient safety culture survey data submitted by facilities; amending s. 408.061, F.S.; revising requirements for the submission of health care data to the agency; providing appropriations; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1370** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 763** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1676**—A bill to be entitled An act relating to direct care workers; amending s. 400.141, F.S.; authorizing nursing home facilities to use paid feeding assistants in accordance with specified federal law under certain circumstances; providing training program requirements; authorizing the Agency for Health Care Administration to adopt rules; amending s. 400.23, F.S.; prohibiting the counting of paid feeding assistants toward compliance with minimum staffing standards; amending s. 400.461, F.S.; revising a short title; amending s. 400.462, F.S.; revising the definition of the term “home health aide”; amending s. 400.464, F.S.; requiring a licensed home health agency that authorizes a registered nurse to delegate tasks to a certified nursing assistant or a home health aide to ensure that certain requirements are met; amending s. 400.488, F.S.; authorizing an unlicensed person to assist with self-administration of certain treatments; revising the requirements for such assistance; creating s. 400.489, F.S.; authorizing home health aides to administer certain prescription medications under certain conditions; requiring such home health aides to meet certain training and competency requirements; requiring that the training, determination of competency, and annual validation of home health aides be conducted by a registered nurse or a physician; requiring home health aides to complete annual inservice training in medication administration and medication error prevention, in addition to existing annual inservice training requirements; requiring the agency, in consultation with the Board of Nursing, to establish by rule standards and procedures for medication administration by home health aides; providing requirements for such rules; creating s. 400.490, F.S.; authorizing certified nursing assistants or home health aides to perform certain tasks delegated by a registered nurse; creating s. 400.52, F.S.; creating the Excellence in Home Health Program within the agency for a specified purpose; requiring the agency to adopt rules establishing program criteria; providing requirements for such criteria; requiring the agency to annually evaluate certain home health agencies and nurse registries; providing program designation eligibility requirements; providing that a program designation is not transferable, with an exception; providing for the expiration of awarded designations; requiring home health agencies and nurse registries to biennially renew the awarded program designation; authorizing a program designation award recipient to use the designation in advertising and marketing; specifying circumstances under which a home health agency or nurse registry may not use a program designation in advertising or marketing; providing that an application submitted under the program is not an application for licensure; providing that certain actions by the agency are not subject to certain provisions; creating s. 408.822, F.S.; defining the term “direct care worker”; requiring certain licensees to provide specified information about their employees in a survey beginning on a specified date; requiring that the survey be completed on a form adopted by the agency by rule and include a specified attestation; requiring a licensee to submit such survey as a contingency of license renewal; requiring the agency to continually analyze the results of such surveys and publish the results on the agency’s website; requiring the agency to update such information monthly; creating s. 464.0156, F.S.; authorizing a registered nurse to delegate certain tasks to a certified nursing assistant or a home health aide under certain conditions; providing criteria that a registered nurse must consider in determining if a task may be dele-

gated to a certified nursing assistant or a home health aide; authorizing a registered nurse to delegate prescription medication administration to a certified nursing assistant or a home health aide, subject to certain requirements; providing an exception for certain controlled substances; requiring the Board of Nursing, in consultation with the agency, to adopt rules; amending s. 464.018, F.S.; providing disciplinary action; creating s. 464.2035, F.S.; authorizing certified nursing assistants to administer certain prescription medications under certain conditions; requiring such certified nursing assistants to meet certain training and competency requirements; requiring the training, determination of competency, and annual validation of certified nursing assistants to be conducted by a registered nurse or a physician; requiring such certified nursing assistants to complete annual inservice training in medication administration and medication error prevention in addition to existing annual inservice training requirements; requiring the board, in consultation with the agency, to adopt by rule standards and procedures for medication administration by certified nursing assistants; creating s. 381.40185, F.S.; establishing the Physician Student Loan Repayment Program for a specified purpose; defining terms; requiring the Department of Health to establish the program; providing program eligibility requirements; providing for the award of funds from the program to repay the student loans of certain physicians; specifying circumstances under which a physician is no longer eligible to receive funds from the program; requiring the department to adopt rules; providing that implementation of the program is subject to a legislative appropriation; amending s. 464.003, F.S.; defining the term “advanced practice registered nurse - independent practitioner” (APRN-IP); creating s. 464.0123, F.S.; creating the Patient Access to Primary Care Program for a specified purpose; requiring the department to implement the program; defining terms; creating the Council on Advanced Practice Registered Nurse Independent Practice within the department; providing council membership requirements, terms, and duties; requiring the council to develop certain proposed rules; providing for the adoption of the proposed rules; authorizing the council to enter an order to refuse to register an applicant or to approve an applicant for restricted registration or conditional registration under certain circumstances; providing registration and registration renewal requirements; requiring the department to update the practitioner’s profile to reflect specified information; providing limitations on the scope of practice of an APRN-IP; requiring the department to adopt specified rules related to the scope of practice for APRN-IPs; requiring APRN-IPs to report adverse incidents to the department within a specified timeframe; defining the term “adverse incident”; requiring the department to review adverse incidents and make specified determinations; providing for disciplinary action; requiring the department to adopt certain rules; providing for the reactivation of registration; providing construction; requiring the department to adopt rules; amending s. 464.015, F.S.; prohibiting unregistered persons from using the title or abbreviation of APRN-IP; amending s. 464.018, F.S.; providing additional grounds for denial of a license or disciplinary action for APRN-IPs; amending s. 381.026, F.S.; revising the definition of the term “health care provider”; amending s. 382.008, F.S.; authorizing an APRN-IP to file a certificate of death or fetal death under certain circumstances; requiring an APRN-IP to provide certain information to a funeral director within a specified timeframe; defining the term “primary or attending practitioner”; conforming provisions to changes made by the act; amending s. 382.011, F.S.; conforming a provision to changes made by the act; amending s. 394.463, F.S.; authorizing APRN-IPs to examine patients and initiate involuntary examinations for mental illness under certain circumstances; amending s. 397.501, F.S.; prohibiting service providers from denying an individual certain services under certain circumstances; amending s. 456.053, F.S.; revising definitions; providing disciplinary action; conforming provisions to changes made by the act; amending s. 626.9707, F.S.; prohibiting an insurer from refusing to issue and deliver certain disability insurance policies that cover any medical treatment or service furnished by an advanced practice registered nurse or an APRN-IP; creating ss. 627.64025 and 627.6621, F.S.; prohibiting certain health insurance policies and certain group, blanket, or franchise health insurance policies, respectively, from requiring or incentivizing an insured to receive services from an APRN-IP in place of a primary care physician; amending s. 627.6699, F.S.; prohibiting certain health benefit plans from requiring or incentivizing an insured to receive services from an APRN-IP in place of a primary care physician; amending s. 627.736, F.S.; requiring personal injury protection insurance policies to cover a certain percentage of medical services and care provided by an APRN-IP; providing for specified reimbursement of APRN-IPs; amending s. 633.412, F.S.; authorizing an APRN-IP to medically ex-

amine an applicant for firefighter certification; creating s. 641.31075, F.S.; prohibiting certain health maintenance contracts from requiring or incentivizing a subscriber to receive services from an APRN-IP in place of a primary care physician; amending s. 641.495, F.S.; requiring certain health maintenance organization documents to disclose specified information; amending s. 744.3675, F.S.; authorizing an APRN-IP to provide the medical report of a ward in an annual guardianship plan; amending s. 766.118, F.S.; revising the definition of the term “practitioner”; amending s. 768.135, F.S.; providing immunity from liability for an APRN-IP who provides volunteer services, under certain circumstances; amending s. 960.28, F.S.; conforming a cross-reference; providing appropriations; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1676**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 607** was withdrawn from the Committee on Appropriations.

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

**CS for CS for HB 607**—A bill to be entitled An act relating to health care practitioners; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to pay for services provided to Medicaid recipients by a licensed advanced practice registered nurse who is registered to engage in autonomous practice; amending s. 456.0391, F.S.; requiring an autonomous physician assistant to submit certain information to the Department of Health; requiring the department to send a notice to autonomous physician assistants regarding the required information; requiring autonomous physician assistants who have submitted required information to update such information in writing; providing penalties; amending s. 456.041, F.S.; requiring the department to provide a practitioner profile for an autonomous physician assistant; amending ss. 458.347 and 459.022, F.S.; defining the term “autonomous physician assistant”; authorizing third-party payors to reimburse employers for services provided by autonomous physician assistants; deleting a requirement that a physician assistant must inform a patient of a right to see a physician before prescribing or dispensing a prescription; revising the requirements for physician assistant education and training programs; authorizing the Board of Medicine to impose certain penalties upon an autonomous physician assistant; requiring the board to register a physician assistant as an autonomous physician assistant if the applicant meets certain criteria; providing requirements; providing exceptions; requiring the department to distinguish such autonomous physician assistants’ licenses; authorizing such autonomous physician assistants to perform specified acts without physician supervision or supervisory protocol; requiring biennial registration renewal; requiring the Council on Physician Assistants to establish rules; revising the membership and duties of the council; prohibiting a person who is not registered as an autonomous physician assistant from using the title; providing for the denial, suspension, or revocation of the registration of an autonomous physician assistant; requiring the board to adopt rules; requiring autonomous physician assistants to report adverse incidents to the department; amending s. 464.012, F.S.; requiring applicants for registration as an advanced practice registered nurse to apply to the Board of Nursing; authorizing an advanced practice registered nurse to sign, certify, stamp, verify, or endorse a document that requires the signature, certification, stamp, verification, affidavit, or endorsement of a physician within the framework of an established protocol; providing an exception; creating s. 464.0123, F.S.; defining the term “autonomous practice”; providing for the registration of an advanced practice registered nurse to engage in autonomous practice; providing registration requirements; requiring the department to distinguish such advanced practice registered nurses’ licenses and include the registration in their practitioner profiles; authorizing such advanced practice registered nurses to perform specified acts without physician supervision or supervisory protocol; requiring biennial registration renewal and continuing education; authorizing the Board of Nursing to establish an advisory committee to determine the medical acts that may be performed by such advanced practice registered nurses; providing for appointment and terms of committee members; requiring the board to adopt rules; creating s. 464.0155, F.S.; requiring advanced practice registered nurses registered to engage in autonomous practice to report adverse incidents to the Department of Health; providing requirements; defining the term “adverse incident”; providing for department review of such reports; authorizing the department to take disciplinary action; amending s. 464.018, F.S.; providing additional grounds for denial of a



license or disciplinary action for advanced practice registered nurses registered to engage in autonomous practice; amending s. 39.01, F.S.; revising the definition of the term “licensed health care professional” to include an autonomous physician assistant; amending s. 39.303, F.S.; authorizing a specified autonomous physician assistant to review certain cases of abuse or neglect and standards for face-to-face medical evaluations by a Child Protection Team; amending s. 39.304, F.S.; authorizing an autonomous physician assistant to perform or order an examination and diagnose a child without parental consent under certain circumstances; amending s. 110.12315, F.S.; revising requirements for reimbursement of pharmacies for specified prescription drugs and supplies under the state employees’ prescription drug program; amending s. 252.515, F.S.; providing immunity from civil liability for an autonomous physician assistant under the Postdisaster Relief Assistance Act; amending ss. 310.071, 310.073, and 310.081, F.S.; authorizing an autonomous physician assistant and a physician assistant to administer the physical examination required for deputy pilot certification and state pilot licensure; authorizing an applicant for a deputy pilot certificate or a state pilot license to use controlled substances prescribed by an autonomous physician assistant; amending s. 320.0848, F.S.; authorizing an autonomous physician assistant to certify that a person is disabled to satisfy requirements for certain permits; amending s. 381.00315, F.S.; providing for the temporary reactivation of the registration of an autonomous physician assistant in a public health emergency; amending s. 381.00593, F.S.; revising the definition of the term “health care practitioner” to include an autonomous physician assistant for purposes of the Public School Volunteer Health Care Practitioner Act; amending s. 381.026, F.S.; revising the definition of the term “health care provider” to include an advanced practice registered nurse and an autonomous physician assistant for purposes of the Florida Patient’s Bill of Rights and Responsibilities; amending s. 382.008, F.S.; authorizing an autonomous physician assistant, a physician assistant, and an advanced practice registered nurse to file a certificate of death or fetal death under certain circumstances; authorizing a certified nurse midwife to provide certain information to the funeral director within a specified time period; replacing the term “primary or attending physician” with “primary or attending practitioner”; defining the term “primary or attending practitioner”; amending s. 382.011, F.S.; conforming a provision to changes made by the act; amending s. 383.14, F.S.; authorizing the release of certain newborn tests and screening results to an autonomous physician assistant; revising the definition of the term “health care practitioner” to include an autonomous physician assistant for purposes of screening for certain disorders and risk factors; amending s. 390.0111, F.S.; authorizing a certain action by an autonomous physician assistant before an abortion procedure; amending s. 390.012, F.S.; authorizing certain actions by an autonomous physician assistant during and after an abortion procedure; amending s. 394.463, F.S.; authorizing an autonomous physician assistant, a physician assistant, and an advanced practice registered nurse to initiate an involuntary examination for mental illness under certain circumstances; authorizing a physician assistant to examine a patient; amending s. 395.0191, F.S.; providing an exception to certain onsite medical direction requirements for a specified advanced practice registered nurse; amending 395.602, F.S.; authorizing the Department of Health to use certain funds to increase the number of autonomous physician assistants in rural areas; amending s. 397.501, F.S.; prohibiting the denial of certain services to an individual who takes medication prescribed by an autonomous physician assistant, a physician assistant, or an advanced practice registered nurse; amending ss. 397.679 and 397.6793, F.S.; authorizing an autonomous physician assistant to execute a certificate for emergency admission of a person who is substance abuse impaired; amending s. 400.021, F.S.; revising the definition of the term “geriatric outpatient clinic” to include a site staffed by an autonomous physician assistant; amending s. 400.172, F.S.; authorizing an autonomous physician assistant and an advanced practice registered nurse to provide certain medical information to a prospective respite care resident; amending s. 400.487, F.S.; authorizing an autonomous physician assistant to establish treatment orders for certain patients under certain circumstances; amending s. 400.506, F.S.; requiring an autonomous physician assistant to comply with specified treatment plan requirements; amending ss. 400.9973, 400.9974, 400.9976, and 400.9979, F.S.; authorizing an autonomous physician assistant to prescribe client admission to a transitional living facility and care for such client, order treatment plans, supervise and record client medications, and order physical and chemical restraints, respectively; amending s. 401.445, F.S.; prohibiting recovery of damages in court against a registered autonomous physician assistant under

certain circumstances; requiring an autonomous physician assistant to attempt to obtain a person’s consent before providing emergency services; amending ss. 409.906 and 409.908, F.S.; authorizing the agency to reimburse an autonomous physician assistant for providing certain optional Medicaid services; amending s. 409.973, F.S.; requiring managed care plans to cover autonomous physician assistant services; amending s. 429.26, F.S.; prohibiting autonomous physician assistants from having a financial interest in the assisted living facility at which they are employed; authorizing an autonomous physician assistant to examine an assisted living facility resident before admission; amending s. 429.918, F.S.; revising the definition of the term “ADRD participant” to include a participant who has a specified diagnosis from an autonomous physician assistant; authorizing an autonomous physician assistant to provide signed documentation to an ARDR participant; amending s. 440.102, F.S.; authorizing an autonomous physician assistant to collect a specimen for a drug test for specified purposes; amending s. 456.053, F.S.; revising definitions; authorizing an advanced practice registered nurse registered to engage in autonomous practice and an autonomous physician assistant to make referrals under certain circumstances; conforming a cross-reference; amending s. 456.072, F.S.; providing penalties for an autonomous physician assistant who prescribes or dispenses a controlled substance in a certain manner; amending s. 456.44, F.S.; revising the definition of the term “registrant” to include an autonomous physician assistant for purposes of controlled substance prescribing; providing requirements for an autonomous physician assistant who prescribes controlled substances for the treatment of chronic nonmalignant pain; amending ss. 458.3265 and 459.0137, F.S.; requiring an autonomous physician assistant to perform a physical examination of a patient at a pain-management clinic under certain circumstances; amending ss. 458.331 and 459.015, F.S.; providing grounds for denial of a license or disciplinary action against an autonomous physician assistant for certain violations; amending s. 464.003, F.S.; revising the definition of the term “practice of practical nursing” to include an autonomous physician assistant for purposes of authorizing such assistant to supervise a licensed practical nurse; amending s. 464.0205, F.S.; authorizing an autonomous physician assistant to directly supervise a certified retired volunteer nurse; amending s. 480.0475, F.S.; authorizing the operation of a massage establishment during specified hours if the massage therapy is prescribed by an autonomous physician assistant; amending s. 493.6108, F.S.; authorizing an autonomous physician assistant to certify the physical fitness of a certain class of applicants to bear a weapon or firearm; amending s. 626.9707, F.S.; prohibiting an insurer from refusing to issue and deliver certain disability insurance that covers any medical treatment or service furnished by an autonomous physician assistant or an advanced practice registered nurse; amending s. 627.357, F.S.; revising the definition of the term “health care provider” to include an autonomous physician assistant for purposes of medical malpractice self-insurance; amending s. 627.736, F.S.; requiring personal injury protection insurance to cover a certain percentage of medical services and care provided by specified health care providers; providing for specified reimbursement of advanced practice registered nurses registered to engage in autonomous practice or autonomous physician assistants; amending s. 633.412, F.S.; authorizing an autonomous physician assistant to medically examine an applicant for firefighter certification; amending s. 641.495, F.S.; requiring certain health maintenance organization documents to disclose that certain services may be provided by autonomous physician assistants or advanced practice registered nurses; amending s. 744.2006, F.S.; authorizing an autonomous physician assistant to carry out guardianship functions under a contract with a public guardian; conforming terminology; amending s. 744.331, F.S.; authorizing an autonomous physician assistant or a physician assistant to be an eligible member of an examining committee; conforming terminology; amending s. 744.3675, F.S.; authorizing an advanced practice registered nurse, autonomous physician assistant, or physician assistant to provide the medical report of a ward in an annual guardianship plan; amending s. 766.103, F.S.; prohibiting recovery of damages against an autonomous physician assistant under certain conditions; amending s. 766.105, F.S.; revising the definition of the term “health care provider” to include an autonomous physician assistant for purposes of the Florida Patient’s Compensation Fund; amending ss. 766.1115 and 766.1116, F.S.; revising the definitions of the terms “health care provider” and “health care practitioner,” respectively, to include autonomous physician assistants for purposes of the Access to Health Care Act; amending s. 766.118, F.S.; revising the definition of the term “practitioner” to include an advanced practice registered nurse registered to engage in autonomous practice and an

autonomous physician assistant; amending s. 768.135, F.S.; providing immunity from liability for an advanced practice registered nurse registered to engage in autonomous practice or an autonomous physician assistant who provides volunteer services under certain circumstances; amending s. 794.08, F.S.; providing an exception to medical procedures conducted by an autonomous physician assistant under certain circumstances; amending s. 893.02, F.S.; revising the definition of the term "practitioner" to include an autonomous physician assistant; amending s. 943.13, F.S.; authorizing an autonomous physician assistant to conduct a physical examination for a law enforcement or correctional officer to satisfy qualifications for employment or appointment; amending s. 945.603, F.S.; authorizing the Correctional Medical Authority to review and make recommendations relating to the use of autonomous physician assistants as physician extenders; amending s. 948.03, F.S.; authorizing an autonomous physician assistant to prescribe drugs or narcotics to a probationer; amending ss. 984.03 and 985.03, F.S.; revising the definition of the term "licensed health care professional" to include an autonomous physician assistant; amending ss. 1002.20 and 1002.42, F.S.; providing immunity from liability for autonomous physician assistants who administer epinephrine auto-injectors in public and private schools; amending s. 1006.062, F.S.; authorizing an autonomous physician assistant to provide training in the administration of medication to designated school personnel; requiring an autonomous physician assistant to monitor such personnel; authorizing an autonomous physician assistant to determine whether such personnel may perform certain invasive medical services; amending s. 1006.20, F.S.; authorizing an autonomous physician assistant to medically evaluate a student athlete; amending s. 1009.65, F.S.; authorizing an autonomous physician assistant to participate in the Medical Education Reimbursement and Loan Repayment Program; providing appropriations and authorizing positions; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1676** and read the second time by title.

Senator Albritton moved the following amendment:

**Amendment 1 (933614) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (c) of subsection (2) of section 381.026, Florida Statutes, is amended to read:

381.026 Florida Patient's Bill of Rights and Responsibilities.—

(2) DEFINITIONS.—As used in this section and s. 381.0261, the term:

(c) "Health care provider" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, ~~or~~ a podiatric physician licensed under chapter 461, *or an advanced practice registered nurse registered under s. 464.0123.*

Section 2. Paragraph (a) of subsection (2) and subsections (3), (4), and (5) of section 382.008, Florida Statutes, are amended to read:

382.008 Death, fetal death, and nonviable birth registration.—

(2)(a) The funeral director who first assumes custody of a dead body or fetus shall file the certificate of death or fetal death. In the absence of the funeral director, the physician, *advanced practice registered nurse registered under s. 464.0123*, or other person in attendance at or after the death or the district medical examiner of the county in which the death occurred or the body was found shall file the certificate of death or fetal death. The person who files the certificate shall obtain personal data from a legally authorized person as described in s. 497.005 or the best qualified person or source available. The medical certification of cause of death shall be furnished to the funeral director, either in person or via certified mail or electronic transfer, by the physician, *advanced practice registered nurse registered under s. 464.0123*, or medical examiner responsible for furnishing such information. For fetal deaths, the physician, *advanced practice registered nurse registered under s. 464.0123*, midwife, or hospital administrator shall provide any medical or health information to the funeral director within 72 hours after expulsion or extraction.

(3) Within 72 hours after receipt of a death or fetal death certificate from the funeral director, the medical certification of cause of death

shall be completed and made available to the funeral director by the decedent's primary or attending ~~physician~~ *practitioner* or, if s. 382.011 applies, the district medical examiner of the county in which the death occurred or the body was found. The primary or attending ~~physician~~ *practitioner* or ~~the~~ medical examiner shall certify over his or her signature the cause of death to the best of his or her knowledge and belief. As used in this section, the term "primary or attending ~~physician~~ *practitioner*" means a physician *or advanced practice registered nurse registered under s. 464.0123* who treated the decedent through examination, medical advice, or medication during the 12 months preceding the date of death.

(a) The department may grant the funeral director an extension of time upon a good and sufficient showing of any of the following conditions:

1. An autopsy is pending.
2. Toxicology, laboratory, or other diagnostic reports have not been completed.
3. The identity of the decedent is unknown and further investigation or identification is required.

(b) If the decedent's primary or attending ~~physician~~ *practitioner* or the district medical examiner of the county in which the death occurred or the body was found indicates that he or she will sign and complete the medical certification of cause of death but will not be available until after the 5-day registration deadline, the local registrar may grant an extension of 5 days. If a further extension is required, the funeral director must provide written justification to the registrar.

(4) If the department or local registrar grants an extension of time to provide the medical certification of cause of death, the funeral director shall file a temporary certificate of death or fetal death which shall contain all available information, including the fact that the cause of death is pending. The decedent's primary or attending ~~physician~~ *practitioner* or the district medical examiner of the county in which the death occurred or the body was found shall provide an estimated date for completion of the permanent certificate.

(5) A permanent certificate of death or fetal death, containing the cause of death and any other information that was previously unavailable, shall be registered as a replacement for the temporary certificate. The permanent certificate may also include corrected information if the items being corrected are noted on the back of the certificate and dated and signed by the funeral director, physician, *advanced practice registered nurse registered under s. 464.0123*, or district medical examiner of the county in which the death occurred or the body was found, as appropriate.

Section 3. Subsection (1) of section 382.011, Florida Statutes, is amended to read:

382.011 Medical examiner determination of cause of death.—

(1) In the case of any death or fetal death due to causes or conditions listed in s. 406.11, any death that occurred more than 12 months after the decedent was last treated by a primary or attending physician ~~as defined in s. 382.008(3)~~, or any death for which there is reason to believe that the death may have been due to an unlawful act or neglect, the funeral director or other person to whose attention the death may come shall refer the case to the district medical examiner of the county in which the death occurred or the body was found for investigation and determination of the cause of death.

Section 4. Paragraph (a) of subsection (2) of section 394.463, Florida Statutes, are amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(a) An involuntary examination may be initiated by any one of the following means:

1. A circuit or county court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination and specifying the findings on which that conclusion is based. The ex parte

order for involuntary examination must be based on written or oral sworn testimony that includes specific facts that support the findings. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer, or other designated agent of the court, shall take the person into custody and deliver him or her to an appropriate, or the nearest, facility within the designated receiving system pursuant to s. 394.462 for involuntary examination. The order of the court shall be made a part of the patient's clinical record. A fee may not be charged for the filing of an order under this subsection. A facility accepting the patient based on this order must send a copy of the order to the department within 5 working days. The order may be submitted electronically through existing data systems, if available. The order shall be valid only until the person is delivered to the facility or for the period specified in the order itself, whichever comes first. If a ~~no~~ time limit is *not* specified in the order, the order ~~is~~ shall be valid for 7 days after the date that the order was signed.

2. A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to an appropriate, or the nearest, facility within the designated receiving system pursuant to s. 394.462 for examination. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, which must be made a part of the patient's clinical record. Any facility accepting the patient based on this report must send a copy of the report to the department within 5 working days.

3. A physician, a clinical psychologist, a psychiatric nurse, an *advanced practice registered nurse registered under s. 464.0123*, a mental health counselor, a marriage and family therapist, or a clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means, such as voluntary appearance for outpatient evaluation, are not available, a law enforcement officer shall take into custody the person named in the certificate and deliver him or her to the appropriate, or nearest, facility within the designated receiving system pursuant to s. 394.462 for involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody. The report and certificate shall be made a part of the patient's clinical record. Any facility accepting the patient based on this certificate must send a copy of the certificate to the department within 5 working days. The document may be submitted electronically through existing data systems, if applicable.

When sending the order, report, or certificate to the department, a facility shall, at a minimum, provide information about which action was taken regarding the patient under paragraph (g), which information shall also be made a part of the patient's clinical record.

Section 5. Paragraph (a) of subsection (2) of section 397.501, Florida Statutes, is amended to read:

397.501 Rights of individuals.—Individuals receiving substance abuse services from any service provider are guaranteed protection of the rights specified in this section, unless otherwise expressly provided, and service providers must ensure the protection of such rights.

(2) RIGHT TO NONDISCRIMINATORY SERVICES.—

(a) Service providers may not deny an individual access to substance abuse services solely on the basis of race, gender, ethnicity, age, sexual preference, human immunodeficiency virus status, prior service departures against medical advice, disability, or number of relapse episodes. Service providers may not deny an individual who takes medication prescribed by a physician or an *advanced practice registered nurse registered under s. 464.0123* access to substance abuse services solely on that basis. Service providers who receive state funds to provide substance abuse services may not, if space and sufficient state resources are available, deny access to services based solely on inability to pay.

Section 6. Subsection (1) of section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to re-

ipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(1) **ADVANCED PRACTICE REGISTERED NURSE SERVICES.**—The agency shall pay for services provided to a recipient by a licensed advanced practice registered nurse who has a valid collaboration agreement with a licensed physician on file with the Department of Health or who provides anesthesia services in accordance with established protocol required by state law and approved by the medical staff of the facility in which the anesthetic service is performed. Reimbursement for such services must be provided in an amount that equals not less than 80 percent of the reimbursement to a physician who provides the same services, unless otherwise provided for in the General Appropriations Act. *The agency shall also pay for services provided to a recipient by a licensed advance practice registered nurse who is registered to engage in autonomous practice under s. 464.0123.*

Section 7. Paragraphs (a), (i), (o), and (r) of subsection (3) and paragraph (g) of subsection (5) of section 456.053, Florida Statutes, are amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(3) **DEFINITIONS.**—For the purpose of this section, the word, phrase, or term:

(a) "Board" means any of the following boards relating to the respective professions: the Board of Medicine as created in s. 458.307; the Board of Osteopathic Medicine as created in s. 459.004; the Board of Chiropractic Medicine as created in s. 460.404; the Board of Podiatric Medicine as created in s. 461.004; the Board of Optometry as created in s. 463.003; *the Board of Nursing as created in s. 464.004*; the Board of Pharmacy as created in s. 465.004; and the Board of Dentistry as created in s. 466.004.

(i) "Health care provider" means ~~a~~ *any* physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461; *an advanced practice registered nurse registered under s. 464.0123*; or any health care provider licensed under chapter 463 or chapter 466.

(o) "Referral" means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. The following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:

a. By a radiologist for diagnostic-imaging services.

b. By a physician specializing in the provision of radiation therapy services for such services.

c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist's patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.

d. By a cardiologist for cardiac catheterization services.

e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider's or group practice's own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice; provided, however, ~~that effective July 1, 1999,~~ a physician licensed pursuant to chapter 458, chapter 459, chapter 460, or chapter 461 or an advanced practice registered nurse registered under s. 464.0123 may refer a patient to a sole provider or group practice for diagnostic imaging services, excluding radiation therapy services, for which the sole provider or group practice billed both the technical and the professional fee for or on behalf of the patient, if the referring physician or advanced practice registered nurse registered under s. 464.0123 has no investment interest in the practice. The diagnostic imaging service referred to a group practice or sole provider must be a diagnostic imaging service normally provided within the scope of practice to the patients of the group practice or sole provider. The group practice or sole provider may accept no more than 15 percent of their patients receiving diagnostic imaging services from outside referrals, excluding radiation therapy services.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

h. By a urologist for lithotripsy services.

i. By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

j. By a physician for infusion therapy services to a patient of that physician or a member of that physician's group practice.

k. By a nephrologist for renal dialysis services and supplies, except laboratory services.

l. By a health care provider whose principal professional practice consists of treating patients in their private residences for services to be rendered in such private residences, except for services rendered by a home health agency licensed under chapter 400. For purposes of this sub-subparagraph, the term "private residences" includes patients' private homes, independent living centers, and assisted living facilities, but does not include skilled nursing facilities.

m. By a health care provider for sleep-related testing.

(r) "Sole provider" means one health care provider licensed under chapter 458, chapter 459, chapter 460, or chapter 461, or registered under s. 464.0123, who maintains a separate medical office and a medical practice separate from any other health care provider and who bills for his or her services separately from the services provided by any other health care provider. A sole provider shall not share overhead expenses or professional income with any other person or group practice.

(5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

(g) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board pursuant to s. 458.331(2), s. 459.015(2), s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018, or s. 466.028(2). Any hospital licensed under chapter 395 found in violation of this section shall be subject to s. 395.0185(2).

Section 8. Present subsections (5) through (21) of section 464.003, Florida Statutes, are renumbered as subsections (6) through (22), respectively, and subsection (5) is added to that section, to read:

464.003 Definitions.—As used in this part, the term:

(5) "Autonomous practice" means advanced nursing practice by an advanced practice registered nurse who is registered under s. 464.0123 and who is not subject to supervision by a physician or a supervisory protocol.

Section 9. Subsection (3) of section 464.012, Florida Statutes, is amended to read:

464.012 Licensure of advanced practice registered nurses; fees; controlled substance prescribing.—

(3) An advanced practice registered nurse shall perform those functions authorized in this section within the framework of an established protocol that must be maintained on site at the location or locations at which an advanced practice registered nurse practices, unless the advanced practice registered nurse is registered to engage in autonomous practice under s. 464.0123 and is practicing as such. In the case of multiple supervising physicians in the same group, an advanced practice registered nurse must enter into a supervisory protocol with at least one physician within the physician group practice. A practitioner currently licensed under chapter 458, chapter 459, or chapter 466 shall maintain supervision for directing the specific course of medical treatment. Within the established framework, an advanced practice registered nurse may:

(a) Prescribe, dispense, administer, or order any drug; however, an advanced practice registered nurse may prescribe or dispense a controlled substance as defined in s. 893.03 only if the advanced practice registered nurse has graduated from a program leading to a master's or doctoral degree in a clinical nursing specialty area with training in specialized practitioner skills.

(b) Initiate appropriate therapies for certain conditions.

(c) Perform additional functions as may be determined by rule in accordance with s. 464.003(2).

(d) Order diagnostic tests and physical and occupational therapy.

(e) Order any medication for administration to a patient in a facility licensed under chapter 395 or part II of chapter 400, notwithstanding any provisions in chapter 465 or chapter 893.

Section 10. Section 464.0123, Florida Statutes, is created to read:

464.0123 Autonomous practice by an advanced practice registered nurse.—

(1) REGISTRATION.—The board shall register an advanced practice registered nurse as an autonomous advanced practice registered nurse under this section if the applicant demonstrates that he or she:

(a) Holds an active, unencumbered license to practice advanced nursing in this state.

(b) Has not been subject to any disciplinary action as specified in s. 456.072 or s. 464.018 or any similar disciplinary action in another state, jurisdiction, or territory of the United States within the 5 years immediately preceding the registration request.

(c) Has completed, in any state, jurisdiction, or territory of the United States, at least 3,000 clinical practice hours, which may include the provision of clinical instructional hours, within the 5 years immediately preceding the registration request while practicing as an advanced practice registered nurse under the supervision of an allopathic or osteopathic physician who held an active, unencumbered license issued by any state, jurisdiction, or territory of the United States during the period of such supervision. For purposes of this paragraph, "clinical instruction" means education conducted by faculty in a clinical setting in a graduate program leading to a master's or doctoral degree in a clinical nursing specialty area.

(d) Has completed within the past 5 years 3 graduate-level semester hours, or the equivalent, in differential diagnosis and 3 graduate-level semester hours, or the equivalent, in pharmacology.

(e) The board may provide additional registration requirements by rule.

(2) FINANCIAL RESPONSIBILITY.—

(a) An advanced practice registered nurse registered under this section must, by one of the following methods, demonstrate to the satisfaction of the board and the department financial responsibility to pay claims and

costs ancillary thereto arising out of the rendering of, or the failure to render medical or nursing care, treatment, or services:

1. Obtaining and maintaining professional liability coverage in an amount not less than \$100,000 per claim, with a minimum annual aggregate of not less than \$300,000, from an authorized insurer as defined in s. 624.09, from a surplus lines insurer as defined in s. 626.914(2), from a risk retention group as defined in s. 627.942, from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s. 627.357; or

2. Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to chapter 675, in an amount of not less than \$100,000 per claim, with a minimum aggregate availability of credit of not less than \$300,000. The letter of credit must be payable to the advanced practice registered nurse as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the advanced practice registered nurse or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical or nursing care and services.

(b) The requirements of paragraph (a) do not apply to:

1. An advanced practice registered nurse registered under this section who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions.

2. An advanced practice registered nurse whose registration under this section has become inactive and who is not practicing as an advanced practice registered nurse registered under this section in this state.

3. An advanced practice registered nurse registered under this section who practices only in conjunction with his or her teaching duties at an accredited school or its main teaching hospitals. Such practice is limited to that which is incidental to and a necessary part of duties in connection with the teaching position.

4. An advanced practice registered nurse who holds an active registration under this section and who is not engaged in autonomous practice as authorized under this section in this state. If such person initiates or resumes any practice as an autonomous advanced practice registered nurse, he or she must notify the department of such activity and fulfill the professional liability coverage requirements of paragraph (a).

### (3) PRACTICE REQUIREMENTS.—

(a) An advanced practice registered nurse who is registered under this section may:

1. Engage in autonomous practice only in primary care practice, including family medicine, general pediatrics, and general internal medicine, as defined by board rule.

2. For certified nurse midwives, engage in autonomous practice in the performance of the acts listed in s. 464.012(4)(c).

3. Perform the general functions of an advanced practice registered nurse under s. 464.012(3) related to primary care.

4. Under a protocol agreement or supervision, perform the acts within his or her specialty as authorized under s. 464.012(4).

5. For a patient who requires the services of a health care facility, as defined in s. 408.032(8):

- a. Admit the patient to the facility.
- b. Manage the care received by the patient in the facility.
- c. Discharge the patient from the facility, unless prohibited by federal law or rule.

6. Provide a signature, certification, stamp, verification, affidavit, or endorsement that is otherwise required by law to be provided by a physician, except an advanced practice registered nurse registered under this section may not issue a physician certification under s. 381.986.

(b) A certified nurse midwife must have a written patient transfer agreement with a hospital and a written referral agreement with a physician licensed under chapter 458 or chapter 459 to engage in nurse midwifery.

(c) An advanced practice registered nurse engaging in autonomous practice under this section may not perform any surgical procedure other than subcutaneous procedures.

(d) The board shall adopt rules establishing standards of practice, in consultation with the council created in subsection (4), for advanced practice registered nurses registered under this section.

### (4) COUNCIL ON ADVANCED PRACTICE REGISTERED NURSE AUTONOMOUS PRACTICE.—

(a) The Council on Advanced Practice Registered Nurse Autonomous Practice is established within the Department of Health. The council must consist of the following nine members:

1. Two members appointed by the chair of the Board of Medicine who are physicians and members of the Board of Medicine.

2. Two members appointed by the chair of the Board of Osteopathic Medicine who are physicians and members of the Board of Osteopathic Medicine.

3. Four members appointed by the chair of the board who are advanced practice registered nurses licensed under this chapter with experience practicing advanced or specialized nursing.

4. The State Surgeon General or his or her designee who shall serve as the chair of the council.

(b) The Board of Medicine members, the Board of Osteopathic Medicine members, and the Board of Nursing appointee members shall be appointed for terms of 4 years. The initial appointments shall be staggered so that one member from the Board of Medicine, one member from the Board of Osteopathic Medicine, and one appointee member from the Board of Nursing shall each be appointed for a term of 4 years; one member from the Board of Medicine and one appointee member from the Board of Nursing shall each be appointed for a term of 3 years; and one member from the Board of Osteopathic Medicine and two appointee members from the Board of Nursing shall each be appointed for a term of 2 years. Physician members appointed to the council must be physicians who have practiced with advanced practice registered nurses under a protocol in their practice.

(c) Council members may not serve more than two consecutive terms.

(d) The council shall recommend standards of practice for advanced practice registered nurses registered under this section to the board. If the board rejects a recommendation of the council, the board must state with particularity the basis for rejecting the recommendation and provide the council an opportunity to modify its recommendation. The board must consider the council's modified recommendation.

### (5) REGISTRATION RENEWAL.—

(a) An advanced practice registered nurse must biennially renew registration under this section. The biennial renewal for registration shall coincide with the advanced practice registered nurse's biennial renewal period for licensure.

(b) To renew his or her registration under this section, an advanced practice registered nurse must complete at least 10 hours of continuing education approved by the board, in addition to completing the continuing education requirements established by board rule pursuant to s. 464.013. If the initial renewal period occurs before January 1, 2021, an advanced practice registered nurse who is registered under this section is not required to complete the continuing education requirement within this subsection until the following biennial renewal period.

(6) PRACTITIONER PROFILE.—The department shall conspicuously distinguish an advanced practice registered nurse's license if he or she is registered with the board under this section and include the registration in the advanced practice registered nurse's practitioner profile created under s. 456.041.

(7) *DISCLOSURES.*—When engaging in autonomous practice, an advanced practice registered nurse registered under this section must provide information to a new patient about his or her qualifications and the nature of autonomous practice before or during the initial patient encounter.

(8) *RULES.*—The board shall adopt rules to implement this section.

Section 11. Section 464.0155, Florida Statutes, is created to read:

*464.0155 Reports of adverse incidents by advanced practice registered nurses.—*

(1) An advanced practice registered nurse registered and practicing under s. 464.0123 must report an adverse incident to the department in accordance with this section.

(2) The report must be in writing, sent to the department by certified mail, and postmarked within 15 days after the occurrence of the adverse incident if the adverse incident occurs when the patient is at the office of the advanced practice registered nurse registered under s. 464.0123. If the adverse incident occurs when the patient is not at the office of the advanced practice registered nurse registered under s. 464.0123, the report must be postmarked within 15 days after the advanced practice registered nurse discovers, or reasonably should have discovered, the occurrence of the adverse incident.

(3) For purposes of this section, the term “adverse incident” means an event over which the advanced practice registered nurse registered under s. 464.0123 could exercise control and which is associated in whole or in part with a nursing intervention, rather than the condition for which such intervention occurred, and which results in any of the following patient injuries:

(a) Any condition that required the transfer of a patient from the practice location of the advanced practice registered nurse registered under s. 464.0123 to a hospital licensed under chapter 395.

(b) A permanent physical injury to the patient.

(c) The death of the patient.

(4) The department shall review each report of an adverse incident and determine whether the adverse incident was attributable to conduct by the advanced practice registered nurse. Upon making such a determination, the board may take disciplinary action pursuant to s. 456.073.

Section 12. Paragraph (r) is added to subsection (1) of section 464.018, Florida Statutes, to read:

*464.018 Disciplinary actions.—*

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in ss. 456.072(2) and 464.0095:

(r) For an advanced practice registered nurse registered under s. 464.0123:

1. Paying or receiving any commission, bonus, kickback, or rebate from, or engaging in any split-fee arrangement in any form whatsoever with, a health care practitioner, organization, agency, or person, either directly or implicitly, for referring patients to providers of health care goods or services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. This subparagraph may not be construed to prevent an advanced practice registered nurse registered under s. 464.0123 from receiving a fee for professional consultation services.

2. Exercising influence within a patient-advanced practice registered nurse relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her advanced practice registered nurse registered under s. 464.0123.

3. Making deceptive, untrue, or fraudulent representations in or related to, or employing a trick or scheme in or related to, advanced or specialized nursing practice.

4. Soliciting patients, either personally or through an agent, by the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. As used in this subparagraph, the term “soliciting” means directly or implicitly requesting an immediate oral response from the recipient.

5. Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the advanced practice registered nurse, by name and professional title, who is responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations or referrals.

6. Exercising influence on the patient to exploit the patient for the financial gain of the advanced practice registered nurse or a third party, including, but not limited to, the promoting or selling of services, goods, appliances, or drugs.

7. Performing professional services that have not been duly authorized by the patient or his or her legal representative, except as provided in s. 766.103 or s. 768.13.

8. Performing any procedure or prescribing any therapy that, by the prevailing standards of advanced or specialized nursing practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.

9. Delegating professional responsibilities to a person when the advanced practice registered nurse delegating such responsibilities knows or has reason to believe that such person is not qualified by training, experience, or licensure to perform such responsibilities.

10. Committing, or conspiring with another to commit, an act that would tend to coerce, intimidate, or preclude another advanced practice registered nurse from lawfully advertising his or her services.

11. Advertising or holding himself or herself out as having certification in a specialty that he or she has not received.

12. Failing to comply with ss. 381.026 and 381.0261 relating to providing patients with information about their rights and how to file a complaint.

13. Providing deceptive or fraudulent expert witness testimony related to advanced or specialized nursing practice.

Section 13. Subsection (1) of section 626.9707, Florida Statutes, is amended to read:

*626.9707 Disability insurance; discrimination on basis of sickle-cell trait prohibited.—*

(1) An ~~no~~ insurer authorized to transact insurance in this state may not ~~shall~~ refuse to issue and deliver in this state any policy of disability insurance, whether such policy is defined as individual, group, blanket, franchise, industrial, or otherwise, which is currently being issued for delivery in this state and which affords benefits and coverage for any medical treatment or service authorized and permitted to be furnished by a hospital, clinic, health clinic, neighborhood health clinic, health maintenance organization, physician, physician’s assistant, advanced practice registered nurse ~~practitioner~~, or medical service facility or personnel solely because the person to be insured has the sickle-cell trait.

Section 14. Section 627.64025, Florida Statutes, is created to read:

*627.64025 Advanced Practice Registered Nurse Services.—A health insurance policy that provides major medical coverage and that is delivered, issued, or renewed in this state on or after January 1, 2021, may not require an insured to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 15. Section 627.6621, Florida Statutes, is created to read:

*627.6621 Advanced Practice Registered Nurse Services.—A group, blanket, or franchise health insurance policy that is delivered, issued, or renewed in this state on or after January 1, 2021, may not require an*

*insured to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 16. Paragraph (g) is added to subsection (5) of section 627.6699, Florida Statutes, to read:

627.6699 Employee Health Care Access Act.—

(5) AVAILABILITY OF COVERAGE.—

*(g) A health benefit plan covering small employers which is delivered, issued, or renewed in this state on or after January 1, 2021, may not require an insured to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 18. Paragraph (a) of subsection (1) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(1) REQUIRED BENEFITS.—An insurance policy complying with the security requirements of s. 627.733 must provide personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in the motor vehicle, and other persons struck by the motor vehicle and suffering bodily injury while not an occupant of a self-propelled vehicle, subject to subsection (2) and paragraph (4)(e), to a limit of \$10,000 in medical and disability benefits and \$5,000 in death benefits resulting from bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(a) Medical benefits.—Eighty percent of all reasonable expenses for medically necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices and medically necessary ambulance, hospital, and nursing services if the individual receives initial services and care pursuant to subparagraph 1. within 14 days after the motor vehicle accident. The medical benefits provide reimbursement only for:

1. Initial services and care that are lawfully provided, supervised, ordered, or prescribed by a physician licensed under chapter 458 or chapter 459, a dentist licensed under chapter 466, ~~or~~ a chiropractic physician licensed under chapter 460, *or an advanced practice registered nurse registered under s. 464.0123* or that are provided in a hospital or in a facility that owns, or is wholly owned by, a hospital. Initial services and care may also be provided by a person or entity licensed under part III of chapter 401 which provides emergency transportation and treatment.

2. Upon referral by a provider described in subparagraph 1., followup services and care consistent with the underlying medical diagnosis rendered pursuant to subparagraph 1. which may be provided, supervised, ordered, or prescribed only by a physician licensed under chapter 458 or chapter 459, a chiropractic physician licensed under chapter 460, a dentist licensed under chapter 466, *or an advanced practice registered nurse registered under s. 464.0123*, or, to the extent permitted by applicable law and under the supervision of such physician, osteopathic physician, chiropractic physician, or dentist, by a physician assistant licensed under chapter 458 or chapter 459 or an advanced practice registered nurse licensed under chapter 464. Followup services and care may also be provided by the following persons or entities:

a. A hospital or ambulatory surgical center licensed under chapter 395.

b. An entity wholly owned by one or more physicians licensed under chapter 458 or chapter 459, chiropractic physicians licensed under chapter 460, *advanced practice registered nurses registered under s. 464.0123*, or dentists licensed under chapter 466 or by such practitioners and the spouse, parent, child, or sibling of such practitioners.

c. An entity that owns or is wholly owned, directly or indirectly, by a hospital or hospitals.

d. A physical therapist licensed under chapter 486, based upon a referral by a provider described in this subparagraph.

e. A health care clinic licensed under part X of chapter 400 which is accredited by an accrediting organization whose standards incorporate comparable regulations required by this state, or

(I) Has a medical director licensed under chapter 458, chapter 459, or chapter 460;

(II) Has been continuously licensed for more than 3 years or is a publicly traded corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange; and

(III) Provides at least four of the following medical specialties:

(A) General medicine.

(B) Radiography.

(C) Orthopedic medicine.

(D) Physical medicine.

(E) Physical therapy.

(F) Physical rehabilitation.

(G) Prescribing or dispensing outpatient prescription medication.

(H) Laboratory services.

3. Reimbursement for services and care provided in subparagraph 1. or subparagraph 2. up to \$10,000 if a physician licensed under chapter 458 or chapter 459, a dentist licensed under chapter 466, a physician assistant licensed under chapter 458 or chapter 459, or an advanced practice registered nurse licensed under chapter 464 has determined that the injured person had an emergency medical condition.

4. Reimbursement for services and care provided in subparagraph 1. or subparagraph 2. is limited to \$2,500 if a provider listed in subparagraph 1. or subparagraph 2. determines that the injured person did not have an emergency medical condition.

5. Medical benefits do not include massage as defined in s. 480.033 or acupuncture as defined in s. 457.102, regardless of the person, entity, or licensee providing massage or acupuncture, and a licensed massage therapist or licensed acupuncturist may not be reimbursed for medical benefits under this section.

6. The Financial Services Commission shall adopt by rule the form that must be used by an insurer and a health care provider specified in sub-subparagraph 2.b., sub-subparagraph 2.c., or sub-subparagraph 2.e. to document that the health care provider meets the criteria of this paragraph. Such rule must include a requirement for a sworn statement or affidavit.

Only insurers writing motor vehicle liability insurance in this state may provide the required benefits of this section, and such insurer may not require the purchase of any other motor vehicle coverage other than the purchase of property damage liability coverage as required by s. 627.7275 as a condition for providing such benefits. Insurers may not require that property damage liability insurance in an amount greater than \$10,000 be purchased in conjunction with personal injury protection. Such insurers shall make benefits and required property damage liability insurance coverage available through normal marketing channels. An insurer writing motor vehicle liability insurance in this state who fails to comply with such availability requirement as a general business practice violates part IX of chapter 626, and such violation constitutes an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance. An insurer committing such violation is subject to the penalties provided under that part, as well as those provided elsewhere in the insurance code.

Section 19. Section 641.31075, Florida Statutes, is created to read:

*641.31075 Advanced Practice Registered Nurse Services.—A health maintenance contract that is delivered, issued, or renewed in this state on or after January 1, 2021, may not require a subscriber to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*



Section 20. Subsection (8) of section 641.495, Florida Statutes, is amended to read:

641.495 Requirements for issuance and maintenance of certificate.—

(8) Each organization's contracts, certificates, and subscriber handbooks shall contain a provision, if applicable, disclosing that, for certain types of described medical procedures, services may be provided by physician assistants, *advanced practice registered nurses* ~~nurse practitioners~~, or other individuals who are not licensed physicians.

Section 21. Subsection (1) of section 744.2006, Florida Statutes, is amended to read:

744.2006 Office of Public and Professional Guardians; appointment, notification.—

(1) The executive director of the Office of Public and Professional Guardians, after consultation with the chief judge and other circuit judges within the judicial circuit and with appropriate advocacy groups and individuals and organizations who are knowledgeable about the needs of incapacitated persons, may establish, within a county in the judicial circuit or within the judicial circuit, one or more offices of public guardian and if so established, shall create a list of persons best qualified to serve as the public guardian, who have been investigated pursuant to s. 744.3135. The public guardian must have knowledge of the legal process and knowledge of social services available to meet the needs of incapacitated persons. The public guardian shall maintain a staff or contract with professionally qualified individuals to carry out the guardianship functions, including an attorney who has experience in probate areas and another person who has a master's degree in social work, or a gerontologist, psychologist, *advanced practice registered nurse*, or registered nurse, ~~or nurse practitioner~~. A public guardian that is a nonprofit corporate guardian under s. 744.309(5) must receive tax-exempt status from the United States Internal Revenue Service.

Section 22. Paragraph (a) of subsection (3) of section 744.331, Florida Statutes, is amended to read:

744.331 Procedures to determine incapacity.—

(3) EXAMINING COMMITTEE.—

(a) Within 5 days after a petition for determination of incapacity has been filed, the court shall appoint an examining committee consisting of three members. One member must be a psychiatrist or other physician. The remaining members must be either a psychologist, a gerontologist, a ~~another~~ psychiatrist, a ~~or other~~ physician, an *advanced practice registered nurse*, a registered nurse, ~~nurse practitioner~~, a licensed social worker, a person with an advanced degree in gerontology from an accredited institution of higher education, or *any* other person who by knowledge, skill, experience, training, or education may, in the court's discretion, advise the court in the form of an expert opinion. One of three members of the committee must have knowledge of the type of incapacity alleged in the petition. Unless good cause is shown, the attending or family physician may not be appointed to the committee. If the attending or family physician is available for consultation, the committee must consult with the physician. Members of the examining committee may not be related to or associated with one another, with the petitioner, with counsel for the petitioner or the proposed guardian, or with the person alleged to be totally or partially incapacitated. A member may not be employed by any private or governmental agency that has custody of, or furnishes, services or subsidies, directly or indirectly, to the person or the family of the person alleged to be incapacitated or for whom a guardianship is sought. A petitioner may not serve as a member of the examining committee. Members of the examining committee must be able to communicate, either directly or through an interpreter, in the language that the alleged incapacitated person speaks or to communicate in a medium understandable to the alleged incapacitated person if she or he is able to communicate. The clerk of the court shall send notice of the appointment to each person appointed no later than 3 days after the court's appointment.

Section 23. Paragraph (b) of subsection (1) of section 744.3675, Florida Statutes, is amended to read:

744.3675 Annual guardianship plan.—Each guardian of the person must file with the court an annual guardianship plan which updates

information about the condition of the ward. The annual plan must specify the current needs of the ward and how those needs are proposed to be met in the coming year.

(1) Each plan for an adult ward must, if applicable, include:

(b) Information concerning the medical and mental health conditions and treatment and rehabilitation needs of the ward, including:

1. A resume of any professional medical treatment given to the ward during the preceding year.

2. The report of a physician *or an advanced practice registered nurse registered under s. 464.0123* who examined the ward no more than 90 days before the beginning of the applicable reporting period. The report must contain an evaluation of the ward's condition and a statement of the current level of capacity of the ward.

3. The plan for providing medical, mental health, and rehabilitative services in the coming year.

Section 24. Paragraph (c) of subsection (1) of section 766.118, Florida Statutes, is amended to read:

766.118 Determination of noneconomic damages.—

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

(c) "Practitioner" means any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 486, or s. 464.012 *or registered under s. 464.0123*. "Practitioner" also means any association, corporation, firm, partnership, or other business entity under which such practitioner practices or any employee of such practitioner or entity acting in the scope of his or her employment. For the purpose of determining the limitations on noneconomic damages set forth in this section, the term "practitioner" includes any person or entity for whom a practitioner is vicariously liable and any person or entity whose liability is based solely on such person or entity being vicariously liable for the actions of a practitioner.

Section 25. Subsection (3) of section 768.135, Florida Statutes, is amended to read:

768.135 Volunteer team physicians; immunity.—

(3) A practitioner licensed under chapter 458, chapter 459, chapter 460, or s. 464.012 *or registered under s. 464.0123* who gratuitously and in good faith conducts an evaluation pursuant to s. 1006.20(2)(c) is not liable for any civil damages arising from that evaluation unless the evaluation was conducted in a wrongful manner.

Section 26. Paragraph (a) of subsection (1) of section 1006.062, Florida Statutes, is amended to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.—

(1) Notwithstanding the provisions of the Nurse Practice Act, part I of chapter 464, district school board personnel may assist students in the administration of prescription medication when the following conditions have been met:

(a) Each district school board shall include in its approved school health services plan a procedure to provide training, by a registered nurse, a licensed practical nurse, *or an advanced practice registered nurse licensed under chapter 464* or by a physician licensed ~~pursuant to chapter 458 or chapter 459~~, or a physician assistant licensed ~~pursuant to chapter 458 or chapter 459~~, to the school personnel designated by the school principal to assist students in the administration of prescribed medication. Such training may be provided in collaboration with other school districts, through contract with an education consortium, or by any other arrangement consistent with the intent of this subsection.

Section 27. Paragraph (c) of subsection (2) of section 1006.20, Florida Statutes, is amended to read:



1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(c) The FHSAA shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year ~~before~~ ~~prior to~~ participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Such medical evaluation may be administered only by a practitioner licensed under chapter 458, chapter 459, chapter 460, or s. 464.012 or registered under s. 464.0123; and in good standing with the practitioner's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this paragraph, which shall include a physical assessment of the student's physical capabilities to participate in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation and history form. The evaluation form shall incorporate the recommendations of the American Heart Association for participation cardiovascular screening and shall provide a place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. The preparticipation physical evaluation form shall advise students to complete a cardiovascular assessment and shall include information concerning alternative cardiovascular evaluation and diagnostic tests. Results of such medical evaluation must be provided to the school. A student is not eligible to participate, as provided in s. 1006.15(3), in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation have been received and approved by the school.

Section 28. *For the 2020-2021 fiscal year, the sums of \$219,089 in recurring funds and \$17,716 in nonrecurring funds from the Medical Quality Assurance Trust Fund are appropriated to the Department of Health, and 3.5 full-time equivalent positions with associated salary rate of 183,895 are authorized, for the purpose of implementing this act.*

Section 29. Section 1. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 1009.65, Florida Statutes, are amended to read:

1009.65 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced practice registered nurse licensure or physician assistant licensure. The following licensed or certified health care professionals are eligible to participate in this program:

(a) Medical doctors with primary care specialties, doctors of osteopathic medicine with primary care specialties, physician's assistants, licensed practical nurses and registered nurses, ~~and~~ advanced practice registered nurses with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health.

(~~2~~) From the funds available, the Department of Health shall make payments ~~to selected medical professionals~~ as follows:

1.~~(a)~~ Up to \$4,000 per year for licensed practical nurses and registered nurses, up to \$10,000 per year for advanced practice registered nurses and physician's assistants, and up to \$20,000 per year for physicians. Penalties for noncompliance shall be the same as those in the

National Health Services Corps Loan Repayment Program. Educational expenses include costs for tuition, matriculation, registration, books, laboratory and other fees, other educational costs, and reasonable living expenses as determined by the Department of Health.

2.~~(b)~~ All payments are contingent on continued proof of primary care practice in an area defined in s. 395.602(2)(b), or an underserved area designated by the Department of Health, provided the practitioner accepts Medicaid reimbursement if eligible for such reimbursement. Correctional facilities, state hospitals, and other state institutions that employ medical personnel shall be designated by the Department of Health as underserved locations. Locations with high incidences of infant mortality, high morbidity, or low Medicaid participation by health care professionals may be designated as underserved.

(b) *Advanced practice registered nurses registered to engage in autonomous practice under s. 464.0123 and practicing in the primary care specialties of family medicine, general pediatrics, general internal medicine, or obstetrics. From the funds available, the Department of Health shall make payments of up to \$15,000 per year to advanced practice registered nurses registered under s. 464.0123 who demonstrate, as required by department rule, active employment providing primary care services in a public health program, an independent practice, or a group practice that serves Medicaid recipients and other low-income patients and that is located in a primary care health professional shortage area or in a medically underserved area. Only loans to pay the costs of tuition, books, medical equipment and supplies, uniforms, and living expenses may be covered. For the purposes of this paragraph:*

1. *"Medically underserved area" means a geographic area designated as such by the Health Resources and Services Administration of the United States Department of Health and Human Services.*

2. *"Primary care health professional shortage area" means a geographic area, an area having a special population, or a facility that is designated by the Health Resources and Services Administration of the United States Department of Health and Human Services as a health professional shortage area as defined by federal regulation and that has a shortage of primary care professionals who serve Medicaid recipients and other low-income patients.*

3. *"Public health program" means a county health department, the Children's Medical Services program, a federally funded community health center, a federally funded migrant health center, or any other publicly funded or nonprofit health care program designated by the department.*

Section 30. *For the 2020-2021 fiscal year, the sum of \$5 million in recurring funds is appropriated from the General Revenue Fund to the Department of Health for the Health Care Education Reimbursement and Loan Repayment Program pursuant to s. 1009.65, Florida Statutes, for advanced practice registered nurses registered to engage in autonomous practice under s. 464.0123, Florida Statutes.*

Section 31. This act shall take effect July 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to direct care workers; amendments. 381.026, F.S.; revising the definition of the term "health care provider" to include an advanced practice registered nurse who is registered to engage in autonomous practice for purposes of the Florida Patient's Bill of Rights and Responsibilities; amending s. 382.008, F.S.; authorizing an advanced practice registered nurse who is registered to engage in autonomous practice to file a certificate of death or fetal death under certain circumstances; authorizing an advanced practice registered nurse who is registered to engage in autonomous practice to provide certain information to the funeral director within a specified time period; replacing the term "primary or attending physician" with "primary or attending practitioner"; defining the term "primary or attending practitioner"; amending s. 382.011, F.S.; conforming a provision to changes made by the act; amending s. 394.463, F.S.; authorizing an advanced practice registered nurse who is registered to engage in autonomous practice to initiate an involuntary examination for mental illness under certain circumstances; amending s. 397.501, F.S.; prohibiting the denial of certain services to an individual who takes medi-

cation prescribed by an advanced practice registered nurse who is registered to engage in autonomous practice; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to pay for services provided to Medicaid recipients by a licensed advanced practice registered nurse who is registered to engage in autonomous practice; amending s. 456.053, F.S.; revising definitions; authorizing an advanced practice registered nurse registered to engage in autonomous practice to make referrals under certain circumstances; conforming a provision to changes made by the act; amending s. 464.003, F.S.; defining the term "autonomous practice"; amending s. 464.012, F.S.; conforming a provision to changes made by the act; providing an exception; creating s. 464.0123, F.S.; providing for the registration of an advanced practice registered nurse to engage in autonomous practice; providing registration requirements; providing financial responsibility requirements; authorizing an advanced practice registered nurse to engage in autonomous practice to provide primary health care services; requiring the department to adopt rules relating to scope of practice; requiring the department to distinguish such advanced practice registered nurses' licenses and include the registration in their practitioner profiles; authorizing such advanced practice registered nurses to perform specified acts without physician supervision or supervisory protocol; establishing the Council on Advanced Practice Registered Nurse Autonomous Practice to recommend standards of practice for advanced practice registered nurses engaging in autonomous practice for adoption in rule by the board; providing for appointment and terms of committee members; requiring the board to state with particularity its reason for rejecting a recommendation and provide the council an opportunity to modify the recommendation; requiring the board to adopt rules establish certain standards of practice; requiring biennial registration renewal and continuing education; requiring the board to adopt rules; creating s. 464.0155, F.S.; requiring advanced practice registered nurses registered to engage in autonomous practice to report adverse incidents to the Department of Health; providing requirements; defining the term "adverse incident"; providing for department review of such reports; authorizing the department to take disciplinary action; amending s. 464.018, F.S.; providing additional grounds for denial of a license or disciplinary action for advanced practice registered nurses registered to engage in autonomous practice; amending s. 626.9707, F.S.; conforming terminology; creating ss. 627.64025 and 627.6621, F.S.; prohibiting certain health insurance policies and certain group, blanket, or franchise health insurance policies, respectively, from requiring an insured to receive services from an advanced practice registered nurse registered to engage in autonomous practice in place of a physician; amending s. 627.6699, F.S.; prohibiting certain health benefit plans from requiring an insured to receive services from an advanced practice registered nurse registered to engage in autonomous practice in place of a physician; amending s. 627.736, F.S.; requiring personal injury protection insurance policies to cover a certain percentage of medical services and care provided by an advanced practice registered nurse registered to engage in autonomous practice; providing for specified reimbursement of such an advanced practice registered nurse; creating s. 641.31075, F.S.; prohibiting certain health maintenance contracts from requiring a subscriber to receive services from an advanced practice registered nurse registered to engage in autonomous practice in place of a primary care physician; amending s. 641.495, F.S.; requiring certain health maintenance organization documents to disclose specified information; amending ss. 744.2006 and 744.331, F.S.; conforming terminology; amending s. 744.3675, F.S.; authorizing an advanced practice registered nurse to provide the medical report of a ward in an annual guardianship plan; amending s. 766.118, F.S.; revising the definition of the term "practitioner" to include an advanced practice registered nurse registered to engage in autonomous practice; amending s. 768.135, F.S.; providing immunity from liability for an advanced practice registered nurse registered to engage in autonomous practice who provides volunteer services under certain circumstances; amending s. 1006.062, F.S.; authorizing an advanced practice registered nurse to provide training in the administration of medication to designated school personnel; amending s. 1006.20, F.S.; authorizing an advanced practice registered nurse registered to engage in autonomous practice to medically evaluate a student athlete; amending s. 1009.65, F.S.; authorizing an advanced practice registered nurse registered to engage in autonomous practice to receive payments under the Health

Care Education Reimbursement and Loan Repayment Program; establishing payment amounts; providing appropriations and authorizing positions; providing an effective date.

Senator Albritton moved the following substitute amendment:

**Substitute Amendment 2 (848330) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Effective upon this act becoming a law, paragraph (v) is added to subsection (1) of section 400.141, Florida Statutes, to read:

400.141 Administration and management of nursing home facilities.—

(1) Every licensed facility shall comply with all applicable standards and rules of the agency and shall:

(v) *Be allowed to use paid feeding assistants as defined in 42 C.F.R. s. 488.301, and in accordance with 42 C.F.R. s. 483.60, if the paid feeding assistant has successfully completed a feeding assistant training program developed by the agency.*

1. *The feeding assistant training program must consist of a minimum of 12 hours of education and training and must include all of the topics and lessons specified in the program curriculum.*

2. *The program curriculum must include, but need not be limited to, training in all of the following content areas:*

a. *Feeding techniques.*

b. *Assistance with feeding and hydration.*

c. *Communication and interpersonal skills.*

d. *Appropriate responses to resident behavior.*

e. *Safety and emergency procedures, including the first aid procedure used to treat upper airway obstructions.*

f. *Infection control.*

g. *Residents' rights.*

h. *Recognizing changes in residents which are inconsistent with their normal behavior and the importance of reporting those changes to the supervisory nurse.*

*The agency may adopt rules to implement this paragraph.*

Section 2. Effective upon this act becoming a law, paragraph (b) of subsection (3) of section 400.23, Florida Statutes, is amended to read:

400.23 Rules; evaluation and deficiencies; licensure status.—

(3)

(b) *Paid feeding assistants and nonnursing staff providing eating assistance to residents shall not count toward compliance with minimum staffing standards.*

Section 3. Effective upon this act becoming a law, subsection (1) of section 400.461, Florida Statutes, is amended to read:

400.461 Short title; purpose.—

(1) This part, consisting of ss. ~~400.461-400.53~~ ~~ss. 400.461-400.518~~, may be cited as the "Home Health Services Act."

Section 4. Subsection (15) of section 400.462, Florida Statutes, is amended to read:

400.462 Definitions.—As used in this part, the term:

(15) "Home health aide" means a person who is trained or qualified, as provided by rule, and who provides hands-on personal care, performs simple procedures as an extension of therapy or nursing services, assists in ambulation or exercises, ~~or~~ assists in administering medications as permitted in rule and for which the person has received training

established by the agency under *this part*, or *performs tasks delegated to him or her under chapter 464 s. 400.497(1)*.

Section 5. Effective upon this act becoming a law, present subsections (5) and (6) of section 400.464, Florida Statutes, are redesignated as subsections (6) and (7), respectively, a new subsection (5) is added to that section, and present subsection (6) of that section is amended, to read:

400.464 Home health agencies to be licensed; expiration of license; exemptions; unlawful acts; penalties.—

(5) *If a licensed home health agency authorizes a registered nurse to delegate tasks, including medication administration, to a certified nursing assistant pursuant to chapter 464 or to a home health aide pursuant to s. 400.490, the licensed home health agency must ensure that such delegation meets the requirements of this chapter and chapter 464 and the rules adopted thereunder.*

(7)(6) Any person, entity, or organization providing home health services which is exempt from licensure under *subsection (6) subsection (6)* may voluntarily apply for a certificate of exemption from licensure under its exempt status with the agency on a form that specifies its name or names and addresses, a statement of the reasons why it is exempt from licensure as a home health agency, and other information deemed necessary by the agency. A certificate of exemption is valid for a period of not more than 2 years and is not transferable. The agency may charge an applicant \$100 for a certificate of exemption or charge the actual cost of processing the certificate.

Section 6. Effective upon this act becoming a law, subsections (2) and (3) of section 400.488, Florida Statutes, are amended to read:

400.488 Assistance with self-administration of medication.—

(2) Patients who are capable of self-administering their own medications without assistance shall be encouraged and allowed to do so. However, an unlicensed person may, consistent with a dispensed prescription's label or the package directions of an over-the-counter medication, assist a patient whose condition is medically stable with the self-administration of routine, regularly scheduled medications that are intended to be self-administered. Assistance with self-medication by an unlicensed person may occur only upon a documented request by, and the written informed consent of, a patient or the patient's surrogate, guardian, or attorney in fact. For purposes of this section, self-administered medications include both legend and over-the-counter oral dosage forms, topical dosage forms, and topical ophthalmic, otic, and nasal dosage forms, including solutions, suspensions, sprays, ~~and~~ inhalers, and nebulizer treatments.

(3) Assistance with self-administration of medication includes:

(a) Taking the medication, in its previously dispensed, properly labeled container, from where it is stored and bringing it to the patient.

(b) In the presence of the patient, *confirming that the medication is intended for that patient, orally advising the patient of the medication name and purpose* ~~reading the label~~, opening the container, removing a prescribed amount of medication from the container, and closing the container.

(c) Placing an oral dosage in the patient's hand or placing the dosage in another container and helping the patient by lifting the container to his or her mouth.

(d) Applying topical medications, *including routine preventive skin care and applying and replacing bandages for minor cuts and abrasions as provided by the agency in rule.*

(e) Returning the medication container to proper storage.

(f) *For nebulizer treatments, assisting with setting up and cleaning the device in the presence of the patient, confirming that the medication is intended for that patient, orally advising the patient of the medication name and purpose, opening the container, removing the prescribed amount for a single treatment dose from a properly labeled container, and assisting the patient with placing the dose into the medicine receptacle or mouthpiece.*

(g)(~~f~~) Keeping a record of when a patient receives assistance with self-administration under this section.

Section 7. Effective upon this act becoming a law, section 400.489, Florida Statutes, is created to read:

400.489 *Administration of medication by a home health aide; staff training requirements.—*

(1) *A home health aide may administer oral, transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medications if the home health aide has been delegated such task by a registered nurse licensed under chapter 464; has satisfactorily completed an initial 6-hour training course approved by the agency; and has been found competent to administer medication to a patient in a safe and sanitary manner. The training, determination of competency, and initial and annual validations required in this section shall be conducted by a registered nurse licensed under chapter 464 or a physician licensed under chapter 458 or chapter 459.*

(2) *A home health aide must annually and satisfactorily complete a 2-hour inservice training course approved by the agency in medication administration and medication error prevention. The inservice training course shall be in addition to the annual inservice training hours required by agency rules.*

(3) *The agency, in consultation with the Board of Nursing, shall establish by rule standards and procedures that a home health aide must follow when administering medication to a patient. Such rules must, at a minimum, address qualification requirements for trainers, requirements for labeling medication, documentation and recordkeeping, the storage and disposal of medication, instructions concerning the safe administration of medication, informed-consent requirements and records, and the training curriculum and validation procedures.*

Section 8. Effective upon this act becoming a law, section 400.490, Florida Statutes, is created to read:

400.490 *Nurse-delegated tasks.—A certified nursing assistant or home health aide may perform any task delegated by a registered nurse as authorized in this part and in chapter 464, including, but not limited to, medication administration.*

Section 9. Effective upon this act becoming a law, section 400.52, Florida Statutes, is created to read:

400.52 *Excellence in Home Health Program.—*

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

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

1. *Patient satisfaction.*
2. *Patients requiring emergency care for wound infections.*
3. *Patients admitted or readmitted to an acute care hospital.*
4. *Patient improvement in the activities of daily living.*
5. *Employee satisfaction.*
6. *Quality of employee training.*
7. *Employee retention rates.*
8. *High performance under federal Medicaid electronic visit verification requirements.*

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

(3) *The home health agency must:*

(a) *Be actively licensed and operating for at least 24 months to be eligible to apply for a program award. An award under the program is not transferrable to another license, except when the existing home*

health agency is being relicensed in the name of an entity related to the current licenseholder by common control or ownership, and there will be no change in the management, operation, or programs of the home health agency as a result of the relicensure.

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

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

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

- (a) Has not been awarded the designation;
- (b) Fails to renew the award upon expiration of the award designation;
- (c) Has undergone a change in ownership that does not qualify for an exception under paragraph (3)(a); or
- (d) Has been notified that it no longer meets the criteria for the award upon reapplication after expiration of the award designation.

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

Section 10. Effective upon this act becoming a law, section 400.53, Florida Statutes, is created to read:

400.53 Nurse Registry Excellence Program.—

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

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

1. Patient or client satisfaction.
2. Patients or clients requiring emergency care for wound infections.
3. Patients or clients admitted or readmitted to an acute care hospital.
4. Patient or client longevity with the nurse registry.
5. Independent contractor satisfaction.
6. Independent contractor longevity with the nurse registry.
7. High performance under federal Medicaid electronic visit verification requirements.

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

(3) The nurse registry must:

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

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

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

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

- (a) Has not been awarded the designation;
- (b) Fails to renew the award upon expiration of the award designation;
- (c) Has undergone a change in ownership that does not qualify for an exception under paragraph (3)(a); or
- (d) Has been notified that it no longer meets the criteria for the award upon reapplication after expiration of the award designation.

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

Section 11. Effective upon this act becoming a law, section 408.822, Florida Statutes, is created to read:

408.822 Direct care workforce survey.—

(1) For purposes of this section, the term “direct care worker” means a certified nursing assistant, a home health aide, a personal care assistant, a companion services or homemaker services provider, a paid feeding assistant trained under s. 400.141(1)(v), or another individual who provides personal care as defined in s. 400.462 to individuals who are elderly, developmentally disabled, or chronically ill.

(2) Beginning January 1, 2021, each licensee that applies for licensure renewal as a nursing home facility licensed under part II of chapter 400, an assisted living facility licensed under part I of chapter 429, or a home health agency or companion services or homemaker services provider licensed under part III of chapter 400 shall furnish all of the following information to the agency in a survey on the direct care workforce:

- (a) The number of registered nurses and the number of direct care workers by category employed by the licensee.
- (b) The turnover and vacancy rates of registered nurses and direct care workers and the contributing factors to these rates.
- (c) The average employee wage for registered nurses and each category of direct care worker.
- (d) Employment benefits for registered nurses and direct care workers and the average cost of such benefits to the employer and the employee.
- (e) Type and availability of training for registered nurses and direct care workers.

(3) An administrator or designee shall include the information required in subsection (2) on a survey form developed by the agency by rule which must contain an attestation that the information provided is true and accurate to the best of his or her knowledge.

(4) The licensee must submit the completed survey before the agency issues the license renewal.

(5) The agency shall continually analyze the results of the surveys and publish the results on its website. The agency shall update the information published on its website monthly.

Section 12. Effective upon this act becoming a law, section 464.0156, Florida Statutes, is created to read:

464.0156 *Delegation of duties.*—

(1) A registered nurse may delegate a task to a certified nursing assistant certified under part II of this chapter or a home health aide as defined in s. 400.462 if the registered nurse determines that the certified nursing assistant or the home health aide is competent to perform the task, the task is delegable under federal law, and the task meets all of the following criteria:

- (a) Is within the nurse's scope of practice.
- (b) Frequently recurs in the routine care of a patient or group of patients.
- (c) Is performed according to an established sequence of steps.
- (d) Involves little or no modification from one patient to another.
- (e) May be performed with a predictable outcome.
- (f) Does not inherently involve ongoing assessment, interpretation, or clinical judgment.
- (g) Does not endanger a patient's life or well-being.

(2) A registered nurse may delegate to a certified nursing assistant or a home health aide the administration of oral, transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medications to a patient of a home health agency, if the certified nursing assistant or home health aide meets the requirements of s. 464.2035 or s. 400.489, respectively. A registered nurse may not delegate the administration of any controlled substance listed in Schedule II, Schedule III, or Schedule IV of s. 893.03 or 21 U.S.C. s. 812.

(3) The board, in consultation with the Agency for Health Care Administration, shall adopt rules to implement this section.

Section 13. Effective upon this act becoming a law, paragraph (r) is added to subsection (1) of section 464.018, Florida Statutes, to read:

464.018 *Disciplinary actions.*—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in ss. 456.072(2) and 464.0095:

(r) *Delegating professional responsibilities to a person when the nurse delegating such responsibilities knows or has reason to know that such person is not qualified by training, experience, certification, or licensure to perform them.*

Section 14. Effective upon this act becoming a law, section 464.2035, Florida Statutes, is created to read:

464.2035 *Administration of medication.*—

(1) A certified nursing assistant may administer oral, transdermal, ophthalmic, otic, rectal, inhaled, enteral, or topical prescription medication to a patient of a home health agency if the certified nursing assistant has been delegated such task by a registered nurse licensed under part I of this chapter, has satisfactorily completed an initial 6-hour training course approved by the board, and has been found competent to administer medication to a patient in a safe and sanitary manner. The training, determination of competency, and initial and annual validation required under this section must be conducted by a registered nurse licensed under this chapter or a physician licensed under chapter 458 or chapter 459.

(2) A certified nursing assistant shall annually and satisfactorily complete 2 hours of inservice training in medication administration and medication error prevention approved by the board, in consultation with the Agency for Health Care Administration. The inservice training is in addition to the other annual inservice training hours required under this part.

(3) The board, in consultation with the Agency for Health Care Administration, shall establish by rule standards and procedures that a certified nursing assistant must follow when administering medication to a patient of a home health agency. Such rules must, at a minimum, address qualification requirements for trainers, requirements for label-

ing medication, documentation and recordkeeping, the storage and disposal of medication, instructions concerning the safe administration of medication, informed-consent requirements and records, and the training curriculum and validation procedures.

Section 15. Paragraph (c) of subsection (2) of section 381.026, Florida Statutes, is amended to read:

## 381.026 Florida Patient's Bill of Rights and Responsibilities.—

(2) DEFINITIONS.—As used in this section and s. 381.0261, the term:

(c) "Health care provider" means a physician licensed under chapter 458, an osteopathic physician licensed under chapter 459, or a podiatric physician licensed under chapter 461, or an advanced practice registered nurse registered under s. 464.0123.

Section 16. Paragraph (a) of subsection (2) and subsections (3), (4), and (5) of section 382.008, Florida Statutes, are amended to read:

## 382.008 Death, fetal death, and nonviable birth registration.—

(2)(a) The funeral director who first assumes custody of a dead body or fetus shall file the certificate of death or fetal death. In the absence of the funeral director, the physician, advanced practice registered nurse registered under s. 464.0123, or other person in attendance at or after the death or the district medical examiner of the county in which the death occurred or the body was found shall file the certificate of death or fetal death. The person who files the certificate shall obtain personal data from a legally authorized person as described in s. 497.005 or the best qualified person or source available. The medical certification of cause of death shall be furnished to the funeral director, either in person or via certified mail or electronic transfer, by the physician, advanced practice registered nurse registered under s. 464.0123, or medical examiner responsible for furnishing such information. For fetal deaths, the physician, advanced practice registered nurse registered under s. 464.0123, midwife, or hospital administrator shall provide any medical or health information to the funeral director within 72 hours after expulsion or extraction.

(3) Within 72 hours after receipt of a death or fetal death certificate from the funeral director, the medical certification of cause of death shall be completed and made available to the funeral director by the decedent's primary or attending practitioner ~~physician~~ or, if s. 382.011 applies, the district medical examiner of the county in which the death occurred or the body was found. The primary or attending practitioner ~~physician~~ or the medical examiner shall certify over his or her signature the cause of death to the best of his or her knowledge and belief. As used in this section, the term "primary or attending practitioner ~~physician~~" means a physician or advanced practice registered nurse registered under s. 464.0123 who treated the decedent through examination, medical advice, or medication during the 12 months preceding the date of death.

(a) The department may grant the funeral director an extension of time upon a good and sufficient showing of any of the following conditions:

1. An autopsy is pending.
2. Toxicology, laboratory, or other diagnostic reports have not been completed.
3. The identity of the decedent is unknown and further investigation or identification is required.

(b) If the decedent's primary or attending practitioner ~~physician~~ or the district medical examiner of the county in which the death occurred or the body was found indicates that he or she will sign and complete the medical certification of cause of death but will not be available until after the 5-day registration deadline, the local registrar may grant an extension of 5 days. If a further extension is required, the funeral director must provide written justification to the registrar.

(4) If the department or local registrar grants an extension of time to provide the medical certification of cause of death, the funeral director shall file a temporary certificate of death or fetal death which shall contain all available information, including the fact that the cause of

death is pending. The decedent's primary or attending ~~physician~~ *practitioner* or the district medical examiner of the county in which the death occurred or the body was found shall provide an estimated date for completion of the permanent certificate.

(5) A permanent certificate of death or fetal death, containing the cause of death and any other information that was previously unavailable, shall be registered as a replacement for the temporary certificate. The permanent certificate may also include corrected information if the items being corrected are noted on the back of the certificate and dated and signed by the funeral director, physician, *advanced practice registered nurse registered under s. 464.0123*, or district medical examiner of the county in which the death occurred or the body was found, as appropriate.

Section 17. Subsection (1) of section 382.011, Florida Statutes, is amended to read:

382.011 Medical examiner determination of cause of death.—

(1) In the case of any death or fetal death due to causes or conditions listed in s. 406.11, any death that occurred more than 12 months after the decedent was last treated by a primary or attending physician ~~as defined in s. 382.008(3)~~, or any death for which there is reason to believe that the death may have been due to an unlawful act or neglect, the funeral director or other person to whose attention the death may come shall refer the case to the district medical examiner of the county in which the death occurred or the body was found for investigation and determination of the cause of death.

Section 18. Paragraph (a) of subsection (2) of section 394.463, Florida Statutes, is amended to read:

394.463 Involuntary examination.—

(2) INVOLUNTARY EXAMINATION.—

(a) An involuntary examination may be initiated by any one of the following means:

1. A circuit or county court may enter an ex parte order stating that a person appears to meet the criteria for involuntary examination and specifying the findings on which that conclusion is based. The ex parte order for involuntary examination must be based on written or oral sworn testimony that includes specific facts that support the findings. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer, or other designated agent of the court, shall take the person into custody and deliver him or her to an appropriate, or the nearest, facility within the designated receiving system pursuant to s. 394.462 for involuntary examination. The order of the court shall be made a part of the patient's clinical record. A fee may not be charged for the filing of an order under this subsection. A facility accepting the patient based on this order must send a copy of the order to the department within 5 working days. The order may be submitted electronically through existing data systems, if available. The order shall be valid only until the person is delivered to the facility or for the period specified in the order itself, whichever comes first. ~~If a no time limit is not specified in the order, the order is shall be valid for 7 days after the date that the order was signed.~~

2. A law enforcement officer shall take a person who appears to meet the criteria for involuntary examination into custody and deliver the person or have him or her delivered to an appropriate, or the nearest, facility within the designated receiving system pursuant to s. 394.462 for examination. The officer shall execute a written report detailing the circumstances under which the person was taken into custody, which must be made a part of the patient's clinical record. Any facility accepting the patient based on this report must send a copy of the report to the department within 5 working days.

3. A physician, a clinical psychologist, a psychiatric nurse, an *advanced practice registered nurse registered under s. 464.0123*, a mental health counselor, a marriage and family therapist, or a clinical social worker may execute a certificate stating that he or she has examined a person within the preceding 48 hours and finds that the person appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means, such as voluntary appearance for outpatient evaluation, are not

available, a law enforcement officer shall take into custody the person named in the certificate and deliver him or her to the appropriate, or nearest, facility within the designated receiving system pursuant to s. 394.462 for involuntary examination. The law enforcement officer shall execute a written report detailing the circumstances under which the person was taken into custody. The report and certificate shall be made a part of the patient's clinical record. Any facility accepting the patient based on this certificate must send a copy of the certificate to the department within 5 working days. The document may be submitted electronically through existing data systems, if applicable.

When sending the order, report, or certificate to the department, a facility shall, at a minimum, provide information about which action was taken regarding the patient under paragraph (g), which information shall also be made a part of the patient's clinical record.

Section 19. Paragraph (a) of subsection (2) of section 397.501, Florida Statutes, is amended to read:

397.501 Rights of individuals.—Individuals receiving substance abuse services from any service provider are guaranteed protection of the rights specified in this section, unless otherwise expressly provided, and service providers must ensure the protection of such rights.

(2) RIGHT TO NONDISCRIMINATORY SERVICES.—

(a) Service providers may not deny an individual access to substance abuse services solely on the basis of race, gender, ethnicity, age, sexual preference, human immunodeficiency virus status, prior service departures against medical advice, disability, or number of relapse episodes. Service providers may not deny an individual who takes medication prescribed by a physician or an *advanced practice registered nurse registered under s. 464.0123* access to substance abuse services solely on that basis. Service providers who receive state funds to provide substance abuse services may not, if space and sufficient state resources are available, deny access to services based solely on inability to pay.

Section 20. Subsection (1) of section 409.905, Florida Statutes, is amended to read:

409.905 Mandatory Medicaid services.—The agency may make payments for the following services, which are required of the state by Title XIX of the Social Security Act, furnished by Medicaid providers to recipients who are determined to be eligible on the dates on which the services were provided. Any service under this section shall be provided only when medically necessary and in accordance with state and federal law. Mandatory services rendered by providers in mobile units to Medicaid recipients may be restricted by the agency. Nothing in this section shall be construed to prevent or limit the agency from adjusting fees, reimbursement rates, lengths of stay, number of visits, number of services, or any other adjustments necessary to comply with the availability of moneys and any limitations or directions provided for in the General Appropriations Act or chapter 216.

(1) ADVANCED PRACTICE REGISTERED NURSE SERVICES.—The agency shall pay for services provided to a recipient by a licensed advanced practice registered nurse who has a valid collaboration agreement with a licensed physician on file with the Department of Health or who provides anesthesia services in accordance with established protocol required by state law and approved by the medical staff of the facility in which the anesthetic service is performed. Reimbursement for such services must be provided in an amount that equals not less than 80 percent of the reimbursement to a physician who provides the same services, unless otherwise provided for in the General Appropriations Act. *The agency shall also pay for services provided to a recipient by a licensed advance practice registered nurse who is registered to engage in autonomous practice under s. 464.0123.*

Section 21. Paragraphs (a), (i), (o), and (r) of subsection (3) and paragraph (g) of subsection (5) of section 456.053, Florida Statutes, are amended to read:

456.053 Financial arrangements between referring health care providers and providers of health care services.—

(3) DEFINITIONS.—For the purpose of this section, the word, phrase, or term:

(a) “Board” means any of the following boards relating to the respective professions: the Board of Medicine as created in s. 458.307; the Board of Osteopathic Medicine as created in s. 459.004; the Board of Chiropractic Medicine as created in s. 460.404; the Board of Podiatric Medicine as created in s. 461.004; the Board of Optometry as created in s. 463.003; *the Board of Nursing as created in s. 464.004*; the Board of Pharmacy as created in s. 465.004; and the Board of Dentistry as created in s. 466.004.

(i) “Health care provider” means ~~a~~ *any* physician licensed under chapter 458, chapter 459, chapter 460, or chapter 461; *an advanced practice registered nurse registered under s. 464.0123*; or any health care provider licensed under chapter 463 or chapter 466.

(o) “Referral” means any referral of a patient by a health care provider for health care services, including, without limitation:

1. The forwarding of a patient by a health care provider to another health care provider or to an entity which provides or supplies designated health services or any other health care item or service; or

2. The request or establishment of a plan of care by a health care provider, which includes the provision of designated health services or other health care item or service.

3. The following orders, recommendations, or plans of care shall not constitute a referral by a health care provider:

- a. By a radiologist for diagnostic-imaging services.
- b. By a physician specializing in the provision of radiation therapy services for such services.
- c. By a medical oncologist for drugs and solutions to be prepared and administered intravenously to such oncologist’s patient, as well as for the supplies and equipment used in connection therewith to treat such patient for cancer and the complications thereof.
- d. By a cardiologist for cardiac catheterization services.
- e. By a pathologist for diagnostic clinical laboratory tests and pathological examination services, if furnished by or under the supervision of such pathologist pursuant to a consultation requested by another physician.

f. By a health care provider who is the sole provider or member of a group practice for designated health services or other health care items or services that are prescribed or provided solely for such referring health care provider’s or group practice’s own patients, and that are provided or performed by or under the direct supervision of such referring health care provider or group practice; provided, however, ~~that effective July 1, 1999,~~ a physician licensed pursuant to chapter 458, chapter 459, chapter 460, or chapter 461 *or an advanced practice registered nurse registered under s. 464.0123* may refer a patient to a sole provider or group practice for diagnostic imaging services, excluding radiation therapy services, for which the sole provider or group practice billed both the technical and the professional fee for or on behalf of the patient, if the referring physician *or advanced practice registered nurse registered under s. 464.0123* has no investment interest in the practice. The diagnostic imaging service referred to a group practice or sole provider must be a diagnostic imaging service normally provided within the scope of practice to the patients of the group practice or sole provider. The group practice or sole provider may accept no more than 15 percent of their patients receiving diagnostic imaging services from outside referrals, excluding radiation therapy services.

g. By a health care provider for services provided by an ambulatory surgical center licensed under chapter 395.

h. By a urologist for lithotripsy services.

i. By a dentist for dental services performed by an employee of or health care provider who is an independent contractor with the dentist or group practice of which the dentist is a member.

j. By a physician for infusion therapy services to a patient of that physician or a member of that physician’s group practice.

k. By a nephrologist for renal dialysis services and supplies, except laboratory services.

l. By a health care provider whose principal professional practice consists of treating patients in their private residences for services to be rendered in such private residences, except for services rendered by a home health agency licensed under chapter 400. For purposes of this sub-subparagraph, the term “private residences” includes patients’ private homes, independent living centers, and assisted living facilities, but does not include skilled nursing facilities.

m. By a health care provider for sleep-related testing.

(r) “Sole provider” means one health care provider licensed under chapter 458, chapter 459, chapter 460, or chapter 461, *or registered under s. 464.0123*, who maintains a separate medical office and a medical practice separate from any other health care provider and who bills for his or her services separately from the services provided by any other health care provider. A sole provider shall not share overhead expenses or professional income with any other person or group practice.

(5) PROHIBITED REFERRALS AND CLAIMS FOR PAYMENT.—Except as provided in this section:

(g) A violation of this section by a health care provider shall constitute grounds for disciplinary action to be taken by the applicable board pursuant to s. 458.331(2), s. 459.015(2), s. 460.413(2), s. 461.013(2), s. 463.016(2), s. 464.018, or s. 466.028(2). Any hospital licensed under chapter 395 in violation of this section shall be subject to s. 395.0185(2).

Section 22. Present subsections (5) through (21) of section 464.003, Florida Statutes, are renumbered as subsections (6) through (22), respectively, and subsection (5) is added to that section, to read:

464.003 Definitions.—As used in this part, the term:

(5) “*Autonomous practice*” means *advanced nursing practice by an advanced practice registered nurse who is registered under s. 464.0123 and who is not subject to supervision by a physician or a supervisory protocol.*

Section 23. Subsection (3) of section 464.012, Florida Statutes, is amended to read:

464.012 Licensure of advanced practice registered nurses; fees; controlled substance prescribing.—

(3) An advanced practice registered nurse shall perform those functions authorized in this section within the framework of an established protocol that must be maintained on site at the location or locations at which an advanced practice registered nurse practices, *unless the advanced practice registered nurse is registered to engage in autonomous practice under s. 464.0123 and is practicing as such.* In the case of multiple supervising physicians in the same group, an advanced practice registered nurse must enter into a supervisory protocol with at least one physician within the physician group practice. A practitioner currently licensed under chapter 458, chapter 459, or chapter 466 shall maintain supervision for directing the specific course of medical treatment. Within the established framework, an advanced practice registered nurse may:

(a) Prescribe, dispense, administer, or order any drug; however, an advanced practice registered nurse may prescribe or dispense a controlled substance as defined in s. 893.03 only if the advanced practice registered nurse has graduated from a program leading to a master’s or doctoral degree in a clinical nursing specialty area with training in specialized practitioner skills.

(b) Initiate appropriate therapies for certain conditions.

(c) Perform additional functions as may be determined by rule in accordance with s. 464.003(2).

(d) Order diagnostic tests and physical and occupational therapy.



(e) Order any medication for administration to a patient in a facility licensed under chapter 395 or part II of chapter 400, notwithstanding any provisions in chapter 465 or chapter 893.

Section 24. Section 464.0123, Florida Statutes, is created to read:

*464.0123 Autonomous practice by an advanced practice registered nurse.—*

(1) *REGISTRATION.—The board shall register an advanced practice registered nurse as an autonomous advanced practice registered nurse under this section if the applicant demonstrates that he or she:*

(a) *Holds an active, unencumbered license to practice advanced nursing in this state.*

(b) *Has not been subject to any disciplinary action as specified in s. 456.072 or s. 464.018 or any similar disciplinary action in another state, jurisdiction, or territory of the United States within the 5 years immediately preceding the registration request.*

(c) *Has completed, in any state, jurisdiction, or territory of the United States, at least 3,000 clinical practice hours, which may include the provision of clinical instructional hours, within the 5 years immediately preceding the registration request while practicing as an advanced practice registered nurse under the supervision of an allopathic or osteopathic physician who held an active, unencumbered license issued by any state, jurisdiction, or territory of the United States during the period of such supervision. For purposes of this paragraph, “clinical instruction” means education conducted by faculty in a clinical setting in a graduate program leading to a master’s or doctoral degree in a clinical nursing specialty area.*

(d) *Has completed within the past 5 years 3 graduate-level semester hours, or the equivalent, in differential diagnosis and 3 graduate-level semester hours, or the equivalent, in pharmacology.*

(e) *The board may provide additional registration requirements by rule.*

(2) *FINANCIAL RESPONSIBILITY.—*

(a) *An advanced practice registered nurse registered under this section must, by one of the following methods, demonstrate to the satisfaction of the board and the department financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render nursing care, treatment, or services:*

1. *Obtaining and maintaining professional liability coverage in an amount not less than \$100,000 per claim, with a minimum annual aggregate of not less than \$300,000, from an authorized insurer as defined in s. 624.09, from a surplus lines insurer as defined in s. 626.914(2), from a risk retention group as defined in s. 627.942, from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s. 627.357; or*

2. *Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to chapter 675, in an amount of not less than \$100,000 per claim, with a minimum aggregate availability of credit of not less than \$300,000. The letter of credit must be payable to the advanced practice registered nurse as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the advanced practice registered nurse or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, medical or nursing care and services.*

(b) *The requirements of paragraph (a) do not apply to:*

1. *An advanced practice registered nurse registered under this section who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions.*

2. *An advanced practice registered nurse whose registration under this section has become inactive and who is not practicing as an ad-*

*vanced practice registered nurse registered under this section in this state.*

3. *An advanced practice registered nurse registered under this section who practices only in conjunction with his or her teaching duties at an accredited school or its main teaching hospitals. Such practice is limited to that which is incidental to and a necessary part of duties in connection with the teaching position.*

4. *An advanced practice registered nurse who holds an active registration under this section and who is not engaged in autonomous practice as authorized under this section in this state. If such person initiates or resumes any practice as an autonomous advanced practice registered nurse, he or she must notify the department of such activity and fulfill the professional liability coverage requirements of paragraph (a).*

(3) *PRACTICE REQUIREMENTS.—*

(a) *An advanced practice registered nurse who is registered under this section may:*

1. *Engage in autonomous practice only in primary care practice, including family medicine, general pediatrics, and general internal medicine, as defined by board rule.*

2. *For certified nurse midwives, engage in autonomous practice in the performance of the acts listed in s. 464.012(4)(c).*

3. *Perform the general functions of an advanced practice registered nurse under s. 464.012(3) related to primary care.*

4. *For a patient who requires the services of a health care facility, as defined in s. 408.032(8):*

a. *Admit the patient to the facility.*

b. *Manage the care received by the patient in the facility.*

c. *Discharge the patient from the facility, unless prohibited by federal law or rule.*

5. *Provide a signature, certification, stamp, verification, affidavit, or endorsement that is otherwise required by law to be provided by a physician, except an advanced practice registered nurse registered under this section may not issue a physician certification under s. 381.986.*

(b) *A certified nurse midwife must have a written patient transfer agreement with a hospital and a written referral agreement with a physician licensed under chapter 458 or chapter 459 to engage in nurse midwifery.*

(c) *An advanced practice registered nurse engaging in autonomous practice under this section may not perform any surgical procedure other than subcutaneous procedures.*

(d) *The board shall adopt rules, in consultation with the council created in subsection (4), establishing standards of practice, for an advanced practice registered nurse registered under this section.*

(4) *COUNCIL ON ADVANCED PRACTICE REGISTERED NURSE AUTONOMOUS PRACTICE.—*

(a) *The Council on Advanced Practice Registered Nurse Autonomous Practice is established within the Department of Health. The council must consist of the following nine members:*

1. *Two members appointed by the chair of the Board of Medicine who are physicians and members of the Board of Medicine.*

2. *Two members appointed by the chair of the Board of Osteopathic Medicine who are physicians and members of the Board of Osteopathic Medicine.*

3. *Four members appointed by the chair of the board who are advanced practice registered nurses registered under this chapter with experience practicing advanced or specialized nursing.*

4. *The State Surgeon General or his or her designee who shall serve as the chair of the council.*



(b) *The Board of Medicine members, the Board of Osteopathic Medicine members, and the Board of Nursing appointee members shall be appointed for terms of 4 years. The initial appointments shall be staggered so that one member from the Board of Medicine, one member from the Board of Osteopathic Medicine, and one appointee member from the Board of Nursing shall each be appointed for a term of 4 years; one member from the Board of Medicine and one appointee member from the Board of Nursing shall each be appointed for a term of 3 years; and one member from the Board of Osteopathic Medicine and two appointee members from the Board of Nursing shall each be appointed for a term of 2 years. Physician members appointed to the council must be physicians who have practiced with advanced practice registered nurses under a protocol in their practice.*

(c) *Council members may not serve more than two consecutive terms.*

(d) *The council shall recommend standards of practice for advanced practice registered nurses registered under this section to the board. If the board rejects a recommendation of the council, the board must state with particularity the basis for rejecting the recommendation and provide the council an opportunity to modify its recommendation. The board must consider the council's modified recommendation.*

(5) **REGISTRATION RENEWAL.—**

(a) *An advanced practice registered nurse must biennially renew registration under this section. The biennial renewal for registration shall coincide with the advanced practice registered nurse's biennial renewal period for licensure.*

(b) *To renew his or her registration under this section, an advanced practice registered nurse must complete at least 10 hours of continuing education approved by the board, in addition to completing 30 hours of continuing education requirements established by board rule pursuant to s. 464.013, regardless of whether the registrant is otherwise required from such requirement. If the initial renewal period occurs before January 1, 2021, an advanced practice registered nurse who is registered under this section is not required to complete the continuing education requirement within this subsection until the following biennial renewal period.*

(6) **PRACTITIONER PROFILE.—***The department shall conspicuously distinguish an advanced practice registered nurse's license if he or she is registered with the board under this section and include the registration in the advanced practice registered nurse's practitioner profile created under s. 456.041.*

(7) **DISCLOSURES.—***When engaging in autonomous practice, an advanced practice registered nurse registered under this section must provide information in writing to a new patient about his or her qualifications and the nature of autonomous practice before or during the initial patient encounter.*

(8) **RULES.—***The board shall adopt rules to implement this section.*

Section 11. Section 464.0155, Florida Statutes, is created to read:

**464.0155 Reports of adverse incidents by advanced practice registered nurses.—**

(1) *An advanced practice registered nurse registered under s. 464.0123 must report an adverse incident to the department in accordance with this section.*

(2) *The report must be in writing, sent to the department by certified mail, and postmarked within 15 days after the occurrence of the adverse incident if the adverse incident occurs when the patient is in the direct care of the advanced practice registered nurse registered under s. 464.0123. If the adverse incident occurs when the patient is not in the direct care of the advanced practice registered nurse under s. 464.0123, the report must be postmarked within 15 days after the advanced practice registered nurse discovers, or reasonably should have discovered, the occurrence of the adverse incident.*

(3) *For purposes of this section, the term "adverse incident" means an event over which the advanced practice registered nurse registered under s. 464.0123 could exercise control and which is associated in whole or in part with a nursing intervention, rather than the condition for which*

*such intervention occurred, and which results in any of the following patient injuries:*

(a) *Any condition that required the transfer of a patient from the practice location of the advanced practice registered nurse registered under s. 464.0123 to a hospital licensed under chapter 395.*

(b) *A permanent physical injury to the patient.*

(c) *The death of the patient.*

(4) *The department shall review each report of an adverse incident and determine whether the adverse incident was attributable to conduct by the advanced practice registered nurse. Upon making such a determination, the board may take disciplinary action pursuant to s. 456.073.*

Section 12. Paragraph (r) is added to subsection (1) of section 464.018, Florida Statutes, to read:

**464.018 Disciplinary actions.—**

(1) *The following acts constitute grounds for denial of a license or disciplinary action, as specified in ss. 456.072(2) and 464.0095:*

(r) *For an advanced practice registered nurse registered under s. 464.0123:*

1. *Paying or receiving any commission, bonus, kickback, or rebate from, or engaging in any split-fee arrangement in any form whatsoever with, a health care practitioner, organization, agency, or person, either directly or implicitly, for referring patients to providers of health care goods or services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. This subparagraph may not be construed to prevent an advanced practice registered nurse registered under s. 464.0123 from receiving a fee for professional consultation services.*

2. *Exercising influence within a patient-advanced practice registered nurse relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her advanced practice registered nurse registered under s. 464.0123.*

3. *Making deceptive, untrue, or fraudulent representations in or related to, or employing a trick or scheme in or related to, advanced or specialized nursing practice.*

4. *Soliciting patients, either personally or through an agent, by the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. As used in this subparagraph, the term "soliciting" means directly or implicitly requesting an immediate oral response from the recipient.*

5. *Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the advanced practice registered nurse, by name and professional title, who is responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations or referrals.*

6. *Exercising influence on the patient to exploit the patient for the financial gain of the advanced practice registered nurse or a third party, including, but not limited to, the promoting or selling of services, goods, appliances, or drugs.*

7. *Performing professional services that have not been duly authorized by the patient or his or her legal representative, except as provided in s. 766.103 or s. 768.13.*

8. *Performing any procedure or prescribing any therapy that, by the prevailing standards of advanced or specialized nursing practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.*

9. *Delegating professional responsibilities to a person when the advanced practice registered nurse delegating such responsibilities knows*

or has reason to believe that such person is not qualified by training, experience, or licensure to perform such responsibilities.

10. Committing, or conspiring with another to commit, an act that would tend to coerce, intimidate, or preclude another advanced practice registered nurse from lawfully advertising his or her services.

11. Advertising or holding himself or herself out as having certification in a specialty that the he or she has not received.

12. Failing to comply with ss. 381.026 and 381.0261 relating to providing patients with information about their rights and how to file a complaint.

13. Providing deceptive or fraudulent expert witness testimony related to advanced or specialized nursing practice.

Section 13. Subsection (1) of section 626.9707, Florida Statutes, is amended to read:

626.9707 Disability insurance; discrimination on basis of sickle-cell trait prohibited.—

(1) ~~An~~ ~~No~~ insurer authorized to transact insurance in this state may not ~~shall~~ refuse to issue and deliver in this state any policy of disability insurance, whether such policy is defined as individual, group, blanket, franchise, industrial, or otherwise, which is currently being issued for delivery in this state and which affords benefits and coverage for any medical treatment or service authorized and permitted to be furnished by a hospital, clinic, health clinic, neighborhood health clinic, health maintenance organization, physician, physician's assistant, *advanced practice registered nurse practitioner*, or medical service facility or personnel solely because the person to be insured has the sickle-cell trait.

Section 14. Section 627.64025, Florida Statutes, is created to read:

627.64025 *Advanced practice registered nurse services.*—*A health insurance policy that provides major medical coverage and that is delivered, issued, or renewed in this state on or after January 1, 2021, may not require an insured to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 15. Section 627.6621, Florida Statutes, is created to read:

627.6621 *Advanced practice registered nurse services.*—*A group, blanket, or franchise health insurance policy that is delivered, issued, or renewed in this state on or after January 1, 2021, may not require an insured to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 16. Paragraph (g) is added to subsection (5) of section 627.6699, Florida Statutes, to read:

627.6699 Employee Health Care Access Act.—

(5) AVAILABILITY OF COVERAGE.—

(g) *A health benefit plan covering small employers which is delivered, issued, or renewed in this state on or after January 1, 2021, may not require an insured to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 18. Paragraph (a) of subsection (1) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(1) REQUIRED BENEFITS.—An insurance policy complying with the security requirements of s. 627.733 must provide personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in the motor vehicle, and other persons struck by the motor vehicle and suffering bodily injury while not an occupant of a self-propelled vehicle, subject to subsection (2) and paragraph (4)(e), to a limit of \$10,000 in medical and disability benefits and \$5,000 in death benefits resulting from bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(a) Medical benefits.—Eighty percent of all reasonable expenses for medically necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices and medically necessary ambulance, hospital, and nursing services if the individual receives initial services and care pursuant to subparagraph 1. within 14 days after the motor vehicle accident. The medical benefits provide reimbursement only for:

1. Initial services and care that are lawfully provided, supervised, ordered, or prescribed by a physician licensed under chapter 458 or chapter 459, a dentist licensed under chapter 466, ~~or~~ a chiropractic physician licensed under chapter 460, *or an advanced practice registered nurse registered under s. 464.0123* or that are provided in a hospital or in a facility that owns, or is wholly owned by, a hospital. Initial services and care may also be provided by a person or entity licensed under part III of chapter 401 which provides emergency transportation and treatment.

2. Upon referral by a provider described in subparagraph 1., followup services and care consistent with the underlying medical diagnosis rendered pursuant to subparagraph 1. which may be provided, supervised, ordered, or prescribed only by a physician licensed under chapter 458 or chapter 459, a chiropractic physician licensed under chapter 460, a dentist licensed under chapter 466, *or an advanced practice registered nurse registered under s. 464.0123*, or, to the extent permitted by applicable law and under the supervision of such physician, osteopathic physician, chiropractic physician, or dentist, by a physician assistant licensed under chapter 458 or chapter 459 or an advanced practice registered nurse licensed under chapter 464. Followup services and care may also be provided by the following persons or entities:

a. A hospital or ambulatory surgical center licensed under chapter 395.

b. An entity wholly owned by one or more physicians licensed under chapter 458 or chapter 459, chiropractic physicians licensed under chapter 460, *advanced practice registered nurses registered under s. 464.0123*, or dentists licensed under chapter 466 or by such practitioners and the spouse, parent, child, or sibling of such practitioners.

c. An entity that owns or is wholly owned, directly or indirectly, by a hospital or hospitals.

d. A physical therapist licensed under chapter 486, based upon a referral by a provider described in this subparagraph.

e. A health care clinic licensed under part X of chapter 400 which is accredited by an accrediting organization whose standards incorporate comparable regulations required by this state, or

(I) Has a medical director licensed under chapter 458, chapter 459, or chapter 460;

(II) Has been continuously licensed for more than 3 years or is a publicly traded corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange; and

(III) Provides at least four of the following medical specialties:

(A) General medicine.

(B) Radiography.

(C) Orthopedic medicine.

(D) Physical medicine.

(E) Physical therapy.

(F) Physical rehabilitation.

(G) Prescribing or dispensing outpatient prescription medication.

(H) Laboratory services.

3. Reimbursement for services and care provided in subparagraph 1. or subparagraph 2. up to \$10,000 if a physician licensed under chapter

458 or chapter 459, a dentist licensed under chapter 466, a physician assistant licensed under chapter 458 or chapter 459, or an advanced practice registered nurse licensed under chapter 464 has determined that the injured person had an emergency medical condition.

4. Reimbursement for services and care provided in subparagraph 1. or subparagraph 2. is limited to \$2,500 if a provider listed in subparagraph 1. or subparagraph 2. determines that the injured person did not have an emergency medical condition.

5. Medical benefits do not include massage as defined in s. 480.033 or acupuncture as defined in s. 457.102, regardless of the person, entity, or licensee providing massage or acupuncture, and a licensed massage therapist or licensed acupuncturist may not be reimbursed for medical benefits under this section.

6. The Financial Services Commission shall adopt by rule the form that must be used by an insurer and a health care provider specified in sub-subparagraph 2.b., sub-subparagraph 2.c., or sub-subparagraph 2.e. to document that the health care provider meets the criteria of this paragraph. Such rule must include a requirement for a sworn statement or affidavit.

Only insurers writing motor vehicle liability insurance in this state may provide the required benefits of this section, and such insurer may not require the purchase of any other motor vehicle coverage other than the purchase of property damage liability coverage as required by s. 627.7275 as a condition for providing such benefits. Insurers may not require that property damage liability insurance in an amount greater than \$10,000 be purchased in conjunction with personal injury protection. Such insurers shall make benefits and required property damage liability insurance coverage available through normal marketing channels. An insurer writing motor vehicle liability insurance in this state who fails to comply with such availability requirement as a general business practice violates part IX of chapter 626, and such violation constitutes an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance. An insurer committing such violation is subject to the penalties provided under that part, as well as those provided elsewhere in the insurance code.

Section 19. Section 641.31075, Florida Statutes, is created to read:

*641.31075 Advanced practice registered nurse services.—A health maintenance contract that is delivered, issued, or renewed in this state on or after January 1, 2021, may not require a subscriber to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 20. Subsection (8) of section 641.495, Florida Statutes, is amended to read:

641.495 Requirements for issuance and maintenance of certificate.—

(8) Each organization's contracts, certificates, and subscriber handbooks shall contain a provision, if applicable, disclosing that, for certain types of described medical procedures, services may be provided by physician assistants, *advanced practice registered nurses* ~~nurse practitioners~~, or other individuals who are not licensed physicians.

Section 21. Subsection (1) of section 744.2006, Florida Statutes, is amended to read:

744.2006 Office of Public and Professional Guardians; appointment, notification.—

(1) The executive director of the Office of Public and Professional Guardians, after consultation with the chief judge and other circuit judges within the judicial circuit and with appropriate advocacy groups and individuals and organizations who are knowledgeable about the needs of incapacitated persons, may establish, within a county in the judicial circuit or within the judicial circuit, one or more offices of public guardian and if so established, shall create a list of persons best qualified to serve as the public guardian, who have been investigated pursuant to s. 744.3135. The public guardian must have knowledge of the legal process and knowledge of social services available to meet the needs of incapacitated persons. The public guardian shall maintain a staff or contract with professionally qualified individuals to carry out the guardianship functions, including an attorney who has experience in probate areas and another person who has a master's degree in social

work, or a gerontologist, psychologist, *advanced practice registered nurse*, or registered nurse, ~~or nurse practitioner~~. A public guardian that is a nonprofit corporate guardian under s. 744.309(5) must receive tax-exempt status from the United States Internal Revenue Service.

Section 22. Paragraph (a) of subsection (3) of section 744.331, Florida Statutes, is amended to read:

744.331 Procedures to determine incapacity.—

(3) EXAMINING COMMITTEE.—

(a) Within 5 days after a petition for determination of incapacity has been filed, the court shall appoint an examining committee consisting of three members. One member must be a psychiatrist or other physician. The remaining members must be either a psychologist, a gerontologist, ~~a another psychiatrist, a or other physician, an advanced practice registered nurse~~, a registered nurse, ~~nurse practitioner~~, a licensed social worker, a person with an advanced degree in gerontology from an accredited institution of higher education, or *any other person* who by knowledge, skill, experience, training, or education may, in the court's discretion, advise the court in the form of an expert opinion. One of three members of the committee must have knowledge of the type of incapacity alleged in the petition. Unless good cause is shown, the attending or family physician may not be appointed to the committee. If the attending or family physician is available for consultation, the committee must consult with the physician. Members of the examining committee may not be related to or associated with one another, with the petitioner, with counsel for the petitioner or the proposed guardian, or with the person alleged to be totally or partially incapacitated. A member may not be employed by any private or governmental agency that has custody of, or furnishes, services or subsidies, directly or indirectly, to the person or the family of the person alleged to be incapacitated or for whom a guardianship is sought. A petitioner may not serve as a member of the examining committee. Members of the examining committee must be able to communicate, either directly or through an interpreter, in the language that the alleged incapacitated person speaks or to communicate in a medium understandable to the alleged incapacitated person if she or he is able to communicate. The clerk of the court shall send notice of the appointment to each person appointed no later than 3 days after the court's appointment.

Section 23. Paragraph (b) of subsection (1) of section 744.3675, Florida Statutes, is amended to read:

744.3675 Annual guardianship plan.—Each guardian of the person must file with the court an annual guardianship plan which updates information about the condition of the ward. The annual plan must specify the current needs of the ward and how those needs are proposed to be met in the coming year.

(1) Each plan for an adult ward must, if applicable, include:

(b) Information concerning the medical and mental health conditions and treatment and rehabilitation needs of the ward, including:

1. A resume of any professional medical treatment given to the ward during the preceding year.

2. The report of a physician *or an advanced practice registered nurse registered under s. 464.0123* who examined the ward no more than 90 days before the beginning of the applicable reporting period. The report must contain an evaluation of the ward's condition and a statement of the current level of capacity of the ward.

3. The plan for providing medical, mental health, and rehabilitative services in the coming year.

Section 24. Paragraph (c) of subsection (1) of section 766.118, Florida Statutes, is amended to read:

766.118 Determination of noneconomic damages.—

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

(c) "Practitioner" means any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 486, or s. 464.012 *or registered under s. 464.0123*. "Practitioner" also means any association, corporation,

firm, partnership, or other business entity under which such practitioner practices or any employee of such practitioner or entity acting in the scope of his or her employment. For the purpose of determining the limitations on noneconomic damages set forth in this section, the term “practitioner” includes any person or entity for whom a practitioner is vicariously liable and any person or entity whose liability is based solely on such person or entity being vicariously liable for the actions of a practitioner.

Section 25. Subsection (3) of section 768.135, Florida Statutes, is amended to read:

768.135 Volunteer team physicians; immunity.—

(3) A practitioner licensed under chapter 458, chapter 459, chapter 460, or s. 464.012 or registered under s. 464.0123 who gratuitously and in good faith conducts an evaluation pursuant to s. 1006.20(2)(c) is not liable for any civil damages arising from that evaluation unless the evaluation was conducted in a wrongful manner.

Section 26. Paragraph (a) of subsection (1) of section 1006.062, Florida Statutes, is amended to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.—

(1) Notwithstanding the provisions of the Nurse Practice Act, part I of chapter 464, district school board personnel may assist students in the administration of prescription medication when the following conditions have been met:

(a) Each district school board shall include in its approved school health services plan a procedure to provide training, by a registered nurse, a licensed practical nurse, or an advanced practice registered nurse licensed under chapter 464 or by a physician licensed under ~~pursuant to~~ chapter 458 or chapter 459, or a physician assistant licensed under ~~pursuant to~~ chapter 458 or chapter 459, to the school personnel designated by the school principal to assist students in the administration of prescribed medication. Such training may be provided in collaboration with other school districts, through contract with an education consortium, or by any other arrangement consistent with the intent of this subsection.

Section 27. Paragraph (c) of subsection (2) of section 1006.20, Florida Statutes, is amended to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(c) The FHSAA shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year ~~before~~ ~~prior to~~ participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student’s candidacy for an interscholastic athletic team. Such medical evaluation may be administered only by a practitioner licensed under chapter 458, chapter 459, chapter 460, or s. 464.012 or registered under s. 464.0123; and in good standing with the practitioner’s regulatory board. The bylaws shall establish requirements for eliciting a student’s medical history and performing the medical evaluation required under this paragraph, which shall include a physical assessment of the student’s physical capabilities to participate in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation and history form. The evaluation form shall incorporate the recommendations of the American Heart Association for participation cardiovascular screening and shall provide a place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. The preparticipation physical evaluation form shall advise students to complete a cardiovascular assessment and shall include information concerning alternative cardiovascular evaluation and

diagnostic tests. Results of such medical evaluation must be provided to the school. A student is not eligible to participate, as provided in s. 1006.15(3), in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student’s candidacy for an interscholastic athletic team until the results of the medical evaluation have been received and approved by the school.

Section 28. For the 2020-2021 fiscal year, the sums of \$219,089 in recurring funds and \$17,716 in nonrecurring funds from the Medical Quality Assurance Trust Fund are appropriated to the Department of Health, and 3.5 full-time equivalent positions with associated salary rate of 183,895 are authorized, for the purpose of implementing this act.

Section 29. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 1009.65, Florida Statutes, are amended to read:

1009.65 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced practice registered nurse licensure or physician assistant licensure. The following licensed or certified health care professionals are eligible to participate in this program:

(a) Medical doctors with primary care specialties, doctors of osteopathic medicine with primary care specialties, physician’s assistants, licensed practical nurses and registered nurses, ~~and~~ advanced practice registered nurses with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health.

~~(2) From the funds available, the Department of Health shall make payments to selected medical professionals as follows:~~

~~1.(a) Up to \$4,000 per year for licensed practical nurses and registered nurses, up to \$10,000 per year for advanced practice registered nurses and physician’s assistants, and up to \$20,000 per year for physicians. Penalties for noncompliance shall be the same as those in the National Health Services Corps Loan Repayment Program. Educational expenses include costs for tuition, matriculation, registration, books, laboratory and other fees, other educational costs, and reasonable living expenses as determined by the Department of Health.~~

~~2.(b) All payments are contingent on continued proof of primary care practice in an area defined in s. 395.602(2)(b), or an underserved area designated by the Department of Health, provided the practitioner accepts Medicaid reimbursement if eligible for such reimbursement. Correctional facilities, state hospitals, and other state institutions that employ medical personnel shall be designated by the Department of Health as underserved locations. Locations with high incidences of infant mortality, high morbidity, or low Medicaid participation by health care professionals may be designated as underserved.~~

~~(b) Advanced practice registered nurses registered to engage in autonomous practice under s. 464.0123 and practicing in the primary care specialties of family medicine, general pediatrics, general internal medicine, or midwifery. From the funds available, the Department of Health shall make payments of up to \$15,000 per year to advanced practice registered nurses registered under s. 464.0123 who demonstrate, as required by department rule, active employment providing primary care services in a public health program, an independent practice, or a group practice that serves Medicaid recipients and other low-income patients and that is located in a primary care health professional shortage area. Only loans to pay the costs of tuition, books, medical equipment and supplies, uniforms, and living expenses may be covered. For the purposes of this paragraph:~~

~~1. “Primary care health professional shortage area” means a geographic area, an area having a special population, or a facility with a score of at least 18, as designated and calculated by the Federal Health~~

*Resources and Services Administration or a rural area as defined by the Federal Office of Rural Health Policy.*

1. “Public health program” means a county health department, the Children’s Medical Services program, a federally funded community health center, a federally funded migrant health center, or any other publicly funded or nonprofit health care program designated by the department.

Section 30. For the 2020-2021 fiscal year, the sum of \$5 million in recurring funds is appropriated from the General Revenue Fund to the Department of Health for the Health Care Education Reimbursement and Loan Repayment Program pursuant to s. 1009.65, Florida Statutes, for advanced practice registered nurses registered to engage in autonomous practice under s. 464.0123, Florida Statutes.

Section 31. Except as expressly provided otherwise in this act, and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to direct care workers; amendings. 381.026, F.S.; revising the definition of the term “health care provider” to include an advanced practice registered nurse who is registered to engage in autonomous practice for purposes of the Florida Patient’s Bill of Rights and Responsibilities; amending s. 382.008, F.S.; authorizing an advanced practice registered nurse who is registered to engage in autonomous practice to file a certificate of death or fetal death under certain circumstances; authorizing an advanced practice registered nurse who is registered to engage in autonomous practice to provide certain information to the funeral director within a specified time period; replacing the term “primary or attending physician” with “primary or attending practitioner”; defining the term “primary or attending practitioner”; amending s. 382.011, F.S.; conforming a provision to changes made by the act; amending s. 394.463, F.S.; authorizing an advanced practice registered nurse who is registered to engage in autonomous practice to initiate an involuntary examination for mental illness under certain circumstances; amending s. 397.501, F.S.; prohibiting the denial of certain services to an individual who takes medication prescribed by an advanced practice registered nurse who is registered to engage in autonomous practice; amending s. 409.905, F.S.; requiring the Agency for Health Care Administration to pay for services provided to Medicaid recipients by a licensed advanced practice registered nurse who is registered to engage in autonomous practice; amending s. 456.053, F.S.; revising definitions; authorizing an advanced practice registered nurse registered to engage in autonomous practice to make referrals under certain circumstances; conforming a provision to changes made by the act; amending s. 464.003, F.S.; defining the term “autonomous practice”; amending s. 464.012, F.S.; conforming a provision to changes made by the act; providing an exception; creating s. 464.0123, F.S.; providing for the registration of an advanced practice registered nurse to engage in autonomous practice; providing registration requirements; providing financial responsibility requirements; authorizing an advanced practice registered nurse to engage in autonomous practice to provide primary health care services; requiring the department to adopt rules relating to scope of practice; requiring the department to distinguish such advanced practice registered nurses’ licenses and include the registration in their practitioner profiles; authorizing such advanced practice registered nurses to perform specified acts without physician supervision or supervisory protocol; establishing the Council on Advanced Practice Registered Nurse Autonomous Practice to recommend standards of practice for advanced practice registered nurses engaging in autonomous practice for adoption in rule by the board; providing for appointment and terms of committee members; requiring the board to state with particularity its reason for rejecting a recommendation and provide the council an opportunity to modify the recommendation; requiring the board to adopt rules to establish certain standards of practice; requiring biennial registration renewal and continuing education; requiring the board to adopt rules; creating s. 464.0155, F.S.; requiring advanced practice registered nurses registered to engage in autonomous practice to report adverse incidents to the Department of Health; providing requirements; defining the term “adverse incident”; providing for department review of such reports; authorizing the department to take disciplinary action; amending s. 464.018, F.S.; providing additional grounds for denial of a license or disciplinary action for advanced practice registered nurses

registered to engage in autonomous practice; amending s. 626.9707, F.S.; conforming terminology; creating ss. 627.64025 and 627.6621, F.S.; prohibiting certain health insurance policies and certain group, blanket, or franchise health insurance policies, respectively, from requiring an insured to receive services from an advanced practice registered nurse registered to engage in autonomous practice in place of a physician; amending s. 627.6699, F.S.; prohibiting certain health benefit plans from requiring an insured to receive services from an advanced practice registered nurse registered to engage in autonomous practice in place of a physician; amending s. 627.736, F.S.; requiring personal injury protection insurance policies to cover a certain percentage of medical services and care provided by an advanced practice registered nurse registered to engage in autonomous practice; providing for specified reimbursement of such an advanced practice registered nurse; creating s. 641.31075, F.S.; prohibiting certain health maintenance contracts from requiring a subscriber to receive services from an advanced practice registered nurse registered to engage in autonomous practice in place of a primary care physician; amending s. 641.495, F.S.; requiring certain health maintenance organization documents to disclose specified information; amending ss. 744.2006 and 744.331, F.S.; conforming terminology; amending s. 744.3675, F.S.; authorizing an advanced practice registered nurse to provide the medical report of a ward in an annual guardianship plan; amending s. 766.118, F.S.; revising the definition of the term “practitioner” to include an advanced practice registered nurse registered to engage in autonomous practice; amending s. 768.135, F.S.; providing immunity from liability for an advanced practice registered nurse registered to engage in autonomous practice who provides volunteer services under certain circumstances; amending s. 1006.062, F.S.; authorizing an advanced practice registered nurse to provide training in the administration of medication to designated school personnel; amending s. 1006.20, F.S.; authorizing an advanced practice registered nurse registered to engage in autonomous practice to medically evaluate a student athlete; amending s. 1009.65, F.S.; authorizing an advanced practice registered nurse registered to engage in autonomous practice to receive payments under the Health Care Education Reimbursement and Loan Repayment Program; establishing payment amounts; providing appropriations and authorizing positions; providing effective dates.

Senator Albritton moved the following amendment to **Substitute Amendment 2 (848330)** which was adopted:

**Amendment 2A (464740) (with title amendment)**—Delete lines 734-1477 and insert:

*registered nurse is registered and practicing under s. 464.0123.* In the case of multiple supervising physicians in the same group, an advanced practice registered nurse must enter into a supervisory protocol with at least one physician within the physician group practice. A practitioner currently licensed under chapter 458, chapter 459, or chapter 466 shall maintain supervision for directing the specific course of medical treatment. Within the established framework, an advanced practice registered nurse may:

- (a) Prescribe, dispense, administer, or order any drug; however, an advanced practice registered nurse may prescribe or dispense a controlled substance as defined in s. 893.03 only if the advanced practice registered nurse has graduated from a program leading to a master’s or doctoral degree in a clinical nursing specialty area with training in specialized practitioner skills.
- (b) Initiate appropriate therapies for certain conditions.
- (c) Perform additional functions as may be determined by rule in accordance with s. 464.003(2).
- (d) Order diagnostic tests and physical and occupational therapy.
- (e) Order any medication for administration to a patient in a facility licensed under chapter 395 or part II of chapter 400, notwithstanding any provisions in chapter 465 or chapter 893.

Section 24. Section 464.0123, Florida Statutes, is created to read:

*464.0123 Autonomous practice by an advanced practice registered nurse.—*

(1) **REGISTRATION.**—*The board shall register an advanced practice registered nurse as an autonomous advanced practice registered nurse if the applicant demonstrates that he or she:*

(a) *Holds an active, unencumbered license to practice advanced nursing under s. 464.012.*

(b) *Has not been subject to any disciplinary action as specified in s. 456.072 or s. 464.018 or any similar disciplinary action in another state or other territory or jurisdiction within the 5 years immediately preceding the registration request.*

(c) *Has completed, in any state, jurisdiction, or territory of the United States, at least 3,000 clinical practice hours, which may include clinical instructional hours provided by the applicant, within the 5 years immediately preceding the registration request while practicing as an advanced practice registered nurse under the supervision of an allopathic or osteopathic physician who held an active, unencumbered license issued by any state, jurisdiction, or territory of the United States during the period of such supervision. For purposes of this paragraph, “clinical instruction” means education provided by faculty in a clinical setting in a graduate program leading to a master’s or doctoral degree in a clinical nursing specialty area.*

(d) *Has completed within the past 5 years 3 graduate-level semester hours, or the equivalent, in differential diagnosis and 3 graduate-level semester hours, or the equivalent, in pharmacology.*

(e) *The board may provide additional registration requirements by rule.*

(2) **FINANCIAL RESPONSIBILITY.**—

(a) *An advanced practice registered nurse registered under this section must, by one of the following methods, demonstrate to the satisfaction of the board and the department financial responsibility to pay claims and costs ancillary thereto arising out of the rendering of, or the failure to render nursing care, treatment, or services:*

1. *Obtaining and maintaining professional liability coverage in an amount not less than \$100,000 per claim, with a minimum annual aggregate of not less than \$300,000, from an authorized insurer as defined in s. 624.09, from a surplus lines insurer as defined in s. 626.914(2), from a risk retention group as defined in s. 627.942, from the Joint Underwriting Association established under s. 627.351(4), or through a plan of self-insurance as provided in s. 627.357; or*

2. *Obtaining and maintaining an unexpired, irrevocable letter of credit, established pursuant to chapter 675, in an amount of not less than \$100,000 per claim, with a minimum aggregate availability of credit of not less than \$300,000. The letter of credit must be payable to the advanced practice registered nurse as beneficiary upon presentment of a final judgment indicating liability and awarding damages to be paid by the advanced practice registered nurse or upon presentment of a settlement agreement signed by all parties to such agreement when such final judgment or settlement is a result of a claim arising out of the rendering of, or the failure to render, nursing care and services.*

(b) *The requirements of paragraph (a) do not apply to:*

1. *An advanced practice registered nurse registered under this section who practices exclusively as an officer, employee, or agent of the Federal Government or of the state or its agencies or its subdivisions.*

2. *An advanced practice registered nurse whose registration under this section has become inactive and who is not practicing as an advanced practice registered nurse registered under this section in this state.*

3. *An advanced practice registered nurse registered under this section who practices only in conjunction with his or her teaching duties at an accredited school or its main teaching hospitals. Such practice is limited to that which is incidental to and a necessary part of duties in connection with the teaching position.*

4. *An advanced practice registered nurse who holds an active registration under this section and who is not engaged in autonomous practice as authorized under this section in this state. If such person initiates or resumes any practice as an autonomous advanced practice registered*

*nurse, he or she must notify the department of such activity and fulfill the professional liability coverage requirements of paragraph (a).*

(3) **PRACTICE REQUIREMENTS.**—

(a) *An advanced practice registered nurse who is registered under this section may:*

1. *Engage in autonomous practice only in primary care practice, including family medicine, general pediatrics, and general internal medicine, as defined by board rule.*

2. *For certified nurse midwives, engage in autonomous practice in the performance of the acts listed in s. 464.012(4)(c).*

3. *Perform the general functions of an advanced practice registered nurse under s. 464.012(3) related to primary care.*

4. *For a patient who requires the services of a health care facility, as defined in s. 408.032(8):*

a. *Admit the patient to the facility.*

b. *Manage the care received by the patient in the facility.*

c. *Discharge the patient from the facility, unless prohibited by federal law or rule.*

5. *Provide a signature, certification, stamp, verification, affidavit, or endorsement that is otherwise required by law to be provided by a physician, except an advanced practice registered nurse registered under this section may not issue a physician certification under s. 381.986.*

(b) *A certified nurse midwife must have a written patient transfer agreement with a hospital and a written referral agreement with a physician licensed under chapter 458 or chapter 459 to engage in nurse midwifery.*

(c) *An advanced practice registered nurse engaging in autonomous practice under this section may not perform any surgical procedure other than a subcutaneous procedure.*

(d) *The board shall adopt rules, in consultation with the council created in subsection (4), establishing standards of practice, for an advanced practice registered nurse registered under this section.*

(4) **COUNCIL ON ADVANCED PRACTICE REGISTERED NURSE AUTONOMOUS PRACTICE.**—

(a) *The Council on Advanced Practice Registered Nurse Autonomous Practice is established within the Department of Health. The council must consist of the following nine members:*

1. *Two members appointed by the chair of the Board of Medicine who are physicians and members of the Board of Medicine.*

2. *Two members appointed by the chair of the Board of Osteopathic Medicine who are physicians and members of the Board of Osteopathic Medicine.*

3. *Four members appointed by the chair of the board who are advanced practice registered nurses registered under this chapter with experience practicing advanced or specialized nursing.*

4. *The State Surgeon General or his or her designee who shall serve as the chair of the council.*

(b) *The Board of Medicine members, the Board of Osteopathic Medicine members, and the Board of Nursing appointee members shall be appointed for terms of 4 years. The initial appointments shall be staggered so that one member from the Board of Medicine, one member from the Board of Osteopathic Medicine, and one appointee member from the Board of Nursing shall each be appointed for a term of 4 years; one member from the Board of Medicine and one appointee member from the Board of Nursing shall each be appointed for a term of 3 years; and one member from the Board of Osteopathic Medicine and two appointee members from the Board of Nursing shall each be appointed for a term of 2 years. Physician members appointed to the council must be physicians*

who have practiced with advanced practice registered nurses under a protocol in their practice.

(c) Council members may not serve more than two consecutive terms.

(d) The council shall recommend standards of practice for advanced practice registered nurses registered under this section to the board. If the board rejects a recommendation of the council, the board must state with particularity the basis for rejecting the recommendation and provide the council an opportunity to modify its recommendation. The board must consider the council's modified recommendation.

(5) **REGISTRATION RENEWAL.**—

(a) An advanced practice registered nurse must biennially renew registration under this section. The biennial renewal for registration shall coincide with the advanced practice registered nurse's biennial renewal period for licensure.

(b) To renew his or her registration under this section, an advanced practice registered nurse must complete at least 10 hours of continuing education approved by the board, in addition to completing 30 hours of continuing education requirements established by board rule pursuant to s. 464.013, regardless of whether the registrant is otherwise required to complete this requirement. If the initial renewal period occurs before January 1, 2021, an advanced practice registered nurse who is registered under this section is not required to complete the continuing education requirement within this subsection until the following biennial renewal period.

(6) **PRACTITIONER PROFILE.**—The department shall conspicuously distinguish an advanced practice registered nurse's license if he or she is registered with the board under this section and include the registration in the advanced practice registered nurse's practitioner profile created under s. 456.041.

(7) **DISCLOSURES.**—When engaging in autonomous practice, an advanced practice registered nurse registered under this section must provide information in writing to a new patient about his or her qualifications and the nature of autonomous practice before or during the initial patient encounter.

(8) **RULES.**—The board shall adopt rules to implement this section.

Section 25. Section 464.0155, Florida Statutes, is created to read:

464.0155 Reports of adverse incidents by advanced practice registered nurses.—

(1) An advanced practice registered nurse registered under s. 464.0123 must report an adverse incident to the department in accordance with this section.

(2) The report must be in writing, sent to the department by certified mail, and postmarked within 15 days after the occurrence of the adverse incident if the adverse incident occurs when the patient is in the direct care of the advanced practice registered nurse registered under s. 464.0123. If the adverse incident occurs when the patient is not in the direct care of the advanced practice registered nurse registered under s. 464.0123, the report must be postmarked within 15 days after the advanced practice registered nurse discovers, or reasonably should have discovered, the occurrence of the adverse incident.

(3) For purposes of this section, the term "adverse incident" means an event over which the advanced practice registered nurse registered under s. 464.0123 could exercise control and which is associated in whole or in part with a nursing intervention, rather than the condition for which such intervention occurred, and which results in any of the following patient injuries:

(a) Any condition that required the transfer of a patient from the practice location of the advanced practice registered nurse registered under s. 464.0123 to a hospital licensed under chapter 395.

(b) A permanent physical injury to the patient.

(c) The death of the patient.

(4) The department shall review each report of an adverse incident and determine whether the adverse incident was attributable to conduct by the advanced practice registered nurse. Upon making such a determination, the board may take disciplinary action pursuant to s. 456.073.

Section 26. Paragraph (r) is added to subsection (1) of section 464.018, Florida Statutes, to read:

464.018 Disciplinary actions.—

(1) The following acts constitute grounds for denial of a license or disciplinary action, as specified in ss. 456.072(2) and 464.0095:

(r) For an advanced practice registered nurse registered under s. 464.0123:

1. Paying or receiving any commission, bonus, kickback, or rebate from, or engaging in any split-fee arrangement in any form whatsoever with, a health care practitioner, organization, agency, or person, either directly or implicitly, for referring patients to providers of health care goods or services, including, but not limited to, hospitals, nursing homes, clinical laboratories, ambulatory surgical centers, or pharmacies. This subparagraph may not be construed to prevent an advanced practice registered nurse registered under s. 464.0123 from receiving a fee for professional consultation services.

2. Exercising influence within a patient-advanced practice registered nurse relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her advanced practice registered nurse registered under s. 464.0123.

3. Making deceptive, untrue, or fraudulent representations in or related to, or employing a trick or scheme in or related to, advanced or specialized nursing practice.

4. Soliciting patients, either personally or through an agent, by the use of fraud, intimidation, undue influence, or a form of overreaching or vexatious conduct. As used in this subparagraph, the term "soliciting" means directly or implicitly requesting an immediate oral response from the recipient.

5. Failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the advanced practice registered nurse, by name and professional title, who is responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations or referrals.

6. Exercising influence on the patient to exploit the patient for the financial gain of the advanced practice registered nurse or a third party, including, but not limited to, the promoting or selling of services, goods, appliances, or drugs.

7. Performing professional services that have not been duly authorized by the patient or his or her legal representative, except as provided in s. 766.103 or s. 768.13.

8. Performing any procedure or prescribing any therapy that, by the prevailing standards of advanced or specialized nursing practice in the community, would constitute experimentation on a human subject, without first obtaining full, informed, and written consent.

9. Delegating professional responsibilities to a person when the advanced practice registered nurse delegating such responsibilities knows or has reason to believe that such person is not qualified by training, experience, or licensure to perform such responsibilities.

10. Committing, or conspiring with another to commit, an act that would tend to coerce, intimidate, or preclude another advanced practice registered nurse from lawfully advertising his or her services.

11. Advertising or holding himself or herself out as having certification in a specialty that he or she has not received.



12. *Failing to comply with ss. 381.026 and 381.0261 relating to providing patients with information about their rights and how to file a complaint.*

13. *Providing deceptive or fraudulent expert witness testimony related to advanced or specialized nursing practice.*

Section 27. Subsection (1) of section 626.9707, Florida Statutes, is amended to read:

626.9707 Disability insurance; discrimination on basis of sickle-cell trait prohibited.—

(1) ~~An~~ ~~No~~ insurer authorized to transact insurance in this state ~~may not shall~~ refuse to issue and deliver in this state any policy of disability insurance, whether such policy is defined as individual, group, blanket, franchise, industrial, or otherwise, which is currently being issued for delivery in this state and which affords benefits and coverage for any medical treatment or service authorized and permitted to be furnished by a hospital, clinic, health clinic, neighborhood health clinic, health maintenance organization, physician, physician's assistant, *advanced practice registered nurse practitioner*, or medical service facility or personnel solely because the person to be insured has the sickle-cell trait.

Section 28. Section 627.64025, Florida Statutes, is created to read:

627.64025 *Advanced practice registered nurse services.*—*A health insurance policy that provides major medical coverage and that is delivered, issued, or renewed in this state on or after January 1, 2021, may not require an insured to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 29. Section 627.6621, Florida Statutes, is created to read:

627.6621 *Advanced practice registered nurse services.*—*A group, blanket, or franchise health insurance policy that is delivered, issued, or renewed in this state on or after January 1, 2021, may not require an insured to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 16. Paragraph (g) is added to subsection (5) of section 627.6699, Florida Statutes, to read:

627.6699 Employee Health Care Access Act.—

(5) AVAILABILITY OF COVERAGE.—

(g) *A health benefit plan covering small employers which is delivered, issued, or renewed in this state on or after January 1, 2021, may not require an insured to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 18. Paragraph (a) of subsection (1) of section 627.736, Florida Statutes, is amended to read:

627.736 Required personal injury protection benefits; exclusions; priority; claims.—

(1) REQUIRED BENEFITS.—An insurance policy complying with the security requirements of s. 627.733 must provide personal injury protection to the named insured, relatives residing in the same household, persons operating the insured motor vehicle, passengers in the motor vehicle, and other persons struck by the motor vehicle and suffering bodily injury while not an occupant of a self-propelled vehicle, subject to subsection (2) and paragraph (4)(e), to a limit of \$10,000 in medical and disability benefits and \$5,000 in death benefits resulting from bodily injury, sickness, disease, or death arising out of the ownership, maintenance, or use of a motor vehicle as follows:

(a) Medical benefits.—Eighty percent of all reasonable expenses for medically necessary medical, surgical, X-ray, dental, and rehabilitative services, including prosthetic devices and medically necessary ambulance, hospital, and nursing services if the individual receives initial services and care pursuant to subparagraph 1. within 14 days after the motor vehicle accident. The medical benefits provide reimbursement only for:

1. Initial services and care that are lawfully provided, supervised, ordered, or prescribed by a physician licensed under chapter 458 or chapter 459, a dentist licensed under chapter 466, ~~or~~ a chiropractic physician licensed under chapter 460, *or an advanced practice registered nurse registered under s. 464.0123* or that are provided in a hospital or in a facility that owns, or is wholly owned by, a hospital. Initial services and care may also be provided by a person or entity licensed under part III of chapter 401 which provides emergency transportation and treatment.

2. Upon referral by a provider described in subparagraph 1., followup services and care consistent with the underlying medical diagnosis rendered pursuant to subparagraph 1. which may be provided, supervised, ordered, or prescribed only by a physician licensed under chapter 458 or chapter 459, a chiropractic physician licensed under chapter 460, a dentist licensed under chapter 466, *or an advanced practice registered nurse registered under s. 464.0123*, or, to the extent permitted by applicable law and under the supervision of such physician, osteopathic physician, chiropractic physician, or dentist, by a physician assistant licensed under chapter 458 or chapter 459 or an advanced practice registered nurse licensed under chapter 464. Followup services and care may also be provided by the following persons or entities:

a. A hospital or ambulatory surgical center licensed under chapter 395.

b. An entity wholly owned by one or more physicians licensed under chapter 458 or chapter 459, chiropractic physicians licensed under chapter 460, *advanced practice registered nurses registered under s. 464.0123*, or dentists licensed under chapter 466 or by such practitioners and the spouse, parent, child, or sibling of such practitioners.

c. An entity that owns or is wholly owned, directly or indirectly, by a hospital or hospitals.

d. A physical therapist licensed under chapter 486, based upon a referral by a provider described in this subparagraph.

e. A health care clinic licensed under part X of chapter 400 which is accredited by an accrediting organization whose standards incorporate comparable regulations required by this state, or

(I) Has a medical director licensed under chapter 458, chapter 459, or chapter 460;

(II) Has been continuously licensed for more than 3 years or is a publicly traded corporation that issues securities traded on an exchange registered with the United States Securities and Exchange Commission as a national securities exchange; and

(III) Provides at least four of the following medical specialties:

(A) General medicine.

(B) Radiography.

(C) Orthopedic medicine.

(D) Physical medicine.

(E) Physical therapy.

(F) Physical rehabilitation.

(G) Prescribing or dispensing outpatient prescription medication.

(H) Laboratory services.

3. Reimbursement for services and care provided in subparagraph 1. or subparagraph 2. up to \$10,000 if a physician licensed under chapter 458 or chapter 459, a dentist licensed under chapter 466, a physician assistant licensed under chapter 458 or chapter 459, or an advanced practice registered nurse licensed under chapter 464 has determined that the injured person had an emergency medical condition.

4. Reimbursement for services and care provided in subparagraph 1. or subparagraph 2. is limited to \$2,500 if a provider listed in sub-



paragraph 1. or subparagraph 2. determines that the injured person did not have an emergency medical condition.

5. Medical benefits do not include massage as defined in s. 480.033 or acupuncture as defined in s. 457.102, regardless of the person, entity, or licensee providing massage or acupuncture, and a licensed massage therapist or licensed acupuncturist may not be reimbursed for medical benefits under this section.

6. The Financial Services Commission shall adopt by rule the form that must be used by an insurer and a health care provider specified in sub-subparagraph 2.b., sub-subparagraph 2.c., or sub-subparagraph 2.e. to document that the health care provider meets the criteria of this paragraph. Such rule must include a requirement for a sworn statement or affidavit.

Only insurers writing motor vehicle liability insurance in this state may provide the required benefits of this section, and such insurer may not require the purchase of any other motor vehicle coverage other than the purchase of property damage liability coverage as required by s. 627.7275 as a condition for providing such benefits. Insurers may not require that property damage liability insurance in an amount greater than \$10,000 be purchased in conjunction with personal injury protection. Such insurers shall make benefits and required property damage liability insurance coverage available through normal marketing channels. An insurer writing motor vehicle liability insurance in this state who fails to comply with such availability requirement as a general business practice violates part IX of chapter 626, and such violation constitutes an unfair method of competition or an unfair or deceptive act or practice involving the business of insurance. An insurer committing such violation is subject to the penalties provided under that part, as well as those provided elsewhere in the insurance code.

Section 19. Section 641.31075, Florida Statutes, is created to read:

*641.31075 Advanced practice registered nurse services.—A health maintenance contract that is delivered, issued, or renewed in this state on or after January 1, 2021, may not require a subscriber to receive services from an advanced practice registered nurse registered under s. 464.0123 in place of a physician.*

Section 20. Subsection (8) of section 641.495, Florida Statutes, is amended to read:

641.495 Requirements for issuance and maintenance of certificate.—

(8) Each organization's contracts, certificates, and subscriber handbooks shall contain a provision, if applicable, disclosing that, for certain types of described medical procedures, services may be provided by physician assistants, *advanced practice registered nurses* ~~nurse practitioners~~, or other individuals who are not licensed physicians.

Section 21. Subsection (1) of section 744.2006, Florida Statutes, is amended to read:

744.2006 Office of Public and Professional Guardians; appointment, notification.—

(1) The executive director of the Office of Public and Professional Guardians, after consultation with the chief judge and other circuit judges within the judicial circuit and with appropriate advocacy groups and individuals and organizations who are knowledgeable about the needs of incapacitated persons, may establish, within a county in the judicial circuit or within the judicial circuit, one or more offices of public guardian and if so established, shall create a list of persons best qualified to serve as the public guardian, who have been investigated pursuant to s. 744.3135. The public guardian must have knowledge of the legal process and knowledge of social services available to meet the needs of incapacitated persons. The public guardian shall maintain a staff or contract with professionally qualified individuals to carry out the guardianship functions, including an attorney who has experience in probate areas and another person who has a master's degree in social work, or a gerontologist, psychologist, *advanced practice registered nurse, or registered nurse*, ~~or nurse practitioner~~. A public guardian that is a nonprofit corporate guardian under s. 744.309(5) must receive tax-exempt status from the United States Internal Revenue Service.

Section 22. Paragraph (a) of subsection (3) of section 744.331, Florida Statutes, is amended to read:

744.331 Procedures to determine incapacity.—

(3) EXAMINING COMMITTEE.—

(a) Within 5 days after a petition for determination of incapacity has been filed, the court shall appoint an examining committee consisting of three members. One member must be a psychiatrist or other physician. The remaining members must be either a psychologist, a gerontologist, ~~a another psychiatrist, a or other physician, an advanced practice registered nurse, a registered nurse, a nurse practitioner,~~ licensed social worker, a person with an advanced degree in gerontology from an accredited institution of higher education, or *any other person who by knowledge, skill, experience, training, or education may, in the court's discretion, advise the court in the form of an expert opinion.* One of three members of the committee must have knowledge of the type of incapacity alleged in the petition. Unless good cause is shown, the attending or family physician may not be appointed to the committee. If the attending or family physician is available for consultation, the committee must consult with the physician. Members of the examining committee may not be related to or associated with one another, with the petitioner, with counsel for the petitioner or the proposed guardian, or with the person alleged to be totally or partially incapacitated. A member may not be employed by any private or governmental agency that has custody of, or furnishes, services or subsidies, directly or indirectly, to the person or the family of the person alleged to be incapacitated or for whom a guardianship is sought. A petitioner may not serve as a member of the examining committee. Members of the examining committee must be able to communicate, either directly or through an interpreter, in the language that the alleged incapacitated person speaks or to communicate in a medium understandable to the alleged incapacitated person if she or he is able to communicate. The clerk of the court shall send notice of the appointment to each person appointed no later than 3 days after the court's appointment.

Section 23. Paragraph (b) of subsection (1) of section 744.3675, Florida Statutes, is amended to read:

744.3675 Annual guardianship plan.—Each guardian of the person must file with the court an annual guardianship plan which updates information about the condition of the ward. The annual plan must specify the current needs of the ward and how those needs are proposed to be met in the coming year.

(1) Each plan for an adult ward must, if applicable, include:

(b) Information concerning the medical and mental health conditions and treatment and rehabilitation needs of the ward, including:

1. A resume of any professional medical treatment given to the ward during the preceding year.

2. The report of a physician *or an advanced practice registered nurse registered under s. 464.0123* who examined the ward no more than 90 days before the beginning of the applicable reporting period. The report must contain an evaluation of the ward's condition and a statement of the current level of capacity of the ward.

3. The plan for providing medical, mental health, and rehabilitative services in the coming year.

Section 24. Paragraph (c) of subsection (1) of section 766.118, Florida Statutes, is amended to read:

766.118 Determination of noneconomic damages.—

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

(c) "Practitioner" means any person licensed under chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 466, chapter 467, chapter 486, or s. 464.012 *or registered under s. 464.0123.* "Practitioner" also means any association, corporation, firm, partnership, or other business entity under which such practitioner practices or any employee of such practitioner or entity acting in the scope of his or her employment. For the purpose of determining the limitations on noneconomic damages set forth in this section, the term "practitioner" includes any person or entity for whom a practitioner is vicariously liable and any person or entity whose liability is based solely on such person or entity being vicariously liable for the actions of a practitioner.

Section 25. Subsection (3) of section 768.135, Florida Statutes, is amended to read:

768.135 Volunteer team physicians; immunity.—

(3) A practitioner licensed under chapter 458, chapter 459, chapter 460, or s. 464.012 or registered under s. 464.0123 who gratuitously and in good faith conducts an evaluation pursuant to s. 1006.20(2)(c) is not liable for any civil damages arising from that evaluation unless the evaluation was conducted in a wrongful manner.

Section 26. Paragraph (a) of subsection (1) of section 1006.062, Florida Statutes, is amended to read:

1006.062 Administration of medication and provision of medical services by district school board personnel.—

(1) Notwithstanding the provisions of the Nurse Practice Act, part I of chapter 464, district school board personnel may assist students in the administration of prescription medication when the following conditions have been met:

(a) Each district school board shall include in its approved school health services plan a procedure to provide training, by a registered nurse, a licensed practical nurse, or an advanced practice registered nurse licensed under chapter 464 or by a physician licensed under ~~pursuant to~~ chapter 458 or chapter 459, or a physician assistant licensed under ~~pursuant to~~ chapter 458 or chapter 459, to the school personnel designated by the school principal to assist students in the administration of prescribed medication. Such training may be provided in collaboration with other school districts, through contract with an education consortium, or by any other arrangement consistent with the intent of this subsection.

Section 27. Paragraph (c) of subsection (2) of section 1006.20, Florida Statutes, is amended to read:

1006.20 Athletics in public K-12 schools.—

(2) ADOPTION OF BYLAWS, POLICIES, OR GUIDELINES.—

(c) The FHSAA shall adopt bylaws that require all students participating in interscholastic athletic competition or who are candidates for an interscholastic athletic team to satisfactorily pass a medical evaluation each year ~~before~~ ~~prior to~~ participating in interscholastic athletic competition or engaging in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team. Such medical evaluation may be administered only by a practitioner licensed under chapter 458, chapter 459, chapter 460, or s. 464.012 or registered under s. 464.0123; and in good standing with the practitioner's regulatory board. The bylaws shall establish requirements for eliciting a student's medical history and performing the medical evaluation required under this paragraph, which shall include a physical assessment of the student's physical capabilities to participate in interscholastic athletic competition as contained in a uniform preparticipation physical evaluation and history form. The evaluation form shall incorporate the recommendations of the American Heart Association for participation cardiovascular screening and shall provide a place for the signature of the practitioner performing the evaluation with an attestation that each examination procedure listed on the form was performed by the practitioner or by someone under the direct supervision of the practitioner. The form shall also contain a place for the practitioner to indicate if a referral to another practitioner was made in lieu of completion of a certain examination procedure. The form shall provide a place for the practitioner to whom the student was referred to complete the remaining sections and attest to that portion of the examination. The preparticipation physical evaluation form shall advise students to complete a cardiovascular assessment and shall include information concerning alternative cardiovascular evaluation and diagnostic tests. Results of such medical evaluation must be provided to the school. A student is not eligible to participate, as provided in s. 1006.15(3), in any interscholastic athletic competition or engage in any practice, tryout, workout, or other physical activity associated with the student's candidacy for an interscholastic athletic team until the results of the medical evaluation have been received and approved by the school.

Section 28. For the 2020-2021 fiscal year, the sums of \$219,089 in recurring funds and \$17,716 in nonrecurring funds from the Medical Quality Assurance Trust Fund are appropriated to the Department of Health, and 3.5 full-time equivalent positions with associated salary rate of 183,895 are authorized, for the purpose of implementing s. 464.0123, Florida Statutes, as created by this act.

Section 24. For the 2020-2021 fiscal year, two full-time equivalent positions with associated salary rate of 82,211 are authorized and the sums of \$320,150 in recurring and \$232,342 in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration for the purpose of implementing sections 400.52, 400.53, and 408.822, Florida Statutes, as created by this act.

Section 25. Subsection (1) and paragraphs (a) and (b) of subsection (2) of section 1009.65, Florida Statutes, are amended to read:

1009.65 Medical Education Reimbursement and Loan Repayment Program.—

(1) To encourage qualified medical professionals to practice in underserved locations where there are shortages of such personnel, there is established the Medical Education Reimbursement and Loan Repayment Program. The function of the program is to make payments that offset loans and educational expenses incurred by students for studies leading to a medical or nursing degree, medical or nursing licensure, or advanced practice registered nurse licensure or physician assistant licensure. The following licensed or certified health care professionals are eligible to participate in this program:

(a) Medical doctors with primary care specialties, doctors of osteopathic medicine with primary care specialties, physician's assistants, licensed practical nurses and registered nurses, ~~and~~ advanced practice registered nurses with primary care specialties such as certified nurse midwives. Primary care medical specialties for physicians include obstetrics, gynecology, general and family practice, internal medicine, pediatrics, and other specialties which may be identified by the Department of Health.

~~(2) From the funds available, the Department of Health shall make payments to selected medical professionals as follows:~~

~~1. (a) Up to \$4,000 per year for licensed practical nurses and registered nurses, up to \$10,000 per year for advanced practice registered nurses and physician's assistants, and up to \$20,000 per year for physicians. Penalties for noncompliance shall be the same as those in the National Health Services Corps Loan Repayment Program. Educational expenses include costs for tuition, matriculation, registration, books, laboratory and other fees, other educational costs, and reasonable living expenses as determined by the Department of Health.~~

~~2. (b) All payments are contingent on continued proof of primary care practice in an area defined in s. 395.602(2)(b), or an underserved area designated by the Department of Health, provided the practitioner accepts Medicaid reimbursement if eligible for such reimbursement. Correctional facilities, state hospitals, and other state institutions that employ medical personnel shall be designated by the Department of Health as underserved locations. Locations with high incidences of infant mortality, high morbidity, or low Medicaid participation by health care professionals may be designated as underserved.~~

~~(b) Advanced practice registered nurses registered to engage in autonomous practice under s. 464.0123 and practicing in the primary care specialties of family medicine, general pediatrics, general internal medicine, or midwifery. From the funds available, the Department of Health shall make payments of up to \$15,000 per year to advanced practice registered nurses registered under s. 464.0123 who demonstrate, as required by department rule, active employment providing primary care services in a public health program, an independent practice, or a group practice that serves Medicaid recipients and other low-income patients and that is located in a primary care health professional shortage area. Only loans to pay the costs of tuition, books, medical equipment and supplies, uniforms, and living expenses may be covered. For the purposes of this paragraph:~~

~~1. "Primary care health professional shortage area" means a geographic area, an area having a special population, or a facility with a score of at least 18, as designated and calculated by the Federal Health~~

*Resources and Services Administration or a rural area as defined by the Federal Office of Rural Health Policy.*

2. “Public health program” means a county health

And the title is amended as follows:

Delete line 1499 and insert: An act relating to direct care workers; amending s. 400.141, F.S.; authorizing nursing home facilities to use paid feeding assistants in accordance with specified federal law under certain circumstances; providing training program requirements; authorizing the Agency for Health Care Administration to adopt rules; amending s. 400.23, F.S.; prohibiting the counting of paid feeding assistants toward compliance with minimum staffing standards; amending s. 400.461, F.S.; revising a short title; amending s. 400.462, F.S.; revising the definition of the term “home health aide”; amending s. 400.464, F.S.; requiring a licensed home health agency that authorizes a registered nurse to delegate tasks to a certified nursing assistant or a home health aide to ensure that certain requirements are met; amending s. 400.488, F.S.; authorizing an unlicensed person to assist with self-administration of certain treatments; revising the requirements for such assistance; creating s. 400.489, F.S.; authorizing home health aides to administer certain prescription medications under certain conditions; requiring such home health aides to meet certain training and competency requirements; requiring that the training, determination of competency, and annual validation of home health aides be conducted by a registered nurse or a physician; requiring home health aides to complete annual inservice training in medication administration and medication error prevention, in addition to existing annual inservice training requirements; requiring the agency, in consultation with the Board of Nursing, to establish by rule standards and procedures for medication administration by home health aides; providing requirements for such rules; creating s. 400.490, F.S.; authorizing certified nursing assistants or home health aides to perform certain tasks delegated by a registered nurse; creating ss. 400.52 and 400.53, F.S.; creating the Excellence in Home Health Program and the Nurse Registry Excellence Program, respectively, within the agency for a specified purpose; requiring the agency to adopt rules establishing program criteria; providing requirements for such criteria; requiring the agency to annually evaluate certain home health agencies and nurse registries; providing program designation eligibility requirements; providing that a program designation is not transferable, with an exception; providing for the expiration of awarded designations; requiring home health agencies and nurse registries to biennially renew the awarded program designation; authorizing a program designation award recipient to use the designation in advertising and marketing; specifying circumstances under which a home health agency or nurse registry may not use a program designation in advertising or marketing; providing that an application submitted under the program is not an application for licensure; providing that certain actions by the agency are not subject to certain provisions; creating s. 408.822, F.S.; defining the term “direct care worker”; requiring certain licensees to provide specified information about their employees in a survey beginning on a specified date; requiring that the survey be completed on a form adopted by the agency by rule and include a specified attestation; requiring a licensee to submit such survey as a contingency of license renewal; requiring the agency to continually analyze the results of such surveys and publish the results on the agency’s website; requiring the agency to update such information monthly; creating s. 464.0156, F.S.; authorizing a registered nurse to delegate certain tasks to a certified nursing assistant or a home health aide under certain conditions; providing criteria that a registered nurse must consider in determining if a task may be delegated to a certified nursing assistant or a home health aide; authorizing a registered nurse to delegate prescription medication administration to a certified nursing assistant or a home health aide, subject to certain requirements; providing an exception for certain controlled substances; requiring the Board of Nursing, in consultation with the agency, to adopt rules; amending s. 464.018, F.S.; providing disciplinary action; creating s. 464.2035, F.S.; authorizing certified nursing assistants to administer certain prescription medications under certain conditions; requiring such certified nursing assistants to meet certain training and competency requirements; requiring the training, determination of competency, and annual validation of certified nursing assistants to be conducted by a registered nurse or a physician; requiring such certified nursing assistants to complete annual inservice training in medication administration and medication error prevention in addition to existing annual inservice training requirements; requiring the board, in consultation with the agency, to adopt by rule stan-

dards and procedures for medication administration by certified nursing assistants; amending

**Substitute Amendment 2 (848330)**, as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for HB 607**, as amended, was placed on the calendar of Bills on Third Reading.

## MOTIONS

On motion by Senator Benacquisto, the rules were waived and time of adjournment was extended until 7:00 p.m.

**CS for CS for SB 7040**—A bill to be entitled An act relating to implementation of the recommendations of the Marjory Stoneman Douglas High School Public Safety Commission; amending s. 30.15, F.S.; authorizing a sheriff to contract for services to provide training under the Coach Aaron Feis Guardian Program; revising training and evaluation requirements for school guardians; expanding the program to include the training and certification of school security guards; requiring the review and approval of evaluations and results; amending s. 943.082, F.S.; adding penalties for persons who knowingly submit false information to a law enforcement agency; amending s. 943.687, F.S.; requiring the addition of three members to the Marjory Stoneman Douglas High School Public Safety Commission as of a certain date; requiring consideration of balanced representation; amending s. 985.12, F.S.; requiring certain state agencies and state attorneys to cooperate in the oversight and enforcement of school-based diversion programs; requiring that law enforcement officers have access to certain information; amending s. 1001.11, F.S.; specifying legislative intent; assigning the Commissioner of Education specified duties regarding education-related school safety requirements; amending s. 1001.212, F.S.; revising the training, consultation, and coordination responsibilities of the Office of Safe Schools; conforming and requiring evaluation and coordination of incident reporting requirements; requiring the office to maintain a directory of programs; requiring the office to develop a model plan; amending s. 1002.33, F.S.; conforming safety requirements to changes made by the act; amending s. 1002.421, F.S.; requiring private schools comply with certain statutory provision related to criteria for assigning a student to a civil citation or similar prearrest diversion program; amending s. 1003.5716, F.S.; revising individual education plan requirements for certain students to include a statement of expectations for the transition of behavioral health services needed after high school graduation; requiring parent, student, and agency roles and responsibilities to be specified in a course of action transition plan, as applicable; amending s. 1004.44, F.S.; requiring the Louis de la Parte Florida Mental Health Institute to consult with specified state agencies and convene a workgroup to advise those agencies on the implementation of specified mental health recommendations; requiring the institute to submit a report with administrative and legislative policy recommendations to the Governor and the Legislature by a specified date; authorizing the institute to submit additional reports and recommendations as needed and requested; amending s. 1006.07, F.S.; requiring code of student conduct policies to contain prearrest diversion program criteria; specifying requirements applicable to emergency drill policies and procedures; adding threat assessment team membership, training, and procedural requirements; incorporating additional discipline and behavioral incident reports within school safety incident reporting requirements; requiring district school boards to adopt school district emergency event family reunification policies and plans; requiring school-based emergency event family reunification plans to be consistent with school board policy and the school district plan; requiring plans to address specified requirements within the framework of model policies and plans identified by the office; amending s. 1006.09, F.S.; requiring school principals to use a specified system to report school safety incidents; amending s. 1006.12, F.S.; requiring school safety officers to complete specified training to improve knowledge and skills as first responders to certain incidents; specifying county sheriffs’ responsibility for specified training required for school security guards; requiring certain school security guards to meet district background screening requirements and qualification requirements; conforming notification requirements to changes made by the act; clarifying requirements for the assignment of safe school officers at charter schools; amending s. 1006.1493, F.S.; revising components that must be assessed by the Florida Safe Schools Assessment Tool to include policies and

procedures to prepare for and respond to natural or manmade disasters or emergencies; amending s. 1011.62, F.S.; revising requirements that must be met before the distribution of the mental health assistance allocation; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 7040**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7065** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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

**CS for HB 7065**—A bill to be entitled An act relating to school safety; amending s. 943.082, F.S.; requiring the FortifyFL reporting tool to notify reporting parties that submitting false information may subject them to criminal penalties; providing that certain reports shall remain anonymous; amending s. 943.687, F.S.; revising the membership of the Marjory Stoneman Douglas High School Public Safety Commission; amending s. 985.12, F.S.; requiring law enforcement officers to have access to specified information by a certain date for specified purposes; amending s. 1001.11, F.S.; requiring the Commissioner of Education to oversee compliance with requirements relating to school safety and security; requiring the commissioner to take specified actions under certain circumstances relating to noncompliance; amending s. 1001.20, F.S.; requiring the Office of Inspector General to take specified actions for an investigation relating to noncompliance with school safety and security requirements under certain circumstances; authorizing the office to issue and serve certain subpoenas for specified purposes; authorizing the office to take specified actions relating to noncompliance with such subpoenas; amending s. 1001.212, F.S.; requiring the Office of Safe Schools to provide certain opportunities to charter school personnel; requiring such office to coordinate with specified entities to provide a specified tool for certain purposes and a model family reunification plan for certain purposes; amending s. 1002.33, F.S.; revising provisions relating to the immediate termination of a charter school's charter; amending s. 1006.07, F.S.; requiring codes of student conduct to include provisions relating to civil citation or similar prearrest diversion programs for specified purposes; requiring codes of student conduct to include provisions relating to the assignment of students to school-based intervention programs; prohibiting participation in such programs from being entered into a specified system; authorizing certain procedures to include accommodations for specified drills; requiring district school boards and charter school governing boards, in coordination with local law enforcement agencies, to adopt a family reunification plan for specified purposes; providing requirements for members of a threat assessment team; amending s. 1006.12, F.S.; revising provisions relating to the duties of school safety officers; requiring the district school superintendent or charter school administrator to provide certain notifications relating to safe-school officers; requiring safe-school officers to complete a specified training; providing requirements for such training; requiring individuals to meet certain criteria before participating in specified training; providing requirements for such training; requiring school districts to provide charter schools with specified safe-school officers under additional circumstances; amending s. 1006.13, F.S.; requiring certain agreements between district school boards and specified law enforcement to disclose procedures relating to the arrest of certain minors on school grounds; amending s. 1006.1493, F.S.; requiring the Florida Safe Schools Assessment Tool to address policies and procedures relating to certain disasters; amending s. 1008.32, F.S.; authorizing the state board to direct a school district to suspend the salaries of specified individuals under certain circumstances relating to school safety; amending s. 1011.62, F.S.; revising the mental health assistance allocation plans to include policies and procedures relating to certain behavioral health services available to such students; requiring schools districts to use specified services from certain teams; providing requirements for referrals to certain behavioral health services; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 7040** and read the second time by title.

Senator Diaz moved the following amendment which was adopted:

**Amendment 1 (610278) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Paragraph (k) of subsection (1) of section 30.15, Florida Statutes, is amended to read:

30.15 Powers, duties, and obligations.—

(1) Sheriffs, in their respective counties, in person or by deputy, shall:

(k) Assist district school boards and charter school governing boards in complying with s. 1006.12. A sheriff must, at a minimum, provide access to a Coach Aaron Feis Guardian Program training to aid in the prevention or abatement of active assailant incidents on school premises, as required under this paragraph. Persons certified as *Feis guardian program certified school guardians* or *Feis guardian program certified school security guards* pursuant to this paragraph do not have ~~no~~ authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.

1.a. If a local school board has voted by a majority to implement a *Feis guardian program*, the sheriff in that county shall establish a *Feis guardian program* to provide training, pursuant to subparagraph 2., to school district or charter school employees *directly; through a contract with an entity selected by the local sheriff, provided that the local sheriff oversees, supervises, and certifies all aspects of the contract governing the Feis guardian program for the local jurisdiction; ~~either directly or~~ through a contract with another sheriff's office that has established a Feis guardian program; or through any combination thereof.*

b. A charter school governing board in a school district that has not voted, or has declined, to implement a *Feis guardian program* may request the sheriff in the county to establish a *Feis guardian program* for the purpose of training the charter school employees. If the county sheriff denies the request, the charter school governing board may contract with a sheriff that has established a *Feis guardian program* to provide such training. The charter school governing board must notify, *in writing*, the superintendent and the sheriff in the charter school's county of the contract prior to its execution.

c. The sheriff conducting the *Feis guardian program* training pursuant to subparagraph 2. ~~shall~~ *will* be reimbursed by the Department of Education for screening-related and training-related costs for *Feis guardian program certified school guardians* and *Feis guardian program certified school security guards* as provided in s. 1006.12(3) and (4), respectively, and for providing a one-time stipend of \$500 to each *Feis guardian program certified school guardian* who participates in the *Feis guardian program* as an employee of a school district or charter school.

2. A sheriff who establishes a *Feis guardian training program* shall consult with the Department of Law Enforcement on programmatic guiding principles, practices, and resources, and shall certify, *without the power of arrest, Feis guardian program certified as school guardians, without the power of arrest, school employees,* as specified in s. 1006.12(3) and *Feis guardian program certified school security guards* as specified in s. 1006.12(4); who:

a. Hold a valid license issued under s. 790.06, *applicable to district or school employees serving as Feis guardian program certified school guardians pursuant to s. 1006.12(3); or hold a valid Class "D" and Class "G" license issued under chapter 493, applicable to individuals contracted to serve as Feis guardian program certified school security guards under s. 1006.12(4).*

b. Complete a 144-hour training program, consisting of 12 hours of certified nationally recognized diversity training and 132 total hours of comprehensive firearm safety and proficiency training, conducted by Criminal Justice Standards and Training Commission-certified instructors who hold active instructional certifications, which must include:

(I) Eighty hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an 85 percent pass rate on the firearms training.

- (II) Sixteen hours of instruction in precision pistol. *Training must include night and low-light shooting conditions.*
- (III) Eight hours of discretionary shooting instruction using state-of-the-art simulator exercises.
- (IV) Eight hours of instruction in active shooter or assailant scenarios.
- (V) Eight hours of instruction in defensive tactics.
- (VI) Twelve hours of instruction in legal issues.

c. *Submit to and pass a psychological evaluation administered by a licensed professional psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office. The sheriff's office must review and approve the results of each applicant's psychological evaluation before accepting the applicant into the Feis guardian program. The Department of Law Enforcement is authorized to provide the sheriff's office with mental health and substance abuse data for compliance with this paragraph.*

d. *Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office. The sheriff's office must review and approve the results of each applicant's drug tests before accepting the applicant into the Feis guardian program.*

e. *Successfully complete ongoing training conducted by a Criminal Justice Standards and Training Commission-certified instructor who holds an active instructional certification, weapon inspection, and firearm qualification on at least an annual basis, as required by the sheriff's office.*

The sheriff who conducts the *Feis guardian program training pursuant to this paragraph shall issue a Feis school guardian program certificate to individuals who meet the requirements of this section to the satisfaction of the sheriff, and shall maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each Feis guardian program certified school guardian and Feis guardian program certified school security guard certified by the sheriff. An individual who is certified under this paragraph may serve as a Feis guardian program certified school guardian under s. 1006.12(3) or a Feis guardian program certified school security guard under s. 1006.12(4) only if he or she is appointed by the applicable district school superintendent school district superintendent or charter school administrator principal.*

Section 2. Effective October 1, 2020, paragraph (c) is added to subsection (2) of section 943.082, Florida Statutes, to read:

943.082 School Safety Awareness Program.—

(2) The reporting tool must notify the reporting party of the following information:

(c) *That, if following investigation, it is determined that a person knowingly submitted a false tip through FortifyFL, the IP address of the device on which the tip was submitted will be provided to law enforcement agencies for further investigation and the reporting party may be subject to criminal penalties under s. 837.05. In all other circumstances, unless the reporting party has chosen to disclose his or her identity, the report must remain anonymous.*

Section 3. Effective upon becoming a law, paragraph (a) of subsection (2) of section 943.687, Florida Statutes, is amended to read:

943.687 Marjory Stoneman Douglas High School Public Safety Commission.—

(2)(a)1. The commission shall convene no later than June 1, 2018, and shall be composed of 16 members. Five members shall be appointed by the President of the Senate, five members shall be appointed by the Speaker of the House of Representatives, and five members shall be appointed by the Governor. From the members of the commission, the Governor shall appoint the chair. Appointments must be made by April 30, 2018. The Commissioner of the Department of Law Enforcement shall serve as a member of the commission. The Secretary of Children

and Families, the Secretary of Juvenile Justice, the Secretary of Health Care Administration, and the Commissioner of Education shall serve as ex officio, nonvoting members of the commission. Members shall serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment.

2. *In addition to the membership requirements of subparagraph 1., beginning June 1, 2020, the commission shall include five additional members. The additional members must be appointed by May 30, 2020. Three of the additional members must be selected from among the state's actively serving district school superintendents and public school principals and classroom teachers, one each by the Governor, the President of the Senate, and the Speaker of the House of Representatives. The Governor shall select the remaining two members from a list of at least five individuals recommended by the president of the NAACP Florida State Conference and the Florida Consortium of Urban League Affiliates, but the Governor may reject all of the recommended individuals for the commission and request a new list of at least five different recommended individuals who have not been previously recommended.*

3. *When making membership appointments to the commission, the Governor, the President of the Senate, and the Speaker of the House of Representatives shall consider appointees who reflect Florida's racial, ethnic, and gender diversity and, to the maximum extent possible, give consideration to achieving a balance of public school, law enforcement, and health care professional representation. Efforts shall also be taken to ensure participation from all geographic areas of the state, including representation from urban and rural communities.*

Section 4. Paragraphs (c) and (f) of subsection (2) of section 985.12, Florida Statutes, are amended to read:

985.12 Civil citation or similar prearrest diversion programs.—

(2) JUDICIAL CIRCUIT CIVIL CITATION OR SIMILAR PRE-ARREST DIVERSION PROGRAM DEVELOPMENT, IMPLEMENTATION, AND OPERATION.—

(c) The state attorney of each circuit shall operate a civil citation or similar prearrest diversion program in each circuit. A sheriff, police department, county, municipality, locally authorized entity, or public or private educational institution may continue to operate an independent civil citation or similar prearrest diversion program that is in operation as of October 1, 2018, if the independent program is reviewed by the state attorney of the applicable circuit and he or she determines that the independent program is substantially similar to the civil citation or similar prearrest diversion program developed by the circuit. If the state attorney determines that the independent program is not substantially similar to the civil citation or similar prearrest diversion program developed by the circuit, the operator of the independent diversion program may revise the program and the state attorney may conduct an additional review of the independent program. *The state attorney of each judicial circuit shall monitor and enforce compliance with school-based diversion program requirements.*

(f) Each civil citation or similar prearrest diversion program shall enter the appropriate youth data into the Juvenile Justice Information System Prevention Web within 7 days after the admission of the youth into the program. *Beginning in fiscal year 2021-2022, law enforcement officers must have field access to civil citation and prearrest diversion information.*

Section 5. Subsection (9) of section 1001.11, Florida Statutes, is amended to read:

1001.11 Commissioner of Education; other duties.—

(9) *With the intent of ensuring safe learning and teaching environments, the commissioner shall oversee compliance with education-related health, the safety, welfare, and security requirements of law the Marjory Stoneman Douglas High School Public Safety Act, chapter 2018-3, Laws of Florida, by school districts; district school superintendents; and public schools, including charter schools. The commissioner shall must facilitate compliance to the maximum extent provided under law, identify incidents of material noncompliance, and impose or recommend to the State Board of Education, the Governor, or the Legislature enforcement and sanctioning actions pursuant to s. 1001.42,*

s. 1001.51, chapter 1002, and s. 1008.32, and other authority granted under law. For purposes of this subsection and ss. 1001.42(13)(b) and 1001.51(12)(b), the duties assigned to a district school superintendent apply to charter school administrative personnel as defined in s. 1012.01(3), and charter school governing boards shall designate at least one administrator to be responsible for such duties. The duties assigned to a district school board apply to a charter school governing board.

Section 6. Present subsections (14) and (15) of section 1001.212, Florida Statutes, are redesignated as subsections (15) and (16), respectively, a new subsection (14) is added to that section, and subsections (2), (4), (6), and (8) of that section are amended, to read:

1001.212 Office of Safe Schools.—There is created in the Department of Education the Office of Safe Schools. The office is fully accountable to the Commissioner of Education. The office shall serve as a central repository for best practices, training standards, and compliance oversight in all matters regarding school safety and security, including prevention efforts, intervention efforts, and emergency preparedness planning. The office shall:

(2) Provide ongoing professional development opportunities to school district and charter school personnel.

(4) Develop and implement a School Safety Specialist Training Program for school safety specialists appointed pursuant to s. 1006.07(6). The office shall develop the training program, which shall be based on national and state best practices on school safety and security and must include active shooter training. Training must be developed in consultation with the Florida Department of Law Enforcement and include information about federal and state laws regarding education records, medical records, data privacy, and incident reporting requirements, particularly with respect to behavioral threat assessment and emergency planning and response procedures. The office shall develop training modules in traditional or online formats. A school safety specialist certificate of completion shall be awarded to a school safety specialist who satisfactorily completes the training required by rules of the office.

(6) Coordinate with the Department of Law Enforcement to provide a unified search tool, known as the Florida Schools Safety Portal, centralized integrated data repository and data analytics resources to improve access to timely, complete, and accurate information integrating data from, at a minimum, but not limited to, the following data sources by August 1, 2019:

- (a) Social media Internet posts;
- (b) Department of Children and Families;
- (c) Department of Law Enforcement;
- (d) Department of Juvenile Justice;
- (e) Mobile suspicious activity reporting tool known as FortifyFL;
- (f) School environmental safety incident reports collected under subsection (8); and
- (g) Local law enforcement.

Data that is exempt or confidential and exempt from public records requirements retains its exempt or confidential and exempt status when incorporated into the centralized integrated data repository. To maintain the confidentiality requirements attached to the information provided to the centralized integrated data repository by the various state and local agencies, data governance and security shall ensure compliance with all applicable state and federal data privacy requirements through the use of user authorization and role-based security, data anonymization and aggregation and auditing capabilities. To maintain the confidentiality requirements attached to the information provided to the centralized integrated data repository by the various state and local agencies, each source agency providing data to the repository shall be the sole custodian of the data for the purpose of any request for inspection or copies thereof under chapter 119. The department shall only allow access to data from the source agencies in accordance with rules adopted by the respective source agencies and the requirements of the Federal Bureau of Investigation Criminal Justice Information Services security policy, where applicable.

(8) *Oversee, facilitate, and coordinate district and school compliance with school safety incident reporting requirements in accordance with rules adopted by the state board enacting the school safety incident reporting requirements of this subsection, s. 1006.07(9), and other statutory safety incident reporting requirements. The office shall:*

(a) Provide technical assistance to school districts and charter school governing boards and administrators for school environmental safety incident reporting as required under s. 1006.07(9).

(b) ~~The office shall~~ Collect data through school environmental safety incident reports on incidents involving any person which occur on school premises, on school transportation, and at off-campus, school-sponsored events.

(c) ~~Review and evaluate safety incident reports of each~~ ~~The office shall review and evaluate~~ school district and charter school and other entities, as may be required by law, reports to ensure compliance with reporting requirements. The office shall timely notify the commissioner of all incidents of material noncompliance for purposes of invoking the commissioner's responsibilities provided under s. 1001.11(9). Upon notification by the commissioner department that a superintendent or charter school administrator has, based on clear and convincing evidence, failed to comply with the requirements of s. 1006.07(9), the district school board or charter school governing board, as applicable, shall withhold further payment of his or her salary as authorized under s. 1001.42(13)(b) and impose other appropriate sanctions that the commissioner or state board by law may impose, pending demonstration of full compliance.

(14) Develop, in coordination with the Division of Emergency Management, other federal, state, and local law enforcement agencies, fire and rescue agencies, and first responder agencies, a model emergency event family reunification plan for use by child care facilities, public K-12 schools, and public postsecondary institutions that are closed or unexpectedly evacuated due to natural or manmade disasters or emergencies.

Section 7. Paragraph (c) of subsection (8) and paragraph (b) of subsection (16) of section 1002.33, Florida Statutes, are amended to read:

1002.33 Charter schools.—

(8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.—

(c) A charter may be terminated immediately if the sponsor sets forth in writing to the charter school's governing board, the charter school administrator, and the department the particular facts and circumstances demonstrating indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists and the immediate and serious danger is likely to continue. The sponsor's determination is subject to the procedures set forth in paragraph (b), except that the hearing may take place after the charter has been terminated. The sponsor shall notify in writing the charter school's governing board, the charter school administrator principal, and the department if a charter is terminated immediately. The sponsor shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination, if applicable when appropriate. Upon receiving written notice from the sponsor, the charter school's governing board has 10 calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within 60 days after the date of request. The sponsor shall assume operation of the charter school throughout the pendency of the hearing under paragraph (b) unless the continued operation of the charter school would materially threaten the health, safety, or welfare of the students. Failure by the sponsor to assume and continue operation of the charter school shall result in the awarding of reasonable costs and attorney's fees to the charter school if the charter school prevails on appeal.

(16) EXEMPTION FROM STATUTES.—

(b) Additionally, a charter school shall demonstrate and certify in its contract, and if necessary through addendum to its contract, the charter school's be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1003.03, relating to the maximum class size, except that the calculation for compliance pursuant to s. 1003.03 shall be the average at the school level.
4. Section 1012.22(1)(c), relating to compensation and salary schedules.
5. Section 1012.33(5), relating to workforce reductions.
6. Section 1012.335, relating to contracts with instructional personnel hired on or after July 1, 2011.
7. Section 1012.34, relating to the substantive requirements for performance evaluations for instructional personnel and school administrators.
8. Section 1006.12, relating to safe-school officers.
9. Section 1006.07(7), relating to threat assessment teams.
10. Section 1006.07(9), relating to school ~~Environmental~~ safety incident reporting.
11. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
12. Section 1006.07(6)(c), relating to adopting an active assailant response plan.
13. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.
14. Section 1012.584, relating to youth mental health awareness and assistance training.
15. *Section 1006.07(4), relating to emergency drills and emergency procedures.*
16. *Section 1006.07(2)(n)-(o), relating to student civil citation or similar prearrest diversion programs and intervention programs.*

Section 8. Paragraph (r) is added to subsection (1) of section 1002.421, Florida Statutes, to read:

1002.421 State school choice scholarship program accountability and oversight.—

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

(r) *Comply with s. 1006.07(2)(n).*

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

Section 9. Subsection (2) of section 1003.25, Florida Statutes, is amended to read:

1003.25 Procedures for maintenance and transfer of student records.—

(2) The procedure for transferring and maintaining records of students who transfer from school to school shall be prescribed by rules of

the State Board of Education. The transfer of records shall occur within 5 ½ school days. The records shall include:

(a) Verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services.

(b) Psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by school district or charter school staff, as appropriate.

Section 10. Paragraph (d) is added to subsection (2) of section 1003.5716, Florida Statutes, to read:

1003.5716 Transition to postsecondary education and career opportunities.—All students with disabilities who are 3 years of age to 21 years of age have the right to a free, appropriate public education. As used in this section, the term “IEP” means individual education plan.

(2) Beginning not later than the first IEP to be in effect when the student attains the age of 16, or younger if determined appropriate by the parent and the IEP team, the IEP must include the following statements that must be updated annually:

(d) *Beginning in the 2021-2022 school year, the transition plan must identify continuity of care and coordination of any behavioral health services the student may need.*

Section 11. Paragraph (a) of subsection (4), paragraph (a) of subsection (6), paragraphs (a) and (e) of subsection (7), and subsection (9) of section 1006.07, Florida Statutes, are amended, and paragraphs (n) and (o) of subsection (2), paragraph (d) of subsection (4), and subsection (10) are added to that section, to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) CODE OF STUDENT CONDUCT.—Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(n) *Criteria for recommending to law enforcement that a student who commits a criminal offense be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest. All civil citation or similar prearrest diversion programs must comply with s. 985.12.*

(o) *Criteria for assigning a student who commits a petty act of misconduct, as defined by the district school board pursuant to s. 1006.13(2)(c), to a school-based intervention program. A student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web.*

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(a) Formulate and prescribe policies and procedures, in consultation with the appropriate public safety agencies, for emergency drills and for actual emergencies, including, but not limited to, fires, natural disasters, active shooter and hostage situations, and bomb threats, for all students and faculty at all public schools of the district comprised of grades K-12. Drills for active shooter and hostage situations shall be conducted in accordance with developmentally appropriate and age-appropriate procedures at least as often as other emergency drills. *The department shall issue guidance to districts regarding emergency drill policies and procedures, with reference to the recommendations made by the Marjory Stoneman Douglas High School Public Safety Commission regarding emergency drills, including, but not limited to, the number and frequency of, and student exemption from, emergency drills. Law*



enforcement officers responsible for responding to the school in the event of an active assailant emergency, as determined necessary by the sheriff in coordination with the district's school safety specialist, must be physically present on campus and directly involved in the execution of active assailant emergency drills. District school board policies shall include commonly used alarm system responses for specific types of emergencies and verification by each school that drills have been provided as required by law and fire protection codes and may provide accommodations for drills conducted by ESE centers. The emergency response policy shall identify the individuals responsible for contacting the primary emergency response agency and the emergency response agency that is responsible for notifying the school district for each type of emergency.

(d) Consistent with subsection (10), as a component of emergency procedures, each district school board and charter school governing board must adopt, in coordination with local law enforcement agencies, an emergency event family reunification plan to reunite students and employees with their families in the event of a mass casualty or other emergency event situation.

(6) SAFETY AND SECURITY BEST PRACTICES.—Each district school superintendent shall establish policies and procedures for the prevention of violence on school grounds, including the assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community.

(a) Each district school superintendent shall designate a school safety specialist for the district. The school safety specialist must be a school administrator employed by the school district or a law enforcement officer employed by the sheriff's office located in the school district. Any school safety specialist designated from the sheriff's office must first be authorized and approved by the sheriff employing the law enforcement officer. Any school safety specialist designated from the sheriff's office remains the employee of the office for purposes of compensation, insurance, workers' compensation, and other benefits authorized by law for a law enforcement officer employed by the sheriff's office. The sheriff and the school superintendent may determine by agreement the reimbursement for such costs, or may share the costs, associated with employment of the law enforcement officer as a school safety specialist. The school safety specialist must earn a certificate of completion of the school safety specialist training provided by the Office of Safe Schools within 1 year after appointment and is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the school district. The school safety specialist shall:

1. Review school district policies and procedures for compliance with state law and rules, including the district's timely and accurate submission of school environmental safety incident reports to the department pursuant to s. 1001.212(8).

2. Provide the necessary training and resources to students and school district staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security.

3. Serve as the school district liaison with local public safety agencies and national, state, and community agencies and organizations in matters of school safety and security.

4. In collaboration with the appropriate public safety agencies, as that term is defined in s. 365.171, by October 1 of each year, conduct a school security risk assessment at each public school using the Florida Safe Schools Assessment Tool developed by the Office of Safe Schools pursuant to s. 1006.1493. Based on the assessment findings, the district's school safety specialist shall provide recommendations to the district school superintendent and the district school board which identify strategies and activities that the district school board should implement in order to address the findings and improve school safety and security. Each district school board must receive such findings and the school safety specialist's recommendations at a publicly noticed district school board meeting to provide the public an opportunity to hear the district school board members discuss and take action on the findings and recommendations. Each school safety specialist shall report such findings and school board action to the Office of Safe Schools within 30 days after the district school board meeting.

(7) THREAT ASSESSMENT TEAMS.—Each district school board shall adopt policies for the establishment of threat assessment teams at each school whose duties include the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Office of Safe Schools. Such policies must include procedures for referrals to mental health services identified by the school district pursuant to s. 1012.584(4), when appropriate, and procedures for behavioral threat assessments in compliance with the instrument developed pursuant to s. 1001.212(12).

(a) A threat assessment team shall include a sworn law enforcement officer who has undergone threat assessment training identified by the Office of Safe Schools pursuant to s. 1001.212, and persons with expertise in counseling, instruction, and school administration, ~~and law enforcement.~~ All required members of the threat assessment team must be involved in the threat assessment process, from start to finish, including the determination of the final disposition decision. The threat assessment teams shall identify members of the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. Upon the availability of the behavioral threat assessment instrument developed pursuant to s. 1001.212(12), the threat assessment team shall use that instrument.

(e) If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention, shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel shall report all such situations and actions taken to the threat assessment team, which shall contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary followup actions.

1. Upon the student's transfer to a different school within the district, the threat assessment team or school administration shall verify that the receiving school has received the student's records identifying the intervention services the student received. The receiving school must provide similar intervention services to the student within its programs and practices, as applicable, until the threat assessment team of the receiving school independently determines the need for and composition of intervention services.

2. Upon the student's transfer to another school district within the state, the threat assessment team or school administration shall verify the receipt of records by the receiving school. The receiving school must provide similar intervention services to the student within its programs and practices, as applicable, until the threat assessment team ~~shall verify that any intervention services provided to the student remain in place until the threat assessment team~~ of the receiving school independently determines the need for and composition of intervention services.

(9) SCHOOL ENVIRONMENTAL SAFETY INCIDENT REPORTING.—Each district school board shall adopt policies to ensure the accurate and timely reporting of incidents related to school safety and discipline. For purposes of s. 1001.212(8) and this subsection, incidents related to school safety and discipline include incidents reported pursuant to ss. 1006.09, 1006.13, 1006.135, 1006.147, and 1006.148. The district school superintendent is responsible for school environmental safety incident reporting. A district school superintendent who fails to comply with this subsection is subject to the penalties specified in law, including, but not limited to, s. 1001.42(13)(b) or s. 1001.51(12)(b), as applicable. The State Board of Education shall adopt rules establishing the requirements for the school environmental safety incident reporting report.

(10) EMERGENCY EVENT FAMILY REUNIFICATION POLICIES AND PLANS.—By August 1, 2021, each district school board shall adopt a school district emergency event family reunification policy establishing elements and requirements for a school district emergency event family reunification plan and individual school-based emergency event family reunification plans for the purpose of reuniting students



and employees with their families in the event of a mass casualty or other emergency event situation.

(a) School district policies and plans must be coordinated with the county sheriff and local law enforcement. School-based plans must be consistent with school board policy and the school district plan. The school board is encouraged to apply model mass casualty death notification and reunification policies and practices referenced in reports published pursuant to s. 943.687 and as developed by the Office of Safe Schools.

(b) Minimally, plans must identify potential reunification sites and ensure a unified command at each site, identify equipment needs, provide multiple methods of communication with family members of students and staff, address training for employees, and provide multiple methods to aid law enforcement in identification of students and staff, including written backup documents.

Section 12. Subsection (6) of section 1006.09, Florida Statutes, is amended to read:

1006.09 Duties of school principal relating to student discipline and school safety.—

(6) Each school principal must ensure that standardized forms prescribed by rule of the State Board of Education are used to report data concerning school safety and discipline to the department through the School Environmental Safety Incident Reporting (SESIR) System. The school principal must develop a plan to verify the accuracy of reported incidents.

Section 13. Section 1006.12, Florida Statutes, is amended to read:

1006.12 Safe-school officers at each public school.—For the protection and safety of school personnel, property, students, and visitors, each district school board and district school superintendent shall partner with law enforcement agencies or security agencies to establish or assign one or more safe-school officers at each school facility within the district, including charter schools. A district school board must collaborate with charter school governing boards to facilitate charter school access to all safe-school officer options available under this section. The school district may implement one or more ~~any combination~~ of the options specified in subsections (1)-(4) to best meet the needs of the school district and charter schools.

(1) **SWORN LAW ENFORCEMENT SCHOOL RESOURCE OFFICER.**—A school district may establish school resource officer programs through a cooperative agreement with law enforcement agencies.

(a) Sworn law enforcement school resource officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be certified law enforcement officers, as defined in s. 943.10(1), who are employed by a law enforcement agency as defined in s. 943.10(4). The powers and duties of a law enforcement officer shall continue throughout the employee's tenure as a sworn law enforcement school resource officer.

(b) Sworn law enforcement school resource officers shall abide by district school board policies and shall consult with and coordinate activities through the school principal, but shall be responsible to the law enforcement agency in all matters relating to employment, subject to agreements between a district school board and a law enforcement agency. Activities conducted by the sworn law enforcement school resource officer which are part of the regular instructional program of the school shall be under the direction of the school principal.

(c) Sworn law enforcement school resource officers shall complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training shall improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(2) **SWORN LAW ENFORCEMENT SCHOOL SAFETY OFFICER.**—A school district may commission one or more sworn law enforcement school safety officers for the protection and safety of school personnel, property, and students within the school district. The district

school superintendent may recommend, and the district school board may appoint, one or more sworn law enforcement school safety officers.

(a) Sworn law enforcement school safety officers shall undergo criminal background checks, drug testing, and a psychological evaluation and be law enforcement officers, as defined in s. 943.10(1), certified under the provisions of chapter 943 and employed by either a law enforcement agency or by the district school board. If the officer is employed by the district school board, the district school board is the employing agency for purposes of chapter 943, and must comply with the provisions of that chapter.

(b) A sworn law enforcement school safety officer has and shall exercise the power to make arrests for violations of law on district school board property or on property owned or leased by a charter school under the charter contract, as applicable, and to arrest persons, whether on or off such property, who violate any law on such property under the same conditions that deputy sheriffs are authorized to make arrests. A sworn law enforcement school safety officer has the authority to carry weapons when performing his or her official duties.

(c) A district school board may enter into mutual aid agreements with one or more law enforcement agencies as provided in chapter 23. A sworn law enforcement school safety officer's salary may be paid jointly by the district school board and the law enforcement agency, as mutually agreed to.

(d) Sworn law enforcement school safety officers shall complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. The training must improve officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety.

(3) **FEIS GUARDIAN PROGRAM CERTIFIED SCHOOL GUARDIAN.**—At the school district's or the charter school governing board's discretion, as applicable, pursuant to s. 30.15, a school district or charter school governing board may participate in the Coach Aaron Feis Guardian Program to meet the requirement of establishing a safe-school officer. The following individuals may serve as a Feis guardian program certified school guardian, in support of school-sanctioned activities for purposes of s. 790.115, upon satisfactory completion of the requirements under s. 30.15(1)(k) and certification by a sheriff:

(a) A school district employee or personnel, as defined under s. 1012.01, or a charter school employee, as provided under s. 1002.33(12)(a), who volunteers to serve as a Feis guardian program certified school guardian in addition to his or her official job duties; or

(b) An employee of a school district or a charter school who is hired for the specific purpose of serving as a Feis guardian program certified school guardian.

(4) **FEIS GUARDIAN PROGRAM CERTIFIED SCHOOL SECURITY GUARD.**—A school district or charter school governing board may contract with a security agency as defined in s. 493.6101(18) to employ as a Feis guardian program certified school security guard an individual who holds a Class "D" and Class "G" license pursuant to chapter 493, provided the following training and contractual conditions are met:

(a) An individual who serves as a Feis guardian program certified school security guard, for purposes of satisfying the requirements of this section, must:

1. Demonstrate satisfactory completion of all training program requirements of the Coach Aaron Feis Guardian Program, as provided and certified by a county sheriff, ~~144 hours of required training~~ pursuant to s. 30.15(1)(k)2.

2. Submit to and pass a psychological evaluation administered by a licensed professional psychologist licensed under chapter 490 and designated by the Department of Law Enforcement and submit the results of the evaluation to the sheriff's office, school district, or charter school governing board, as applicable. The sheriff's office must review and approve the results of each applicant's psychological evaluation before accepting the applicant into the Feis guardian program. The Department of Law Enforcement is authorized to provide the sheriff's office,

~~school district, or charter school governing board~~ with mental health and substance abuse data for compliance with this paragraph.

3. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of s. 112.0455 and the sheriff's office, ~~school district, or charter school governing board, as applicable.~~ *The sheriff's office must review and approve the results of each applicant's drug tests before accepting the applicant into the Feis guardian program.*

4. Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis, *as required by the sheriff's office and provide documentation to the sheriff's office, school district, or charter school governing board, as applicable.*

(b) The contract between a security agency and a school district or a charter school governing board regarding requirements applicable to *Feis guardian program certified* school security guards serving in the capacity of a safe-school officer for purposes of satisfying the requirements of this section shall define the ~~county sheriff or sheriffs entity or entities~~ responsible for *Feis guardian program* training and the responsibilities for maintaining records relating to training, inspection, and firearm qualification; *and define conditions, requirements, costs, and responsibilities necessary to satisfy the background screening requirements of paragraph (d).*

(c) *Feis guardian program certified* school security guards serving in the capacity of a safe-school officer pursuant to this subsection are in support of school-sanctioned activities for purposes of s. 790.115, and must aid in the prevention or abatement of active assailant incidents on school premises.

(d) *A Feis guardian program certified school security guard serving in the capacity of a safe-school officer pursuant to this subsection is considered to be a "noninstructional contractor" subject to the background screening requirements of s. 1012.465, as they apply to each applicable school district or charter school, and these requirements must be satisfied before the Feis guardian program certified school security guard is given access to school grounds.*

(5) NOTIFICATION.—The school district *superintendent or charter school administrator* shall notify the county sheriff and the Office of Safe Schools immediately after, but no later than 72 hours after:

(a) A safe-school officer is dismissed for misconduct or is otherwise disciplined.

(b) A safe-school officer discharges his or her firearm in the exercise of the safe-school officer's duties, other than for training purposes.

(6) EXEMPTION.—Any information that would identify whether a particular individual has been appointed as a safe-school officer pursuant to this section held by a law enforcement agency, school district, or charter school is 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, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

If a district school board, through its adopted policies, procedures, or actions, denies a charter school access to any safe-school officer options pursuant to this section, the school district must assign a *sworn law enforcement* school resource officer or *sworn law enforcement* school safety officer to the charter school. Under such circumstances, the charter school's share of the costs of the *sworn law enforcement* school resource officer or *sworn law enforcement* school safety officer may not exceed the safe school allocation funds provided to the charter school pursuant to s. 1011.62(15) and shall be retained by the school district. *Nothing in this provision shall operate to require a charter school to contract with the school district for the provision of a sworn law enforcement school resource officer or a sworn law enforcement school safety officer. At the election of the charter school, the charter school may waive the school district's obligation to assign a sworn law enforcement school resource officer or sworn law enforcement school safety officer, and the charter school may retain its safe school allocation funds.*

Section 14. Paragraph (d) is added to subsection (4) of section 1006.13, Florida Statutes, to read:

1006.13 Policy of zero tolerance for crime and victimization.—

(4)

(d)1. *This paragraph may be cited as the "Kaia Rolle Act."*

2. *The agreements must also disclose the procedures adopted by the sheriff and local police department that must be used by law enforcement officers before arresting any student 10 years of age or younger on school grounds.*

Section 15. Paragraph (a) of subsection (2) of section 1006.1493, Florida Statutes, is amended to read:

1006.1493 Florida Safe Schools Assessment Tool.—

(2) The FSSAT must help school officials identify threats, vulnerabilities, and appropriate safety controls for the schools that they supervise, pursuant to the security risk assessment requirements of s. 1006.07(6).

(a) At a minimum, the FSSAT must address all of the following components:

1. School emergency and crisis preparedness planning;
2. Security, crime, and violence prevention policies and procedures;
3. Physical security measures;
4. Professional development training needs;
5. An examination of support service roles in school safety, security, and emergency planning;
6. School security and school police staffing, operational practices, and related services;
7. School and community collaboration on school safety; ~~and~~
8. A return on investment analysis of the recommended physical security controls *and*;
9. *Policies and procedures to prepare for and respond to natural or manmade disasters or emergencies, including plans to reunite students and employees with families after a school is closed or unexpectedly evacuated due to such disasters or emergencies.*

Section 16. Subsection (16) of section 1011.62, Florida Statutes, is amended to read:

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

(16) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts in establishing or expanding school-based mental health care; train educators and other school staff in detecting and responding to mental health issues; and connect children, youth, and families who may experience behavioral health issues with appropriate services. These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000, with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment. Charter schools that submit a plan separate from the school district are entitled to a proportionate share of district funding. The allocated funds may not supplant funds that are provided for this purpose from other operating funds and may not be used to increase salaries or provide bonuses. School districts are encouraged to maximize third-party health insurance benefits and Medicaid claiming for services, where appropriate.

(a) Before the distribution of the allocation:

1. The school district ~~shall~~ *must* develop and submit a detailed plan outlining the local program and planned expenditures to the district

school board for approval. ~~The~~ This plan, which must include input from school and community stakeholders, applies to all district schools, including charter schools, unless a charter school elects to submit a plan independently from the school district pursuant to subparagraph 2.

2. A charter school may develop and submit a detailed plan outlining the local program and planned expenditures to its governing body for approval. After the plan is approved by the governing body, it must be provided to the charter school's sponsor.

(b) The plans required under paragraph (a) must be focused on a multitiered system of supports to deliver evidence-based mental health care assessment, diagnosis, intervention, treatment, and recovery services to students with one or more mental health or co-occurring substance abuse diagnoses and to students at high risk of such diagnoses. The provision of these services must be coordinated with a student's primary mental health care provider and with other mental health providers involved in the student's care. At a minimum, the plans must include the following elements:

1. Direct employment of school-based mental health services providers to expand and enhance school-based student services and to reduce the ratio of students to staff in order to better align with nationally recommended ratio models. These providers include, but are not limited to, certified school counselors, school psychologists, school social workers, and other licensed mental health professionals. The plan also must establish ~~identify~~ strategies to increase the amount of time that school-based student services personnel spend providing direct services to students, which may include the review and revision of district staffing resource allocations based on school or student mental health assistance needs.

2. Contracts or interagency agreements with one or more local community behavioral health providers or providers of Community Action Team services to provide a behavioral health staff presence and services at district schools. Services may include, but are not limited to, mental health screenings and assessments, individual counseling, family counseling, group counseling, psychiatric or psychological services, trauma-informed care, mobile crisis services, and behavior modification. These behavioral health services may be provided on or off the school campus and may be supplemented by telehealth.

3. Policies and procedures, including contracts with service providers, which will ensure that ~~students~~:

a. A parent of a student is provided information about behavioral health services available through the student's school or local community-based behavioral health services providers, including, but not limited to, the community action treatment team established in s. 394.495 serving the student's area. A school may meet this requirement by providing information about and Internet addresses for web-based directories or guides for local behavioral health services. Such directories or guides must be easily navigated and understood by individuals unfamiliar with behavioral health delivery systems or services and include specific contact information for local behavioral health providers.

b. Each school district uses the services of the community action treatment team established in s. 394.495 to the extent that such services are available.

c. Students who are referred to a school-based or community-based mental health service provider for mental health screening for the identification of mental health concerns and ensure that the assessment of students at risk for mental health disorders occurs within 15 days of referral. School-based mental health services must be initiated within 15 days after identification and assessment, and support by community-based mental health service providers for students who are referred for community-based mental health services must be initiated within 30 days after the school or district makes a referral.

d. Referrals may be made available for behavioral health services through other delivery systems or payors for which a student or individuals living in the household of a student receiving services under this subsection may qualify, if such services appear to be needed or enhancements in those individuals' behavioral health would contribute to the improved well-being of the student.

4. Mental health policies and procedures that implement and support all of the following elements:

a. Universal supports to promote psychological well-being and safe and supportive environments.

b. Evidence-based strategies or programs to reduce the likelihood of at-risk students developing social, emotional, or behavioral health problems, depression, anxiety disorders, suicidal tendencies, or substance use disorders.

~~c.5.~~ Strategies to improve the early identification of social, emotional, or behavioral problems or substance use disorders; to enhance ~~improve~~ the provision of early intervention services; and to assist students in dealing with trauma and violence.

d. Methods for responding to a student with suicidal ideation, including training in suicide risk assessment and the use of suicide awareness, prevention, and screening instruments developed under s. 1012.583; adoption of guidelines for informing parents of suicide risk; and implementation of board policies for initiating involuntary examination of students at risk of suicide.

e. A school crisis response plan that includes strategies for the prevention of, preparation for, response to, and recovery from a range of school crises. The plan must establish or coordinate the implementation of district-level and school-level crisis response teams whose membership includes, but is not limited to, representatives of school administration and school-based mental health service providers.

(c) School districts shall submit approved plans, including approved plans of each charter school in the district, to the commissioner by August 1 of each fiscal year.

(d) ~~By September 30 of each year Beginning September 30, 2019, and annually by September 30 thereafter,~~ each school district shall submit its district report to the department. By November 1 of each year, the department shall submit a state summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on ~~Department of Education a report on its~~ program outcomes and expenditures for the previous fiscal year, including multiple-year trend data, when available, that, at a minimum, must include information for each of ~~the number of each of~~ the following indicators:

1. The number of students who receive screenings or assessments.
2. The number of students who are referred to either school-based or community-based providers for services or assistance.
3. The number of students who receive either school-based or community-based interventions, services, or assistance.
4. The number of school-based and community-based mental health providers, including licensure type, paid for from funds provided through the allocation.
5. The number and ratio to students of school social workers, school psychologists, and certified school counselors employed by the district or charter school and the total number of licensed mental health professionals directly employed by the district or charter school.
6. Contract-based collaborative efforts or partnerships with community mental health programs, agencies, or providers.

Section 17. Except as expressly provided in this act and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to implementation of the recommendations of the Marjory Stoneman Douglas High School Public Safety Commission; amending s. 30.15, F.S.; authorizing a sheriff to contract for services to provide training under the Coach Aaron Feis Guardian Program; requiring sheriffs conducting Feis guardian program training to be reimbursed for certain costs; revising certification requirements for school guardians certified by the program; revising training and evaluation requirements for school guardians; expanding the program to include

the training and certification of school security guards; requiring sheriff's offices to review and approve certain evaluations and test results; amending s. 943.082, F.S.; adding criminal penalties for persons who knowingly submit false information to a law enforcement agency; requiring that the reporting party remain anonymous; amending s. 943.687, F.S.; requiring the addition of five members to the Marjory Stoneman Douglas High School Public Safety Commission as of a certain date; requiring consideration of balanced representation; amending s. 985.12, F.S.; requiring state attorneys to monitor and enforce school-based diversion programs; requiring that law enforcement officers have access to certain information; amending s. 1001.11, F.S.; assigning the Commissioner of Education specified duties regarding education-related school safety requirements; providing that the duties assigned to a district school superintendent apply to charter school administrative personnel; requiring charter school governing boards to designate at least one administrator responsible for such duties; providing that the duties assigned to a district school board apply to a charter school governing board; amending s. 1001.212, F.S.; revising the training, consultation, and coordination responsibilities of the Office of Safe Schools; conforming and requiring evaluation and coordination of incident reporting requirements; requiring the office to timely notify the commissioner of all incidents of material noncompliance; requiring the office to develop a model emergency event family reunification plan for use in certain disasters or emergencies; amending s. 1002.33, F.S.; revising provisions relating to the immediate termination of a charter school's charter; conforming safety requirements to changes made by the act; amending s. 1002.421, F.S.; requiring private schools to comply with a certain statutory provision related to criteria for assigning a student to a civil citation or similar prearrest diversion program; amending s. 1003.25, F.S.; revising the timeframe for the transfer of student records under certain circumstances; amending s. 1003.5716, F.S.; revising individual education plan requirements for certain students to include a statement of expectations for the transition of behavioral health services needed after high school graduation, beginning in a specified school year; requiring parent, student, and agency roles and responsibilities to be specified in a course of action transition plan, as applicable; amending s. 1006.07, F.S.; requiring code of student conduct policies to contain prearrest diversion program and intervention program criteria; requiring the Department of Education to issue guidance to school districts regarding emergency drills; requiring such guidance to reference recommendations of the Marjory Stoneman Douglas High School Public Safety Commission; specifying requirements applicable to emergency drill policies and procedures; requiring an emergency event family reunification plan to be included as a component of emergency procedures adopted by school boards and charter school governing boards; revising threat assessment team membership, training, and procedural requirements; modifying the process for continuation of threat assessment intervention services for transferring students; incorporating additional discipline and behavioral incident reports within school safety incident reporting requirements; requiring district school boards to adopt emergency event family reunification policies and plans by a specified date; requiring school-based emergency event family reunification plans to be consistent with school board policy and the school district plan; requiring plans to address specified requirements within the framework of model policies and plans identified by the office; amending s. 1006.09, F.S.; requiring school principals to use a specified system to report school safety incidents; amending s. 1006.12, F.S.; requiring school safety officers to complete specified training to improve knowledge and skills as first responders to certain incidents; providing requirements for such training; requiring certain school security guards to meet district background screening requirements and qualification requirements; clarifying requirements for the assignment of safe school officers at charter schools; amending s. 1006.13, F.S.; requiring agreements to disclose procedures adopted by the sheriff and local police department that must be used by police officers before arresting any student 10 years of age or younger on school grounds; amending s. 1006.1493, F.S.; revising components that must be assessed by the Florida Safe Schools Assessment Tool to include policies and procedures to prepare for and respond to natural or manmade disasters or emergencies, including plans to reunite students and employees with families after a school closure or evacuation due to such disasters or emergencies; amending s. 1011.62, F.S.; revising requirements that must be met before the distribution of the Florida Education Finance Program mental health assistance allocation; requiring plans contain mental health policies and procedures that implement certain elements; requiring each school district submit a report to the Department of Education by a certain date; requiring the de-

partment submit a state summary report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by a certain date; requiring the report to contain certain specified data; providing effective dates.

Pursuant to Rule 4.19, **CS for HB 7065**, as amended, was placed on the calendar of Bills on Third Reading.

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**SB 1542**—A bill to be entitled An act relating to Alzheimer's disease; amending s. 430.501, F.S.; requiring state agencies to provide assistance to the Alzheimer's Disease Advisory Committee, upon request; creating s. 430.5015, F.S.; creating the position of Dementia Director within the Department of Elderly Affairs; requiring the Secretary of Elderly Affairs to appoint the director; authorizing the director to call upon certain agencies for assistance; requiring the agencies to assist the director under certain circumstances; providing duties and responsibilities of the director; amending s. 430.502, F.S.; making a technical change; revising incentive funding criteria for memory disorder clinics; revising the information the department must consider when developing the allocation formula for respite care; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1542**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 835** was withdrawn from the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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

**CS for HB 835**—A bill to be entitled An act relating to Alzheimer's disease; amending s. 430.501, F.S.; requiring state agencies to provide assistance to the Alzheimer's Disease Advisory Committee, upon request; creating s. 430.5015, F.S.; creating the position of Dementia Director within the Department of Elderly Affairs; requiring the Secretary of Elderly Affairs to appoint the director; authorizing the director to call upon certain agencies for assistance; providing duties and responsibilities of the director; amending s. 430.502, F.S.; revising the name of a memory disorder clinic in Orange County; revising a provision relating to an allocation formula for the funding of respite care; providing an effective date.

—a companion measure, was substituted for **SB 1542** and, by two-thirds vote, read the second time by title.

Pursuant to Rule 4.19, **CS for HB 835** was placed on the calendar of Bills on Third Reading.

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**CS for CS for SB 1628**—A bill to be entitled An act relating to Holocaust education; amending s. 1003.42, F.S.; including the study of a specified policy against anti-Semitism in specified instruction; requiring each school district to annually certify and provide evidence to the department that certain instructional requirements have been met; authorizing the department to work with a certain task force and other entities for specified purposes; recognizing the second week in November as Holocaust Education Week; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1628**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1213** was withdrawn from the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

On motion by Senator Book—

**CS for CS for HB 1213**—A bill to be entitled An act relating to Holocaust education; amending s. 1003.42, F.S.; including certain instruction related to anti-Semitism in the required instruction relating to the Holocaust; providing school district and Department of Education requirements relating to such instruction; authorizing the department to seek input from certain entities for specified purposes relating to such instruction; authorizing the department to contract with specified entities to develop specified training and resources relating to such instruction; designating a certain week as "Holocaust Education Week;" providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1628** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1213** was placed on the calendar of Bills on Third Reading.

On motion by Senator Gruters—

**CS for SB 898**—A bill to be entitled An act relating to insurance guaranty associations; amending s. 631.57, F.S.; increasing the obligation of the Florida Insurance Guaranty Association, Incorporated, for certain claims under policies covering certain condominium associations and homeowners' associations; increasing the percentage limit of certain insurer net written premiums up to which the Office of Insurance Regulation may levy certain emergency assessments upon insurers; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for SB 898** was placed on the calendar of Bills on Third Reading.

**CS for CS for CS for SB 998**—A bill to be entitled An act relating to housing; amending s. 125.01055, F.S.; authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 129.03, F.S.; revising the information required to be annually submitted by county budget officers to the Office of Economic and Demographic Research; requiring certain information to be included beginning in a specified submission; amending s. 163.31771, F.S.; revising conditions under which local governments are authorized to adopt ordinances that allow accessory dwelling units in any area zoned for single-family residential use; amending s. 163.31801, F.S.; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; amending s. 166.04151, F.S.; authorizing governing bodies of municipalities to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 166.241, F.S.; revising the information required to be annually submitted by municipal budget officers to the Office of Economic and Demographic Research; requiring certain information to be included beginning in a specified submission; amending s. 320.77, F.S.; revising a certification requirement for mobile home dealer applicants relating to the applicant's business location; amending s. 320.771, F.S.; exempting certain recreational vehicle dealer applicants from a garage liability insurance requirement; amending s. 320.822, F.S.; revising the definition of the term "code"; amending s. 320.8232, F.S.; revising applicable standards for the repair and remodeling of mobile and manufactured homes; amending s. 367.022, F.S.; revising an exemption from regulation for certain water service resellers; exempting certain mobile home park and mobile home subdivision owners from regulation by the Florida Public Service Commission relating to water and wastewater systems; creating 420.518, F.S.; authorizing the preclusion of an applicant or affiliate of an applicant from participation in Florida Housing Finance Corporation programs under certain conditions; authorizing the board of directors of the corporation to preclude the applicant for a period of time or revoke the applicant's funding; requiring that an administrative complaint be served before an order is issued; authorizing the corporation to suspend certain funding, allocations of federal housing credits, credit underwriting procedures, or application reviews; providing requirements for such suspensions; amending s. 420.5087, F.S.; revising the criteria used by a review committee when evaluating and selecting specified applications for state apartment incentive loans; authorizing the corporation to prioritize a portion of the State Apartment Incentive Loan funding set aside for certain purposes; requiring that such funding be used for housing for certain persons in foster care or persons aging out of foster care; providing requirements for such housing; requiring the corporation to consult with the Department of Children and Families to create minimum criteria for such housing; amending s. 420.5095, F.S.; revising legislative findings; renaming the Community Workforce Housing Innovation Pilot Program as the Community Workforce Housing Loan Program to provide workforce housing for persons affected by the high cost of housing; revising the definition of the term "workforce housing"; deleting the definition of the term "public-private partnership"; authorizing the corporation to provide loans under the program to applicants for construction of workforce housing; requiring the corporation to

establish a certain loan application process; deleting provisions requiring the corporation to provide incentives for local governments to use certain funds; requiring projects to receive priority consideration for funding under certain circumstances; deleting provisions providing for the expedition of local government comprehensive plan amendments to implement a program project; requiring that the corporation award loans at a specified interest rate and for a limited term; conforming provisions to changes made by the act; deleting a provision authorizing the corporation to use a maximum percentage of a specified appropriation for administration and compliance; amending s. 420.531, F.S.; specifying that technical support provided to local governments and community-based organizations includes implementation of the State Apartment Incentive Loan Program; requiring the entity providing training and technical assistance to convene and administer biannual workshops; providing requirements for such workshops; requiring such entity to annually compile and submit certain information to the Legislature and the corporation by a specified date; amending s. 420.9075, F.S.; revising requirements for reports submitted to the corporation by counties and certain municipalities; amending s. 420.9076, F.S.; beginning on a specified date, revising the membership of local affordable housing advisory committees; requiring the committees to perform specified duties annually instead of triennially; revising duties of the committees; requiring locally elected officials serving on advisory committees, or their designees, to attend biannual regional workshops; providing a penalty; amending s. 723.011, F.S.; providing that a mobile home owner may be required to install permanent improvements as disclosed in the mobile home park prospectus; amending s. 723.012, F.S.; requiring a mobile home park owner to amend its prospectus under certain circumstances; requiring a mobile home park owner to increase shared facilities under certain circumstances; providing a requirement for the prospectus amendment; prohibiting certain costs and expenses from being passed on or passed through to existing mobile home owners; amending s. 723.023, F.S.; revising general obligations for mobile home owners; amending s. 723.031, F.S.; revising construction relating to a mobile home park owner's disclosure of certain taxes and assessments; prohibiting a mobile home park owner from charging or collecting certain taxes or charges in excess of a certain amount; amending s. 723.037, F.S.; authorizing mobile home park owners to give notice of lot rental increases for multiple anniversary dates in one notice; providing construction; revising a requirement for a lot rental negotiation committee; amending s. 723.041, F.S.; providing that a mobile home park damaged or destroyed due to natural force may be rebuilt with the same density as previously approved, permitted, and built; providing construction; amending s. 723.042, F.S.; revising conditions under which a person is required by a mobile home park owner or developer to provide improvements as a condition of residence in a mobile home park; amending s. 723.059, F.S.; authorizing certain mobile home purchasers to assume the seller's prospectus; authorizing a mobile home park owner to offer a purchaser any approved prospectus; amending s. 723.061, F.S.; revising requirements related to the provision of eviction notices by mobile home park owners to specified entities; specifying the waiver and nonwaiver of certain rights of mobile home park owners under certain circumstances; requiring the accounting at final hearing of rents received; amending s. 723.076, F.S.; providing a notice requirement for homeowners' associations to mobile home park owners after the election or appointment of new officers or board members; amending s. 723.078, F.S.; revising requirements for homeowners' association board elections and ballots; requiring an impartial committee to be responsible for overseeing the election process and complying with ballot requirements; defining the term "impartial committee"; requiring that association bylaws provide a method for determining the winner of an election under certain circumstances; requiring the division to adopt procedural rules; revising the types of meetings that are not required to be open to members; providing an exception to a requirement for an officer of an association to provide an affidavit affirming certain information; authorizing meeting notices to be provided by electronic means; providing that the minutes of certain board and committee meetings are privileged and confidential; conforming provisions to changes made by the act; amending s. 723.079, F.S.; revising homeowners' association recordkeeping requirements; revising the timeframes during which certain records are required to be retained and be made available for inspection or photocopying; limiting the amount of damages for which an association is liable when a member is denied access to official records; requiring that certain disputes be submitted to mandatory binding arbitration with the division; providing requirements for such arbitration; amending s. 723.1255, F.S.; requiring that certain disputes be submitted to mandatory binding arbitration with

the division; providing requirements for such arbitration and responsibility for fees and costs; requiring the division to adopt procedural rules; reenacting s. 420.507(22)(i), F.S., relating to powers of the Florida Housing Finance Corporation, to incorporate the amendment made to s. 420.5087, F.S., in a reference thereto; reenacting s. 193.018(2), F.S., relating to land owned by a community land trust used to provide affordable housing, to incorporate the amendment made to s. 420.5095, F.S., in a reference thereto; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 998**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 1339** was withdrawn from the Committees on Community Affairs; Infrastructure and Security; and Appropriations.

On motion by Senator Hutson—

**CS for CS for CS for HB 1339**—A bill to be entitled An act relating to community development and housing; amending s. 125.01055, F.S.; authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 129.03, F.S.; revising the information that the county budget officer must submit to the Office of Economic and Demographic Research regarding the final budget and the county's economic status; s. 163.01, F.S.; amending the Florida Interlocal Cooperation Act of 1969 to authorize private entities to enter into specified loan agreements; authorizing certain bond proceeds to be loaned to private entities for specified types of projects; providing that such loans are deemed a paramount public purpose; amending s. 163.31771, F.S.; revising legislative findings; authorizing local governments to adopt ordinances that allow accessory dwelling units in any area zoned for single-family residential use; providing an exception; amending s. 163.31801, F.S.; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; amending s. 166.04151, F.S.; authorizing governing bodies of municipalities to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 166.241, F.S.; revising the information that the municipal budget officer must submit to the Office of Economic and Demographic Research regarding the final budget and the municipality's economic status; amending s. 196.1978, F.S.; specifying that property owned by certain limited liability companies be exempt from ad valorem taxation; providing circumstances under which the exemption from ad valorem taxation applies; amending s. 320.77, F.S.; revising a certification requirement for mobile home dealer applicants relating to the applicant's business location; amending s. 320.771, F.S.; exempting certain recreational vehicle dealer applicants from a garage liability insurance requirement; amending s. 320.822, F.S.; revising the definition of the term "code"; amending s. 320.8232, F.S.; revising applicable standards for the repair and remodeling of mobile and manufactured homes; amending s. 367.022, F.S.; exempting certain mobile home park owners and mobile home subdivision owners from regulation by the Florida Public Service Commission relating to water and wastewater service; amending s. 420.5087, F.S.; revising the criteria used by a review committee when evaluating and selecting specified applications for state apartment incentive loans; amending s. 420.5095, F.S.; renaming the Community Workforce Housing Innovation Pilot Program as the Community Workforce Housing Loan Program; requiring the program to provide workforce housing; revising the definition of the term "workforce housing"; deleting the definition of the term "public-private partnership"; authorizing the Florida Housing Finance Corporation to provide loans under the program to applicants for construction of workforce housing; requiring the corporation to establish a certain loan application process; deleting provisions requiring the corporation to provide incentives for local governments to use certain funds; requiring projects to receive priority consideration for funding under certain circumstances; deleting a provision providing for the expedition of local government comprehensive plan amendments to implement a program project; requiring that the corporation award loans at a specified interest rate and for a limited term; conforming provisions to changes made by the act; creating s. 420.531, F.S.; authorizing certain applicants or affiliates to be precluded from the housing program under certain circumstances; providing procedural rules for use if the board of directors determines that an applicant or affiliate has been precluded from the program; specifying conditions which must be met before an order can be final; providing how funding, allocation of federal housing credits, credit underwriting procedures, or application review are to be

handled under specified situations; amending s. 420.531, F.S.; specifying that technical support provided to local governments and community-based organizations includes implementation of the State Apartment Incentive Loan Program; requiring the entity providing training and technical assistance to convene and administer biannual regional workshops; requiring such entity to annually compile and submit certain information to the Legislature and the corporation by a specified date; amending s. 420.9071, F.S.; revising the definition of the term "affordable"; amending s. 420.9073, F.S.; authorizing the corporation to withhold a certain portion of funds distributed from the Local Government Housing Trust Fund to be used for certain transitional housing; prohibiting such funds from being used for specified purposes; requiring the corporation to consult with the Department of Children and Families to create minimum criteria for such housing; providing for the distribution of withheld funds; amending s. 420.9075, F.S.; revising information that must be included in the report from each county and municipality that addresses affordable housing programs and accomplishments; amending s. 420.9076, F.S.; revising the membership of local affordable housing advisory committees beginning on a specified date; requiring the committees to perform specified duties annually instead of triennially; requiring locally elected officials serving on advisory committees, or their designees, to attend biannual regional workshops; providing a penalty; amending s. s. 423.02, F.S.; prohibiting cities, towns, counties, or political subdivisions from changing taxes or assessments related to certain housing projects under certain circumstances; amending s. 723.011, F.S.; providing construction relating to rental agreements and tenancies; providing that a mobile home owner may be required to install permanent improvements as disclosed in the mobile home park prospectus; amending s. 723.012, F.S.; authorizing mobile home park owners to make certain prospectus amendments; providing requirements for the amendment; prohibiting certain costs and expenses from being passed on to existing mobile home owners; amending s. 723.023, F.S.; revising general obligations for mobile home owners; amending s. 723.031, F.S.; specifying a requirement for disclosing and agreeing to a mobile home lot rental increase; revising construction relating to a park owner's disclosure of certain taxes and assessments; amending s. 723.037, F.S.; authorizing mobile home park owners to give notice of lot rental increases for multiple anniversary dates in one notice; providing construction; revising a requirement for a lot rental negotiation committee; amending s. 723.041, F.S.; providing that a mobile home park damaged or destroyed due to natural forces may be rebuilt with the same density as previously approved, permitted, and built; providing construction; amending s. 723.042, F.S.; conforming a provision to changes made by the act; amending s. 723.059, F.S.; authorizing certain mobile home purchasers to assume the remainder of a seller's prospectus; authorizing a mobile home park owner to offer a purchaser any approved prospectus; amending s. 723.061, F.S.; specifying entities that must be provided with a copy of an eviction notice when received by a mobile home owner; specifying the waiver and nonwaiver of certain rights of a mobile home park owner under certain circumstances; requiring the accounting at final hearing of rents received; amending s. 723.076, F.S.; revising procedures related to the election or appointment of new officers or board members in a homeowner's association; amending s. 723.078, F.S.; revising requirements for board elections and ballots; requiring an impartial committee to be responsible for overseeing the election process and complying with ballot requirements; defining the term "impartial committee"; requiring that association bylaws provide a method for determining the winner of an election under certain circumstances; requiring the Division of Florida Condominiums, Timeshares, and Mobile Homes to adopt procedural rules; revising the types of meetings that are not required to be open to members; providing an exception to a provision requiring an officer of an association to provide an affidavit affirming certain information; authorizing meeting notices to be provided by electronic means; providing that the minutes of certain board and committee meetings are privileged and confidential; conforming provisions to changes made by the act; amending s. 723.079, F.S.; revising homeowners' association recordkeeping requirements; revising the timeframes for which certain records are required to be retained and be made available for inspection or photocopying; capping the amount of damages for which an association is liable when a member is denied access to official records; requiring that certain disputes be submitted to mandatory binding arbitration with the division; amending s. 723.1255, F.S.; requiring that certain disputes be submitted to mandatory binding arbitration with the division; providing requirements for such arbitration and fees and costs; requiring the division to adopt rules; reenacting s. 420.507(22)(i), F.S., relating to powers of the Florida Housing Finance

Corporation, to incorporate the amendment made to s. 420.5087, F.S., in a reference thereto; reenacting s. 193.018(2), F.S., relating to land owned by a community land trust used to provide affordable housing, to incorporate the amendment made to s. 420.5095, F.S., in a reference thereto; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 998** and read the second time by title.

Senator Hutson moved the following amendment:

**Amendment 1 (105450) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Subsection (4) is added to section 125.01055, Florida Statutes, to read:

125.01055 Affordable housing.—

(4) *Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.*

Section 2. Paragraph (d) of subsection (3) of section 129.03, Florida Statutes, is amended to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(d) ~~By October 15, 2019, and~~ each October 15 ~~annually thereafter~~, the county budget officer shall electronically submit the following information regarding the final budget and the county's economic status to the Office of Economic and Demographic Research in the format specified by the office:

1. Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.
2. Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.
3. Median income within the county.
4. The average county employee salary.
5. Percent of budget spent on salaries and benefits for county employees.
6. Number of special taxing districts, wholly or partially, within the county.

7. *Annual county expenditures providing for the financing, acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s. 420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. The information required by this subparagraph must be included in the submission due by October 15, 2020, and each annual submission thereafter.*

Section 3. Paragraph (d) of subsection (7) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(d) Notwithstanding the provisions of paragraph (c), any separate legal entity created pursuant to this section and controlled by the municipalities or counties of this state or by one or more municipality and one or more county of this state, the membership of which consists or is to consist of municipalities only, counties only, or one or more municipality and one or more county, may, for the purpose of financing or

refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. Notwithstanding any limitations provided in this section, all of the privileges, benefits, powers, and terms of part I of chapter 125, part II of chapter 166, and part I of chapter 159 ~~are shall be~~ fully applicable to such entity. Bonds issued by such entity ~~are shall be~~ deemed issued on behalf of the counties, ~~or municipalities, or private entities~~ which enter into loan agreements with such entity as provided in this paragraph. Any loan agreement executed pursuant to a program of such entity ~~is shall be~~ governed by the provisions of part I of chapter 159 or, in the case of counties, part I of chapter 125, or in the case of municipalities and charter counties, part II of chapter 166. Proceeds of bonds issued by such entity may be loaned to counties or municipalities of this state or a combination of municipalities and counties, whether or not such counties or municipalities are also members of the entity issuing the bonds, ~~or to private entities for projects that are "self-liquidating," as provided in s. 159.02, whether or not such private entities are located within the jurisdictional boundaries of a county or municipality that is a member of the entity issuing the bonds.~~ The issuance of bonds by such entity to fund a loan program to make loans to municipalities, ~~or counties, or private entities~~ or a combination of municipalities, ~~and counties, and private entities~~ with one another for capital projects to be identified subsequent to the issuance of the bonds to fund such loan programs is deemed to be a paramount public purpose. Any entity so created may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. A local government self-insurance fund established under this section may financially guarantee bonds or bond anticipation notes issued or loans made under this subsection. Bonds issued pursuant to this paragraph may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06 in Leon County and in each county where the public agencies which were initially a party to the agreement are located. Obligations of any county or municipality pursuant to a loan agreement as described in this paragraph may be validated as provided in chapter 75.

Section 4. Subsections (3) and (4) of section 163.31771, Florida Statutes, are amended to read:

163.31771 Accessory dwelling units.—

(3) ~~A Upon a finding by a local government that there is a shortage of affordable rentals within its jurisdiction, the local government may~~ adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use.

(4) ~~If the local government adopts an ordinance under this section,~~ An application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.

Section 5. Subsection (10) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—



(10) In addition to the items that must be reported in the annual financial reports under s. 218.32, a county, municipality, or special district must report all of the following data on all impact fees charged:

- (a) The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.
- (b) The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.
- (c) The amount assessed for each purpose and for each type of dwelling.
- (d) The total amount of impact fees charged by type of dwelling.
- (e) Each exception and waiver provided for construction or development of housing that is affordable.

Section 6. Subsection (4) is added to section 166.04151, Florida Statutes, to read:

166.04151 Affordable housing.—

(4) Notwithstanding any other law or local ordinance or regulation to the contrary, the governing body of a municipality may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.

Section 7. Subsection (4) of section 166.241, Florida Statutes, is amended to read:

166.241 Fiscal years, budgets, and budget amendments.—

(4) ~~By beginning October 15, 2019, and each October 15 thereafter,~~ the municipal budget officer shall electronically submit the following information regarding the final budget and the municipality's economic status to the Office of Economic and Demographic Research in the format specified by the office:

- (a) Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.
- (b) Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.
- (c) Average municipal employee salary.
- (d) Median income within the municipality.
- (e) Number of special taxing districts wholly or partially within the municipality.
- (f) Percent of budget spent on salaries and benefits for municipal employees.

(g) Annual municipal expenditures providing for the financing, acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s. 420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. This information must be included in the submission due by October 15, 2020, and each annual submission thereafter.

Section 8. Paragraph (h) of subsection (3) of section 320.77, Florida Statutes, is amended to read:

320.77 License required of mobile home dealers.—

(3) APPLICATION.—The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be verified by oath or affirmation and shall contain:

(h) Certification by the applicant:

1. That the location is a permanent one, not a tent or a temporary stand or other temporary quarters; ~~and,~~

2. Except in the case of a mobile home broker, that the location affords sufficient ~~unoccupied~~ space to display ~~store~~ all mobile homes offered ~~and displayed~~ for sale. A space to display a manufactured home as a model home is sufficient to satisfy this requirement; ~~and that~~ The location must be ~~is~~ a suitable place in which the applicant can in good faith carry on business and keep and maintain books, records, and files necessary to conduct such business, which ~~will~~ be available at all reasonable hours to inspection by the department or any of its inspectors or other employees.

This ~~paragraph does subsection shall~~ not preclude a licensed mobile home dealer from displaying and offering for sale mobile homes in a mobile home park.

The department shall, if it deems necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true.

Section 9. Paragraph (j) of subsection (3) of section 320.771, Florida Statutes, is amended to read:

320.771 License required of recreational vehicle dealers.—

(3) APPLICATION.—The application for such license shall be in the form prescribed by the department and subject to such rules as may be prescribed by it. The application shall be verified by oath or affirmation and shall contain:

(j) A statement that the applicant is insured under a garage liability insurance policy, which shall include, at a minimum, \$25,000 combined single-limit liability coverage, including bodily injury and property damage protection, and \$10,000 personal injury protection, if the applicant is to be licensed as a dealer in, or intends to sell, recreational vehicles. *However, a garage liability policy is not required for the licensure of a mobile home dealer who sells only park trailers.*

The department shall, if it deems necessary, cause an investigation to be made to ascertain if the facts set forth in the application are true and shall not issue a license to the applicant until it is satisfied that the facts set forth in the application are true.

Section 10. Subsection (2) of section 320.822, Florida Statutes, is amended to read:

320.822 Definitions; ss. 320.822-320.862.—In construing ss. 320.822-320.862, unless the context otherwise requires, the following words or phrases have the following meanings:

(2) "Code" means the appropriate standards found in:

(a) The Federal Manufactured Housing Construction and Safety Standards for single-family mobile homes, promulgated by the Department of Housing and Urban Development;

(b) The Uniform Standards Code approved by the American National Standards Institute, ANSI A-119.2 for recreational vehicles and ANSI A-119.5 for park trailers or the United States Department of Housing and Urban Development standard for park trailers certified as meeting that standard; or

(c) The Mobile and Manufactured Home Repair and Remodeling Code and the Used Recreational Vehicle Code.

Section 11. Subsection (2) of section 320.8232, Florida Statutes, is amended to read:

320.8232 Establishment of uniform standards for used recreational vehicles and repair and remodeling code for mobile homes.—

(2) The *Mobile and Manufactured Home provisions of the Repair and Remodeling Code must be a uniform code, must shall* ensure safe and livable housing, and *may shall* not be more stringent than those standards required to be met in the manufacture of mobile homes. Such code ~~must provisions shall include, but not be limited to,~~ standards for structural adequacy, plumbing, heating, electrical systems, and fire and life safety. *All repairs and remodeling of mobile and manufactured homes must be performed in accordance with department rules.*



Section 12. Subsection (9) of section 367.022, Florida Statutes, is amended, and subsection (14) is added to that section, to read:

367.022 Exemptions.—The following are not subject to regulation by the commission as a utility nor are they subject to the provisions of this chapter, except as expressly provided:

(9) Any person who resells water service to his or her tenants or to individually metered residents for a fee that does not exceed the actual purchase price of the water and wastewater service plus the actual cost of meter reading and billing, not to exceed 9 percent of the actual cost of service.

(14) *The owner of a mobile home park operating both as a mobile home park and a mobile home subdivision, as those terms are defined in s. 723.003, who provides service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation.*

Section 13. Section 420.518, Florida Statutes, is created to read:

420.518 *Fraudulent or material misrepresentation.—*

(1) *An applicant or affiliate of an applicant may be precluded from participation in any corporation program if the applicant or affiliate of the applicant has:*

(a) *Made a material misrepresentation or engaged in fraudulent actions in connection with any corporation program.*

(b) *Been convicted or found guilty of, or entered a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the financing, construction, or management of affordable housing or the fraudulent procurement of state or federal funds. The record of a conviction certified or authenticated in such form as to be admissible in evidence under the laws of the state shall be admissible as prima facie evidence of such guilt.*

(c) *Been excluded from any federal funding program related to the provision of housing.*

(d) *Been excluded from any Florida procurement programs.*

(e) *Offered or given consideration, other than the consideration to provide affordable housing, with respect to a local contribution.*

(f) *Demonstrated a pattern of noncompliance and a failure to correct any such noncompliance after notice from the corporation in the construction, operation, or management of one or more developments funded through a corporation program.*

(2) *Upon a determination by the board of directors of the corporation that an applicant or affiliate of the applicant be precluded from participation in any corporation program, the board may issue an order taking any or all of the following actions:*

(a) *Preclude such applicant or affiliate from applying for funding from any corporation program for a specified period. The period may be a specified period of time or permanent in nature. With regard to establishing the duration, the board shall consider the facts and circumstances, inclusive of the compliance history of the applicant or affiliate of the applicant, the type of action under subsection (1), and the degree of harm to the corporation's programs that has been or may be done.*

(b) *Revoke any funding previously awarded by the corporation for any development for which construction or rehabilitation has not commenced.*

(3) *Before any order issued under this section can be final, an administrative complaint must be served on the applicant, affiliate of the applicant, or its registered agent that provides notification of findings of the board, the intended action, and the opportunity to request a proceeding pursuant to ss. 120.569 and 120.57.*

(4) *Any funding, allocation of federal housing credits, credit underwriting procedures, or application review for any development for which construction or rehabilitation has not commenced may be suspended by the corporation upon the service of an administrative complaint on the applicant, affiliate of the applicant, or its registered agent. The sus-*

*pension shall be effective from the date the administrative complaint is served until an order issued by the corporation in regard to that complaint becomes final.*

Section 14. Paragraph (c) of subsection (6) of section 420.5087, Florida Statutes, is amended, and subsection (10) is added to that section, to read:

420.5087 State Apartment Incentive Loan Program.—There is hereby created the State Apartment Incentive Loan Program for the purpose of providing first, second, or other subordinated mortgage loans or loan guarantees to sponsors, including for-profit, nonprofit, and public entities, to provide housing affordable to very-low-income persons.

(6) On all state apartment incentive loans, except loans made to housing communities for the elderly to provide for lifesafety, building preservation, health, sanitation, or security-related repairs or improvements, the following provisions shall apply:

(c) The corporation shall provide by rule for the establishment of a review committee for the competitive evaluation and selection of applications submitted in this program, including, but not limited to, the following criteria:

1. Tenant income and demographic targeting objectives of the corporation.

2. Targeting objectives of the corporation which will ensure an equitable distribution of loans between rural and urban areas.

3. Sponsor's agreement to reserve the units for persons or families who have incomes below 50 percent of the state or local median income, whichever is higher, for a time period that exceeds the minimum required by federal law or this part.

4. Sponsor's agreement to reserve more than:

a. Twenty percent of the units in the project for persons or families who have incomes that do not exceed 50 percent of the state or local median income, whichever is higher; or

b. Forty percent of the units in the project for persons or families who have incomes that do not exceed 60 percent of the state or local median income, whichever is higher, without requiring a greater amount of the loans as provided in this section.

5. Provision for tenant counseling.

6. Sponsor's agreement to accept rental assistance certificates or vouchers as payment for rent.

7. Projects requiring the least amount of a state apartment incentive loan compared to overall project cost, except that the share of the loan attributable to units serving extremely-low-income persons must be excluded from this requirement.

8. Local government contributions and local government comprehensive planning and activities that promote affordable housing and policies that promote access to public transportation, reduce the need for onsite parking, and expedite permits for affordable housing projects.

9. Project feasibility.

10. Economic viability of the project.

11. Commitment of first mortgage financing.

12. Sponsor's prior experience. *This criterion may not require a sponsor to have prior experience with the corporation to qualify for financing under the program.*

13. Sponsor's ability to proceed with construction.

14. Projects that directly implement or assist welfare-to-work transitioning.

15. Projects that reserve units for extremely-low-income persons.

16. Projects that include green building principles, storm-resistant construction, or other elements that reduce long-term costs relating to maintenance, utilities, or insurance.

17. Job-creation rate of the developer and general contractor, as provided in s. 420.507(47).

(10) *The corporation may prioritize a portion of the program funds set aside under paragraph (3)(d) for persons with special needs as defined in s. 420.0004(13) to provide funding for the development of newly constructed permanent rental housing on a campus that provides housing for persons in foster care or persons aging out of foster care pursuant to s. 409.1451. Such housing shall promote and facilitate access to community-based supportive, educational, and employment services and resources that assist persons aging out of foster care to successfully transition to independent living and adulthood. The corporation must consult with the Department of Children and Families to create minimum criteria for such housing.*

Section 15. Section 420.5095, Florida Statutes, is amended to read:

420.5095 Community Workforce Housing Loan Innovation Pilot Program.—

(1) The Legislature finds and declares that recent rapid increases in the median purchase price of a home and the cost of rental housing have far outstripped the increases in median income in the state, ~~preventing essential services personnel from living in the communities where they serve and thereby~~ creating the need for innovative solutions for the provision of housing opportunities ~~for essential services personnel~~.

(2) The Community Workforce Housing Loan Innovation Pilot Program is created to provide affordable rental and home ownership community workforce housing for persons essential services personnel affected by the high cost of housing, ~~using regulatory incentives and state and local funds to promote local public private partnerships and leverage government and private resources.~~

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

(a) “workforce housing” means housing affordable to natural persons or families whose total annual household income does not exceed 80 ~~140~~ percent of the area median income, adjusted for household size, or 120 ~~150~~ percent of area median income, adjusted for household size, in areas of critical state concern designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing, and areas that were designated as areas of critical state concern for at least 20 consecutive years ~~before~~ ~~prior to~~ removal of the designation.

(b) “Public-private partnership” means any form of business entity that includes substantial involvement of at least one county, one municipality, or one public sector entity, such as a school district or other unit of local government in which the project is to be located, and at least one private sector for-profit or not-for-profit business or charitable entity, and may be any form of business entity, including a joint venture or contractual agreement.

(4) The Florida Housing Finance Corporation is authorized to provide loans under the Community Workforce Housing Innovation Pilot program loans to applicants an applicant for construction or rehabilitation of workforce housing in eligible areas. This funding is intended to be used with other public and private sector resources.

(5) The corporation shall establish a loan application process under s. 420.5087 by rule which includes selection criteria, an application review process, and a funding process. The corporation shall also establish an application review committee that may include up to three private citizens representing the areas of housing or real estate development, banking, community planning, or other areas related to the development or financing of workforce and affordable housing.

(a) The selection criteria and application review process must include a procedure for curing errors in the loan applications which do not make a substantial change to the proposed project.

(b) To achieve the goals of the pilot program, the application review committee may approve or reject loan applications or responses to questions raised during the review of an application due to the insufficiency of information provided.

~~(c) The application review committee shall make recommendations concerning program participation and funding to the corporation’s board of directors.~~

~~(d) The board of directors shall approve or reject loan applications, determine the tentative loan amount available to each applicant, and rank all approved applications.~~

~~(e) The board of directors shall decide which approved applicants will become program participants and determine the maximum loan amount for each program participant.~~

~~(6) The corporation shall provide incentives for local governments in eligible areas to use local affordable housing funds, such as those from the State Housing Initiatives Partnership Program, to assist in meeting the affordable housing needs of persons eligible under this program. Local governments are authorized to use State Housing Initiative Partnership Program funds for persons or families whose total annual household income does not exceed:~~

~~(a) One hundred and forty percent of the area median income, adjusted for household size; or~~

~~(b) One hundred and fifty percent of the area median income, adjusted for household size, in areas that were designated as areas of critical state concern for at least 20 consecutive years prior to the removal of the designation and in areas of critical state concern, designated under s. 380.05, for which the Legislature has declared its intent to provide affordable housing.~~

~~(7) Funding shall be targeted to innovative projects in areas where the disparity between the area median income and the median sales price for a single family home is greatest, and where population growth as a percentage rate of increase is greatest. The corporation may also fund projects in areas where innovative regulatory and financial incentives are made available. The corporation shall fund at least one eligible project in as many counties and regions of the state as is practicable, consistent with program goals.~~

~~(6)(8) Projects must be given shall receive priority consideration for funding if where:~~

~~(a) the local jurisdiction has adopted, or is committed to adopting, appropriate regulatory incentives, or the local jurisdiction or public-private partnership has adopted or is committed to adopting local contributions or financial strategies, or other funding sources to promote the development and ongoing financial viability of such projects. Local incentives include such actions as expediting review of development orders and permits, supporting development near transportation hubs and major employment centers, and adopting land development regulations designed to allow flexibility in densities, use of accessory units, mixed-use developments, and flexible lot configurations. Financial strategies include such actions as promoting employer-assisted housing programs, providing tax increment financing, and providing land.~~

~~(b) Projects are innovative and include new construction or rehabilitation; mixed income housing; commercial and housing mixed-use elements; innovative design; green building principles; storm resistant construction; or other elements that reduce long-term costs relating to maintenance, utilities, or insurance and promote homeownership. The program funding may not exceed the costs attributable to the portion of the project that is set aside to provide housing for the targeted population.~~

~~(c) Projects that set aside at least 80 percent of units for workforce housing and at least 50 percent for essential services personnel and for projects that require the least amount of program funding compared to the overall housing costs for the project.~~

~~(9) Notwithstanding s. 163.3184(4)(b)(d), any local government comprehensive plan amendment to implement a Community Workforce Housing Innovation Pilot Program project found consistent with this section shall be expedited as provided in this subsection. At least 30 days prior to adopting a plan amendment under this subsection, the local government shall notify the state land planning agency of its intent to adopt such an amendment, and the notice shall include its evaluation related to site suitability and availability of facilities and services. The public notice of the hearing required by s. 163.3184(11)(b)~~

~~2. shall include a statement that the local government intends to use the expedited adoption process authorized by this subsection. Such amendments shall require only a single public hearing before the governing board, which shall be an adoption hearing as described in s. 163.3184(4)(c). Any further proceedings shall be governed by s. 163.3184(5) (13).~~

~~(10) The processing of approvals of development orders or development permits, as defined in s. 163.3164, for innovative community workforce housing projects shall be expedited.~~

~~(7)(11) The corporation shall award loans with a 1 interest rates set at 1 to 3 percent interest rate for a term that does not exceed 15 years, which may be made forgivable when long term affordability is provided and when at least 80 percent of the units are set aside for workforce housing and at least 50 percent of the units are set aside for essential services personnel.~~

~~(12) All eligible applications shall:~~

~~(a) For home ownership, limit the sales price of a detached unit, townhome, or condominium unit to not more than 90 percent of the median sales price for that type of unit in that county, or the statewide median sales price for that type of unit, whichever is higher, and require that all eligible purchasers of home ownership units occupy the homes as their primary residence.~~

~~(b) For rental units, restrict rents for all workforce housing serving those with incomes at or below 120 percent of area median income at the appropriate income level using the restricted rents for the federal low-income housing tax credit program and, for workforce housing units serving those with incomes above 120 percent of area median income, restrict rents to those established by the corporation, not to exceed 30 percent of the maximum household income adjusted to unit size.~~

~~(c) Demonstrate that the applicant is a public-private partnership in an agreement, contract, partnership agreement, memorandum of understanding, or other written instrument signed by all the project partners.~~

~~(d) Have grants, donations of land, or contributions from the public-private partnership or other sources collectively totaling at least 10 percent of the total development cost or \$2 million, whichever is less. Such grants, donations of land, or contributions must be evidenced by a letter of commitment, agreement, contract, deed, memorandum of understanding, or other written instrument at the time of application. Grants, donations of land, or contributions in excess of 10 percent of the development cost shall increase the application score.~~

~~(e) Demonstrate how the applicant will use the regulatory incentives and financial strategies outlined in subsection (8) from the local jurisdiction in which the proposed project is to be located. The corporation may consult with the Department of Economic Opportunity in evaluating the use of regulatory incentives by applicants.~~

~~(f) Demonstrate that the applicant possesses title to or site control of land and evidences availability of required infrastructure.~~

~~(g) Demonstrate the applicant's affordable housing development and management experience.~~

~~(h) Provide any research or facts available supporting the demand and need for rental or home ownership workforce housing for eligible persons in the market in which the project is proposed.~~

~~(13) Projects may include manufactured housing constructed after June 1994 and installed in accordance with mobile home installation standards of the Department of Highway Safety and Motor Vehicles.~~

~~(8)(14) The corporation may adopt rules pursuant to ss. 120.536(1) and 120.54 to implement this section.~~

~~(15) The corporation may use a maximum of 2 percent of the annual program appropriation for administration and compliance monitoring.~~

~~(16) The corporation shall review the success of the Community Workforce Housing Innovation Pilot Program to ascertain whether the projects financed by the program are useful in meeting the housing~~

~~needs of eligible areas and shall include its findings in the annual report required under s. 420.511(3).~~

Section 16. Section 420.531, Florida Statutes, is amended to read:

420.531 Affordable Housing Catalyst Program.—

(1) The corporation shall operate the Affordable Housing Catalyst Program for the purpose of securing the expertise necessary to provide specialized technical support to local governments and community-based organizations to implement the HOME Investment Partnership Program, *State Apartment Incentive Loan Program*, State Housing Initiatives Partnership Program, and other affordable housing programs. To the maximum extent feasible, the entity to provide the necessary expertise must be recognized by the Internal Revenue Service as a nonprofit tax-exempt organization. It must have as its primary mission the provision of affordable housing training and technical assistance, an ability to provide training and technical assistance statewide, and a proven track record of successfully providing training and technical assistance under the Affordable Housing Catalyst Program. The technical support shall, at a minimum, include training relating to the following key elements of the partnership programs:

(a)(1) Formation of local and regional housing partnerships as a means of bringing together resources to provide affordable housing.

(b)(2) Implementation of regulatory reforms to reduce the risk and cost of developing affordable housing.

(c)(3) Implementation of affordable housing programs included in local government comprehensive plans.

(d)(4) Compliance with requirements of federally funded housing programs.

(2) *In consultation with the corporation, the entity providing statewide training and technical assistance shall convene and administer biannual regional workshops for the locally elected officials serving on affordable housing advisory committees as provided in s. 420.9076. The regional workshops may be conducted through teleconferencing or other technological means and must include processes and programming that facilitate peer-to-peer identification and sharing of best affordable housing practices among the locally elected officials. Annually, calendar year reports summarizing the deliberations, actions, and recommendations of each region, as well as the attendance records of locally elected officials, must be compiled by the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program and must be submitted to the President of the Senate, the Speaker of the House of Representatives, and the corporation by March 31 of the following year.*

Section 17. Subsection (2) of section 420.9071, Florida Statutes, is amended to read:

420.9071 Definitions.—As used in ss. 420.907-420.9079, the term:

(2) “Affordable” means that monthly rents or monthly mortgage payments including taxes and insurance do not exceed 30 percent of that amount which represents the percentage of the median annual gross income for the households as indicated in subsection (19), subsection (20), or subsection (28). However, it is not the intent to limit an individual household’s ability to devote more than 30 percent of its income for housing, and housing for which a household devotes more than 30 percent of its income shall be deemed affordable if the first institutional mortgage lender is satisfied that the household can afford mortgage payments in excess of the 30 percent benchmark. *The term also includes housing provided by a not-for-profit corporation that derives at least 75 percent of its annual revenues from contracts or services provided to a state or federal agency for low-income persons and low-income households; that provides supportive housing for persons who suffer from mental health issues, substance abuse, or domestic violence; and that provides on-premises social and community support services relating to job training, life skills training, alcohol and substance abuse disorder, child care, and client case management.*

Section 18. Paragraph (j) is added to subsection (10) of section 420.9075, Florida Statutes, to read:

420.9075 Local housing assistance plans; partnerships.—

(10) Each county or eligible municipality shall submit to the corporation by September 15 of each year a report of its affordable housing programs and accomplishments through June 30 immediately preceding submittal of the report. The report shall be certified as accurate and complete by the local government's chief elected official or his or her designee. Transmittal of the annual report by a county's or eligible municipality's chief elected official, or his or her designee, certifies that the local housing incentive strategies, or, if applicable, the local housing incentive plan, have been implemented or are in the process of being implemented pursuant to the adopted schedule for implementation. The report must include, but is not limited to:

(j) *The number of affordable housing applications submitted, the number approved, and the number denied.*

Section 19. Subsections (2) and (4) of section 420.9076, Florida Statutes, are amended, and subsection (10) is added to that section, to read:

420.9076 Adoption of affordable housing incentive strategies; committees.—

(2) The governing board of a county or municipality shall appoint the members of the affordable housing advisory committee. Pursuant to the terms of any interlocal agreement, a county and municipality may create and jointly appoint an advisory committee. The local action adopted pursuant to s. 420.9072 which creates the advisory committee and appoints the advisory committee members must name at least 8 but not more than 11 committee members and specify their terms. *Effective October 1, 2020*, the committee must consist of *one locally elected official from each county or municipality participating in the State Housing Initiatives Partnership Program* and one representative from at least six of the categories below:

(a) A citizen who is actively engaged in the residential home building industry in connection with affordable housing.

(b) A citizen who is actively engaged in the banking or mortgage banking industry in connection with affordable housing.

(c) A citizen who is a representative of those areas of labor actively engaged in home building in connection with affordable housing.

(d) A citizen who is actively engaged as an advocate for low-income persons in connection with affordable housing.

(e) A citizen who is actively engaged as a for-profit provider of affordable housing.

(f) A citizen who is actively engaged as a not-for-profit provider of affordable housing.

(g) A citizen who is actively engaged as a real estate professional in connection with affordable housing.

(h) A citizen who actively serves on the local planning agency pursuant to s. 163.3174. If the local planning agency is comprised of the governing board of the county or municipality, the governing board may appoint a designee who is knowledgeable in the local planning process.

(i) A citizen who resides within the jurisdiction of the local governing body making the appointments.

(j) A citizen who represents employers within the jurisdiction.

(k) A citizen who represents essential services personnel, as defined in the local housing assistance plan.

(4) ~~Annually~~ ~~Triennially~~, the advisory committee shall review the established policies and procedures, ordinances, land development regulations, and adopted local government comprehensive plan of the appointing local government and shall recommend specific actions or initiatives to encourage or facilitate affordable housing while protecting the ability of the property to appreciate in value. The recommendations may include the modification or repeal of existing policies, procedures, ordinances, regulations, or plan provisions; the creation of exceptions applicable to affordable housing; or the adoption of new policies, pro-

cedures, regulations, ordinances, or plan provisions, including recommendations to amend the local government comprehensive plan and corresponding regulations, ordinances, and other policies. At a minimum, each advisory committee shall submit *an annual* a report to the local governing body *and to the entity providing statewide training and technical assistance for the Affordable Housing Catalyst Program which* ~~that~~ includes recommendations on, ~~and triennially thereafter evaluates~~ the implementation of, affordable housing incentives in the following areas:

(a) The processing of approvals of development orders or permits for affordable housing projects is expedited to a greater degree than other projects, as provided in s. 163.3177(6)(f)3.

(b) ~~All allowable fee waivers provided~~ ~~The modification of impact fee requirements, including reduction or waiver of fees and alternative methods of fee payment~~ *for the development or construction of affordable housing.*

(c) The allowance of flexibility in densities for affordable housing.

(d) The reservation of infrastructure capacity for housing for very-low-income persons, low-income persons, and moderate-income persons.

(e) ~~The allowance of Affordable accessory residential units in residential zoning districts.~~

(f) The reduction of parking and setback requirements for affordable housing.

(g) The allowance of flexible lot configurations, including zero-lot-line configurations for affordable housing.

(h) The modification of street requirements for affordable housing.

(i) The establishment of a process by which a local government considers, before adoption, policies, procedures, ordinances, regulations, or plan provisions that increase the cost of housing.

(j) The preparation of a printed inventory of locally owned public lands suitable for affordable housing.

(k) The support of development near transportation hubs and major employment centers and mixed-use developments.

The advisory committee recommendations may also include other affordable housing incentives identified by the advisory committee. Local governments that receive the minimum allocation under the State Housing Initiatives Partnership Program shall perform ~~an~~ *the* initial review but may elect to not perform the ~~annual~~ *triennial* review.

(10) *The locally elected official serving on an advisory committee, or a locally elected designee, must attend biannual regional workshops convened and administered under the Affordable Housing Catalyst Program as provided in s. 420.531(2). If the locally elected official or a locally elected designee fails to attend three consecutive regional workshops, the corporation may withhold funds pending the person's attendance at the next regularly scheduled biannual meeting.*

Section 20. Subsection (18) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

(18) Each local building code enforcement agency may audit the performance of building code inspection services by private providers operating within the local jurisdiction. However, the same private provider may not be audited more than four times in a ~~month calendar~~ ~~year~~ unless the local building official determines a condition of a building constitutes an immediate threat to public safety and welfare. Work on a building or structure may proceed after inspection and approval by a private provider if the provider has given notice of the inspection pursuant to subsection (9) and, subsequent to such inspection and approval, the work shall not be delayed for completion of an inspection audit by the local building code enforcement agency.

Section 21. Subsection (4) of section 723.011, Florida Statutes, is amended to read:

723.011 Disclosure prior to rental of a mobile home lot; prospectus, filing, approval.—

(4) With regard to a tenancy in existence on the effective date of this chapter, the prospectus or offering circular offered by the mobile home park owner *must shall* contain the same terms and conditions as rental agreements offered to all other mobile home owners residing in the park on the effective date of this act, excepting only rent variations based upon lot location and size, and *may shall* not require any mobile home owner to install any permanent improvements, *except that the mobile home owner may be required to install permanent improvements to the mobile home as disclosed in the prospectus.*

Section 22. Subsection (5) of section 723.012, Florida Statutes, is amended to read:

723.012 Prospectus or offering circular.—The prospectus or offering circular, which is required to be provided by s. 723.011, must contain the following information:

(5) A description of the recreational and other common facilities, if any, that will be used by the mobile home owners, including, but not limited to:

(a) The number of buildings and each room thereof and its intended purposes, location, approximate floor area, and capacity in numbers of people.

(b) Each swimming pool, as to its general location, approximate size and depths, and approximate deck size and capacity and whether heated.

(c) All other facilities and permanent improvements *that which* will serve the mobile home owners.

(d) A general description of the items of personal property available for use by the mobile home owners.

(e) A general description of the days and hours that facilities will be available for use.

(f) A statement as to whether all improvements are complete and, if not, their estimated completion dates.

*If a mobile home park owner intends to include additional property and mobile home lots and to increase the number of lots that will use the shared facilities of the park, the mobile home park owner must amend the prospectus to disclose such additions. If the number of mobile home lots in the park increases by more than 15 percent of the total number of lots in the original prospectus, the mobile home park owner must reasonably offset the impact of the additional lots by increasing the shared facilities. The amendment to the prospectus must include a reasonable timeframe for providing the required additional shared facilities. The costs and expenses necessary to increase the shared facilities may not be passed on or passed through to the existing mobile home owners.*

Section 23. Section 723.023, Florida Statutes, is amended to read:

723.023 Mobile home owner's general obligations.—A mobile home owner shall ~~at all times~~:

(1) *At all times* comply with all obligations imposed on mobile home owners by applicable provisions of building, housing, and health codes, including compliance with all building permits and construction requirements for construction on the mobile home and lot. The home owner is responsible for all fines imposed by the local government for noncompliance with any local codes.

(2) *At all times* keep the mobile home lot *that which* he or she occupies clean, neat, and sanitary, and maintained in compliance with all local codes.

(3) *At all times* comply with properly promulgated park rules and regulations and require other persons on the premises with his or her consent to comply with such rules and to conduct themselves, and other persons on the premises with his or her consent, in a manner that does not unreasonably disturb other residents of the park or constitute a breach of the peace.

(4) *Receive written approval from the mobile home park owner before making any exterior modification or addition to the home.*

(5) *When vacating the premises, remove any debris and other property of any kind which is left on the mobile home lot.*

Section 24. Subsection (5) of section 723.031, Florida Statutes, is amended to read:

723.031 Mobile home lot rental agreements.—

(5) The rental agreement *must shall* contain the lot rental amount and services included. An increase in lot rental amount upon expiration of the term of the lot rental agreement *must shall* be in accordance with ss. 723.033 and 723.037 or s. 723.059(4), whichever is applicable; provided that, pursuant to s. 723.059(4), the amount of the lot rental increase is disclosed and agreed to by the purchaser, in writing. An increase in lot rental amount shall not be arbitrary or discriminatory between similarly situated tenants in the park. A lot rental amount may not be increased during the term of the lot rental agreement, except:

(a) When the manner of the increase is disclosed in a lot rental agreement with a term exceeding 12 months and which provides for such increases not more frequently than annually.

(b) For pass-through charges as defined in s. 723.003.

(c) That a charge may not be collected which results in payment of money for sums previously collected as part of the lot rental amount. The provisions hereof notwithstanding, the mobile home park owner may pass on, at any time during the term of the lot rental agreement, ad valorem property taxes, non-ad valorem assessments, and utility charges, or increases of either, provided that the ad valorem property taxes, non-ad valorem assessments, and utility charges are not otherwise being collected in the remainder of the lot rental amount and provided further that the passing on of such ad valorem taxes, non-ad valorem assessments, or utility charges, or increases of either, was disclosed prior to tenancy, was being passed on as a matter of custom between the mobile home park owner and the mobile home owner, or such passing on was authorized by law. A park owner is deemed to have disclosed the passing on of ad valorem property taxes and non-ad valorem assessments if ad valorem property taxes or non-ad valorem assessments were disclosed as a *separate charge or a factor* for increasing the lot rental amount in the prospectus or rental agreement. Such ad valorem taxes, non-ad valorem assessments, and utility charges shall be a part of the lot rental amount as defined by this chapter. The term "non-ad valorem assessments" has the same meaning as provided in s. 197.3632(1)(d). Other provisions of this chapter notwithstanding, pass-on charges may be passed on only within 1 year of the date a mobile home park owner remits payment of the charge. A mobile home park owner is prohibited from passing on any fine, interest, fee, or increase in a charge resulting from a park owner's payment of the charge after the date such charges become delinquent. *A mobile home park owner is prohibited from charging or collecting from the mobile home owners any sum for ad valorem taxes or non-ad valorem tax charges in an amount in excess of the sums remitted by the park owner to the tax collector.* Nothing herein shall prohibit a park owner and a homeowner from mutually agreeing to an alternative manner of payment to the park owner of the charges.

(d) If a notice of increase in lot rental amount is not given 90 days before the renewal date of the rental agreement, the rental agreement must remain under the same terms until a 90-day notice of increase in lot rental amount is given. The notice may provide for a rental term shorter than 1 year in order to maintain the same renewal date.

Section 25. Subsection (1) and paragraph (a) of subsection (4) of section 723.037, Florida Statutes, are amended to read:

723.037 Lot rental increases; reduction in services or utilities; change in rules and regulations; mediation.—

(1) A park owner shall give written notice to each affected mobile home owner and the board of directors of the homeowners' association, if one has been formed, at least 90 days before any increase in lot rental amount or reduction in services or utilities provided by the park owner or change in rules and regulations. *The park owner may give notice of all increases in lot rental amount for multiple anniversary dates in the same*

90-day notice. The notice ~~must~~ shall identify all other affected homeowners, which may be by lot number, name, group, or phase. If the affected homeowners are not identified by name, the park owner shall make the names and addresses available upon request. *However, this requirement does not authorize the release of the names, addresses, or other private information about the homeowners to the association or any other person for any other purpose.* The home owner's right to the 90-day notice may not be waived or precluded by a home owner, or the homeowners' committee, in an agreement with the park owner. Rules adopted as a result of restrictions imposed by governmental entities and required to protect the public health, safety, and welfare may be enforced prior to the expiration of the 90-day period but are not otherwise exempt from the requirements of this chapter. Pass-through charges must be separately listed as to the amount of the charge, the name of the governmental entity mandating the capital improvement, and the nature or type of the pass-through charge being levied. Notices of increase in the lot rental amount due to a pass-through charge ~~must~~ shall state the additional payment and starting and ending dates of each pass-through charge. The homeowners' association shall have no standing to challenge the increase in lot rental amount, reduction in services or utilities, or change of rules and regulations unless a majority of the affected homeowners agree, in writing, to such representation.

(4)(a) A committee, not to exceed five in number, designated by a majority of the affected mobile home owners or by the board of directors of the homeowners' association, if applicable, and the park owner shall meet, at a mutually convenient time and place no later than 60 days before the effective date of the change to discuss the reasons for the increase in lot rental amount, reduction in services or utilities, or change in rules and regulations. The negotiating committee shall make a written request for a meeting with the park owner or subdivision developer to discuss those matters addressed in the 90-day notice, and may include in the request a listing of any other issue, with supporting documentation, that the committee intends to raise and discuss at the meeting. *The committee shall address all lot rental amount increases that are specified in the notice of lot rental amount increase, regardless of the effective date of the increase.*

This subsection is not intended to be enforced by civil or administrative action. Rather, the meetings and discussions are intended to be in the nature of settlement discussions prior to the parties proceeding to mediation of any dispute.

Section 26. Subsections (5) and (6) are added to section 723.041, Florida Statutes, to read:

723.041 Entrance fees; refunds; exit fees prohibited; replacement homes.—

(5) *A mobile home park that is damaged or destroyed due to wind, water, or other natural force may be rebuilt on the same site with the same density as was approved, permitted, and built before the park was damaged or destroyed.*

(6) *This section does not limit the regulation of the uniform firesafety standards established under s. 633.206, but supersedes any other density, separation, setback, or lot size regulation adopted after initial permitting and construction of the mobile home park.*

Section 27. Section 723.042, Florida Statutes, is amended to read:

723.042 Provision of improvements.—~~A No person may not shall~~ be required by a mobile home park owner or developer, as a condition of residence in the mobile home park, to provide any improvement unless the requirement is disclosed pursuant to s. 723.012(7) ~~or 723.011~~ prior to occupancy in the mobile home park.

Section 28. Section 723.059, Florida Statutes, is amended to read:

723.059 ~~Rights of~~ Purchaser of a mobile home within a mobile home park.—

(1) The purchaser of a mobile home within a mobile home park may become a tenant of the park if such purchaser would otherwise qualify with the requirements of entry into the park under the park rules and regulations, subject to the approval of the park owner, but such approval may not be unreasonably withheld. The purchaser of the mobile home may cancel or rescind the contract for purchase of the mobile

home if the purchaser's tenancy has not been approved by the park owner 5 days before the closing of the purchase.

(2) Properly promulgated rules may provide for the screening of any prospective purchaser to determine whether or not such purchaser is qualified to become a tenant of the park.

(3) The purchaser of a mobile home who *intends to become* ~~becomes~~ a resident of the mobile home park in accordance with this section has the right to assume the remainder of the term of any rental agreement then in effect between the mobile home park owner and the seller and *may assume the seller's prospectus. However, nothing herein shall prohibit a mobile home park owner from offering the purchaser of a mobile home any approved prospectus shall be entitled to rely on the terms and conditions of the prospectus or offering circular as delivered to the initial recipient.*

(4) However, nothing herein shall be construed to prohibit a mobile home park owner from increasing the rental amount to be paid by the purchaser upon the expiration of the assumed rental agreement in an amount deemed appropriate by the mobile home park owner, so long as such increase is disclosed to the purchaser prior to his or her occupancy and is imposed in a manner consistent with the *purchaser's initial offering circular or* prospectus and this act.

(5) Lifetime leases and the renewal provisions in automatically renewable leases, both those existing and those entered into after July 1, 1986, are not assumable unless otherwise provided in the mobile home lot rental agreement or unless the transferee is the home owner's spouse. The right to an assumption of the lease by a spouse may be exercised only one time during the term of that lease.

Section 29. Paragraph (d) of subsection (1) of section 723.061, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

723.061 Eviction; grounds, proceedings.—

(1) A mobile home park owner may evict a mobile home owner, a mobile home tenant, a mobile home occupant, or a mobile home only on one or more of the following grounds:

(d) Change in use of the land comprising the mobile home park, or the portion thereof from which mobile homes are to be evicted, from mobile home lot rentals to some other use, if:

1. The park owner gives written notice to the homeowners' association formed and operating under ss. 723.075-723.079 of its right to purchase the mobile home park, if the land comprising the mobile home park is changing use from mobile home lot rentals to a different use, at the price and under the terms and conditions set forth in the written notice.

a. The notice shall be delivered to the officers of the homeowners' association by United States mail. Within 45 days after the date of mailing of the notice, the homeowners' association may execute and deliver a contract to the park owner to purchase the mobile home park at the price and under the terms and conditions set forth in the notice. If the contract between the park owner and the homeowners' association is not executed and delivered to the park owner within the 45-day period, the park owner is under no further obligation to the homeowners' association except as provided in sub-subparagraph b.

b. If the park owner elects to offer or sell the mobile home park at a price lower than the price specified in her or his initial notice to the officers of the homeowners' association, the homeowners' association has an additional 10 days to meet the revised price, terms, and conditions of the park owner by executing and delivering a revised contract to the park owner.

c. The park owner is not obligated under this subparagraph or s. 723.071 to give any other notice to, or to further negotiate with, the homeowners' association for the sale of the mobile home park to the homeowners' association after 6 months after the date of the mailing of the initial notice under sub-subparagraph a.

2. The park owner gives the affected mobile home owners and tenants at least 6 months' notice of the eviction due to the projected change in use and of their need to secure other accommodations. *Within*

20 days after giving an eviction notice to a mobile home owner, the park owner must provide the division with a copy of the notice. The division must provide the executive director of the Florida Mobile Home Relocation Corporation with a copy of the notice.

a. The notice of eviction due to a change in use of the land must include in a font no smaller than the body of the notice the following statement:

YOU MAY BE ENTITLED TO COMPENSATION FROM THE FLORIDA MOBILE HOME RELOCATION TRUST FUND, ADMINISTERED BY THE FLORIDA MOBILE HOME RELOCATION CORPORATION (FMHRC). FMHRC CONTACT INFORMATION IS AVAILABLE FROM THE FLORIDA DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION.

b. The park owner may not give a notice of increase in lot rental amount within 90 days before giving notice of a change in use.

(5) A park owner who accepts payment of any portion of the lot rental amount with actual knowledge of noncompliance after notice and termination of the rental agreement due to a violation under paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) does not waive the right to terminate the rental agreement or the right to bring a civil action for the noncompliance, but not for any subsequent or continuing noncompliance. Any rent so received must be accounted for at the final hearing.

Section 30. Subsection (1) of section 723.076, Florida Statutes, is amended to read:

723.076 Incorporation; notification of park owner.—

(1) Upon receipt of its certificate of incorporation, the homeowners' association shall notify the park owner in writing of such incorporation and shall advise the park owner of the names and addresses of the officers of the homeowners' association by personal delivery upon the park owner's representative as designated in the prospectus or by certified mail, return receipt requested. Thereafter, the homeowners' association shall notify the park owner in writing by certified mail, return receipt requested, of any change of names and addresses of its president or registered agent. *Upon election or appointment of new officers or board members, the homeowners' association shall notify the park owner in writing by certified mail, return receipt requested, of the names and addresses of the new officers or board members.*

Section 31. Paragraphs (b) through (e) of subsection (2) of section 723.078, Florida Statutes, are amended, and paragraph (i) of that subsection is reenacted, to read:

723.078 Bylaws of homeowners' associations.—

(2) The bylaws shall provide and, if they do not, shall be deemed to include, the following provisions:

(b) Quorum; voting requirements; proxies.—

1. Unless otherwise provided in the bylaws, 30 percent of the total membership is required to constitute a quorum. Decisions shall be made by a majority of members represented at a meeting at which a quorum is present.

2.a. A member may not vote by general proxy but may vote by limited proxies substantially conforming to a limited proxy form adopted by the division. Limited proxies and general proxies may be used to establish a quorum. Limited proxies may be used for votes taken to amend the articles of incorporation or bylaws pursuant to this section, and any other matters for which this chapter requires or permits a vote of members. ~~A, except that no proxy, limited or general, may not be used in the election of board members in general elections or elections to fill vacancies caused by recall, resignation, or otherwise. Board members must be elected by written ballot or by voting in person.~~ If a mobile home or subdivision lot is owned jointly, the owners of the mobile home or subdivision lot must be counted as one for the purpose of determining the number of votes required for a majority. Only one vote per mobile home or subdivision lot shall be counted. Any number greater than 50 percent of the total number of votes constitutes a majority. Notwithstanding this section, members may vote in person at member meetings or by secret ballot, including absentee ballots, as defined by the division.

b. Elections shall be decided by a plurality of the ballots cast. There is no quorum requirement; however, at least 20 percent of the eligible voters must cast a ballot in order to have a valid election. A member may not allow any other person to cast his or her ballot, and any ballots improperly cast are invalid. An election is not required unless there are more candidates nominated than vacancies that exist on the board.

c. Each member or other eligible person who desires to be a candidate for the board of directors shall appear on the ballot in alphabetical order by surname. A ballot may not indicate if any of the candidates are incumbent on the board. All ballots must be uniform in appearance. Write-in candidates and more than one vote per candidate per ballot are not allowed. A ballot may not provide a space for the signature of, or any other means of identifying, a voter. If a ballot contains more votes than vacancies or fewer votes than vacancies, the ballot is invalid unless otherwise stated in the bylaws.

d. An impartial committee shall be responsible for overseeing the election process and complying with all ballot requirements. For purposes of this section, the term "impartial committee" means a committee whose members do not include any of the following people or their spouses:

(I) Current board members.

(II) Current association officers.

(III) Candidates for the association or board.

e. The association bylaws shall provide a method for determining the winner of an election in which two or more candidates for the same position receive the same number of votes.

f. The division shall adopt procedural rules to govern elections, including, but not limited to, rules for providing notice by electronic transmission and rules for maintaining the secrecy of ballots.

3. A proxy is effective only for the specific meeting for which originally given and any lawfully adjourned meetings thereof. In no event shall any proxy be valid for a period longer than 90 days after the date of the first meeting for which it was given. Every proxy shall be revocable at any time at the pleasure of the member executing it.

4. A member of the board of directors or a committee may submit in writing his or her agreement or disagreement with any action taken at a meeting that the member did not attend. This agreement or disagreement may not be used as a vote for or against the action taken and may not be used for the purposes of creating a quorum.

(c) Board of directors' and committee meetings.—

1. Meetings of the board of directors and meetings of its committees at which a quorum is present shall be open to all members. Notwithstanding any other provision of law, the requirement that board meetings and committee meetings be open to the members does not apply to meetings between the park owner and the board of directors or any of the board's committees, board or committee meetings held for the purpose of discussing personnel matters, or meetings between the board or a committee and the association's attorney, with respect to potential or pending litigation, ~~when where~~ the meeting is held for the purpose of seeking or rendering legal advice, and ~~when where~~ the contents of the discussion would otherwise be governed by the attorney-client privilege. Notice of all meetings open to members shall be posted in a conspicuous place upon the park property at least 48 hours in advance, except in an emergency. Notice of any meeting in which ~~dues assessments against members~~ are to be considered for any reason shall specifically contain a statement that ~~dues assessments~~ will be considered and the nature of such ~~dues assessments~~.

2. A board or committee member's participation in a meeting via telephone, real-time videoconferencing, or similar real-time telephonic, electronic, or video communication counts toward a quorum, and such member may vote as if physically present. A speaker shall be used so that the conversation of those board or committee members attending by telephone may be heard by the board or committee members attending in person, as well as by members present at a meeting.

3. Members of the board of directors may use e-mail as a means of communication but may not cast a vote on an association matter via e-mail.

4. The right to attend meetings of the board of directors and its committees includes the right to speak at such meetings with reference to all designated agenda items. The association may adopt reasonable written rules governing the frequency, duration, and manner of members' statements. Any item not included on the notice may be taken up on an emergency basis by at least a majority plus one of the members of the board. Such emergency action shall be noticed and ratified at the next regular meeting of the board. Any member may tape record or videotape meetings of the board of directors and its committees, except meetings between the board of directors or its appointed homeowners' committee and the park owner. The division shall adopt reasonable rules governing the tape recording and videotaping of the meeting.

5. Except as provided in paragraph (i), a vacancy occurring on the board of directors may be filled by the affirmative vote of the majority of the remaining directors, even though the remaining directors constitute less than a quorum; by the sole remaining director; if the vacancy is not so filled or if no director remains, by the members; or, on the application of any person, by the circuit court of the county in which the registered office of the corporation is located.

6. The term of a director elected or appointed to fill a vacancy expires at the next annual meeting at which directors are elected. A directorship to be filled by reason of an increase in the number of directors may be filled by the board of directors, but only for the term of office continuing until the next election of directors by the members.

7. A vacancy that will occur at a specific later date, by reason of a resignation effective at a later date, may be filled before the vacancy occurs. However, the new director may not take office until the vacancy occurs.

8.a. The officers and directors of the association have a fiduciary relationship to the members.

b. A director and committee member shall discharge his or her duties in good faith, with the care an ordinarily prudent person in a like position would exercise under similar circumstances, and in a manner he or she reasonably believes to be in the best interests of the corporation.

9. In discharging his or her duties, a director may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:

a. One or more officers or employees of the corporation who the director reasonably believes to be reliable and competent in the matters presented;

b. Legal counsel, public accountants, or other persons as to matters the director reasonably believes are within the persons' professional or expert competence; or

c. A committee of the board of directors of which he or she is not a member if the director reasonably believes the committee merits confidence.

10. A director is not acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by subparagraph 9. unwarranted.

11. A director is not liable for any action taken as a director, or any failure to take any action, if he or she performed the duties of his or her office in compliance with this section.

(d) Member meetings.—Members shall meet at least once each calendar year, and the meeting shall be the annual meeting. All members of the board of directors shall be elected at the annual meeting unless the bylaws provide for staggered election terms or for their election at another meeting. The bylaws shall not restrict any member desiring to be a candidate for board membership from being nominated from the floor. All nominations from the floor must be made at a duly noticed meeting of the members held at least 27 ~~30~~ days before the annual meeting. The bylaws shall provide the method for calling the meetings of the members, including annual meetings. The method shall

provide at least 14 days' written notice to each member in advance of the meeting and require the posting in a conspicuous place on the park property of a notice of the meeting at least 14 days prior to the meeting. The right to receive written notice of membership meetings may be waived in writing by a member. Unless waived, the notice of the annual meeting shall be mailed, hand delivered, or electronically transmitted to each member, and shall constitute notice. *Unless otherwise stated in the bylaws*, an officer of the association shall provide an affidavit affirming that the notices were mailed, ~~or~~ hand delivered, *or provided by electronic transmission* in accordance with ~~the provisions of~~ this section to each member at the address last furnished to the corporation. These meeting requirements do not prevent members from waiving notice of meetings or from acting by written agreement without meetings, if allowed by the bylaws.

(e) Minutes of meetings.—

1. *Notwithstanding any other provision of law, the minutes of board or committee meetings that are closed to members are privileged and confidential and are not available for inspection or photocopying.*

2. Minutes of all meetings of members of an association *and meetings open to members of* the board of directors, and a committee of the board must be maintained in written form and approved by the members, board, or committee, as applicable. A vote or abstention from voting on each matter voted upon for each director present at a board meeting must be recorded in the minutes.

~~3.2.~~ All approved minutes of *open* meetings of members, committees, and the board of directors shall be kept in a businesslike manner and shall be available for inspection by members, or their authorized representatives, and board members at reasonable times. The association shall retain these minutes *within this state* for a ~~period of~~ at least 5 7 years.

(i) Recall of board members.—Any member of the board of directors may be recalled and removed from office with or without cause by the vote of or agreement in writing by a majority of all members. A special meeting of the members to recall a member or members of the board of directors may be called by 10 percent of the members giving notice of the meeting as required for a meeting of members, and the notice shall state the purpose of the meeting. Electronic transmission may not be used as a method of giving notice of a meeting called in whole or in part for this purpose.

1. If the recall is approved by a majority of all members by a vote at a meeting, the recall is effective as provided in this paragraph. The board shall duly notice and hold a board meeting within 5 full business days after the adjournment of the member meeting to recall one or more board members. At the meeting, the board shall either certify the recall, in which case such member or members shall be recalled effective immediately and shall turn over to the board within 5 full business days any and all records and property of the association in their possession, or shall proceed under subparagraph 3.

2. If the proposed recall is by an agreement in writing by a majority of all members, the agreement in writing or a copy thereof shall be served on the association by certified mail or by personal service in the manner authorized by chapter 48 and the Florida Rules of Civil Procedure. The board of directors shall duly notice and hold a meeting of the board within 5 full business days after receipt of the agreement in writing. At the meeting, the board shall either certify the written agreement to recall members of the board, in which case such members shall be recalled effective immediately and shall turn over to the board, within 5 full business days, any and all records and property of the association in their possession, or shall proceed as described in subparagraph 3.

3. If the board determines not to certify the written agreement to recall members of the board, or does not certify the recall by a vote at a meeting, the board shall, within 5 full business days after the board meeting, file with the division a petition for binding arbitration pursuant to the procedures of s. 723.1255. For purposes of this paragraph, the members who voted at the meeting or who executed the agreement in writing shall constitute one party under the petition for arbitration. If the arbitrator certifies the recall of a member of the board, the recall shall be effective upon mailing of the final order of arbitration to the association. If the association fails to comply with the order of the ar-



bitrator, the division may take action under s. 723.006. A member so recalled shall deliver to the board any and all records and property of the association in the member's possession within 5 full business days after the effective date of the recall.

4. If the board fails to duly notice and hold a board meeting within 5 full business days after service of an agreement in writing or within 5 full business days after the adjournment of the members' recall meeting, the recall shall be deemed effective and the board members so recalled shall immediately turn over to the board all records and property of the association.

5. If the board fails to duly notice and hold the required meeting or fails to file the required petition, the member's representative may file a petition pursuant to s. 723.1255 challenging the board's failure to act. The petition must be filed within 60 days after expiration of the applicable 5-full-business-day period. The review of a petition under this subparagraph is limited to the sufficiency of service on the board and the facial validity of the written agreement or ballots filed.

6. If a vacancy occurs on the board as a result of a recall and less than a majority of the board members are removed, the vacancy may be filled by the affirmative vote of a majority of the remaining directors, notwithstanding any other provision of this chapter. If vacancies occur on the board as a result of a recall and a majority or more of the board members are removed, the vacancies shall be filled in accordance with procedural rules to be adopted by the division, which rules need not be consistent with this chapter. The rules must provide procedures governing the conduct of the recall election as well as the operation of the association during the period after a recall but before the recall election.

7. A board member who has been recalled may file a petition pursuant to s. 723.1255 challenging the validity of the recall. The petition must be filed within 60 days after the recall is deemed certified. The association and the member's representative shall be named as the respondents.

8. The division may not accept for filing a recall petition, whether or not filed pursuant to this subsection, and regardless of whether the recall was certified, when there are 60 or fewer days until the scheduled reelection of the board member sought to be recalled or when 60 or fewer days have not elapsed since the election of the board member sought to be recalled.

Section 32. Paragraphs (d) and (f) through (i) of subsection (4) and subsection (5) of section 723.079, Florida Statutes, are amended to read:

723.079 Powers and duties of homeowners' association.—

(4) The association shall maintain the following items, when applicable, which constitute the official records of the association:

(d) The approved minutes of all meetings of the members of an association and meetings open for members of; the board of directors, and committees of the board, which minutes must be retained within this state for at least 5 7 years.

(f) All of the association's insurance policies or copies thereof, which must be retained within this state for at least 5 7 years after the expiration date of the policy.

(g) A copy of all contracts or agreements to which the association is a party, including, without limitation, any written agreements with the park owner, lease, or other agreements or contracts under which the association or its members has any obligation or responsibility, which must be retained within this state for at least 5 7 years after the expiration date of the contract or agreement.

(h) The financial and accounting records of the association, kept according to good accounting practices. All financial and accounting records must be maintained within this state for a period of at least 5 7 years. The financial and accounting records must include:

1. Accurate, itemized, and detailed records of all receipts and expenditures.

2. A current account and a periodic statement of the account for each member, designating the name and current address of each member who is obligated to pay dues or assessments, the due date and

amount of each assessment or other charge against the member, the date and amount of each payment on the account, and the balance due.

3. All tax returns, financial statements, and financial reports of the association.

4. Any other records that identify, measure, record, or communicate financial information.

(i) All other written records of the association not specifically included in the foregoing which are related to the operation of the association must be retained within this state for at least 5 years or at least 5 years after the expiration date, as applicable.

(5) The official records shall be maintained within the state for at least 7 years and shall be made available to a member for inspection or photocopying within 20 10 business days after receipt by the board or its designee of a written request submitted by certified mail, return receipt requested. The requirements of this subsection are satisfied by having a copy of the official records available for inspection or copying in the park or, at the option of the association, by making the records available to a member electronically via the Internet or by allowing the records to be viewed in electronic format on a computer screen and printed upon request. If the association has a photocopy machine available where the records are maintained, it must provide a member with copies on request during the inspection if the entire request is no more than 25 pages. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association's providing the member or his or her authorized representative with a copy of such records. The association may not charge a fee to a member or his or her authorized representative for the use of a portable device.

(a) The failure of an association to provide access to the records within 20 10 business days after receipt of a written request submitted by certified mail, return receipt requested, creates a rebuttable presumption that the association willfully failed to comply with this subsection.

(b) A member who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply with this subsection in the amount of—The minimum damages are to be \$10 per calendar day up to 10 days, not to exceed \$100. The calculation for damages begins to begin on the 21st 11th business day after receipt of the written request, submitted by certified mail, return receipt requested.

(c) A dispute between a member and an association regarding inspecting or photocopying official records must be submitted to mandatory binding arbitration with the division, and the arbitration must be conducted pursuant to s. 723.1255 and procedural rules adopted by the division.

(d) The association may adopt reasonable written rules governing the frequency, time, location, notice, records to be inspected, and manner of inspections, but may not require a member to demonstrate a proper purpose for the inspection, state a reason for the inspection, or limit a member's right to inspect records to less than 1 business day per month. The association may impose fees to cover the costs of providing copies of the official records, including the costs of copying and for personnel to retrieve and copy the records if the time spent retrieving and copying the records exceeds 30 minutes and if the personnel costs do not exceed \$20 per hour. Personnel costs may not be charged for records requests that result in the copying of 25 or fewer pages. The association may charge up to 25 cents per page for copies made on the association's photocopier. If the association does not have a photocopy machine available where the records are kept, or if the records requested to be copied exceed 25 pages in length, the association may have copies made by an outside duplicating service and may charge the actual cost of copying, as supported by the vendor invoice. The association shall maintain an adequate number of copies of the recorded governing documents, to ensure their availability to members and prospective members. Notwithstanding this paragraph, the following records are not accessible to members or home owners:

1. A record protected by the lawyer-client privilege as described in s. 90.502 and a record protected by the work-product privilege, including, but not limited to, a record prepared by an association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association and which was prepared exclusively for civil or criminal litigation, for adversarial administrative proceedings, or in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

2. E-mail addresses, telephone numbers, facsimile numbers, emergency contact information, any addresses for a home owner other than as provided for association notice requirements, and other personal identifying information of any person, excluding the person's name, lot designation, mailing address, and property address. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to home owners a directory containing the name, park address, and telephone number of each home owner. However, a home owner may exclude his or her telephone number from the directory by so requesting in writing to the association. The association is not liable for the disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by a home owner and not requested by the association.

3. An electronic security measure that is used by the association to safeguard data, including passwords.

4. The software and operating system used by the association which allows the manipulation of data, even if the home owner owns a copy of the same software used by the association. The data is part of the official records of the association.

Section 33. Section 723.1255, Florida Statutes, is amended to read:

723.1255 Alternative resolution of recall, *election, and inspection and photocopying of official records* disputes.—

(1) *A dispute between a mobile home owner and a homeowners' association regarding the election and recall of officers or directors under s. 723.078(2)(b) or regarding the inspection and photocopying of official records under s. 723.079(5) must be submitted to mandatory binding arbitration with the division. The arbitration shall be conducted in accordance with this section and the procedural rules adopted by the division.*

(2) *Each party shall be responsible for paying its own attorney fees, expert and investigator fees, and associated costs. The cost of the arbitrators shall be divided equally between the parties regardless of the outcome.*

(3) *The division shall adopt procedural rules to govern mandatory binding arbitration proceedings.* ~~The Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation shall adopt rules of procedure to govern binding recall arbitration proceedings.~~

Section 34. For the purpose of incorporating the amendment made by this act to section 420.5087, Florida Statutes, in a reference thereto, paragraph (i) of subsection (22) of section 420.507, Florida Statutes, is reenacted to read:

420.507 Powers of the corporation.—The corporation shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers which are in addition to all other powers granted by other provisions of this part:

(22) To develop and administer the State Apartment Incentive Loan Program. In developing and administering that program, the corporation may:

(i) Establish, by rule, the procedure for competitively evaluating and selecting all applications for funding based on the criteria set forth in s. 420.5087(6)(c), determining actual loan amounts, making and servicing loans, and exercising the powers authorized in this subsection.

Section 35. For the purpose of incorporating the amendment made by this act to section 420.5095, Florida Statutes, in a reference thereto, subsection (2) of section 193.018, Florida Statutes, is reenacted to read:

193.018 Land owned by a community land trust used to provide affordable housing; assessment; structural improvements, condominium parcels, and cooperative parcels.—

(2) A community land trust may convey structural improvements, condominium parcels, or cooperative parcels, that are located on specific parcels of land that are identified by a legal description contained in and subject to a ground lease having a term of at least 99 years, for the purpose of providing affordable housing to natural persons or families who meet the extremely-low-income, very-low-income, low-income, or moderate-income limits specified in s. 420.0004, or the income limits for workforce housing, as defined in s. 420.5095(3). A community land trust shall retain a preemptive option to purchase any structural improvements, condominium parcels, or cooperative parcels on the land at a price determined by a formula specified in the ground lease which is designed to ensure that the structural improvements, condominium parcels, or cooperative parcels remain affordable.

Section 36. This act shall take effect July 1, 2020.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to community affairs; amending s. 125.01055, F.S.; authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 129.03, F.S.; revising the information required to be annually submitted by county budget officers to the Office of Economic and Demographic Research; requiring certain information to be included beginning in a specified submission; amending s. 163.01, F.S.; amending the Florida Interlocal Cooperation Act of 1969 to authorize private entities to enter into specified loan agreements; authorizing certain bond proceeds to be loaned to private entities for specified types of projects; providing that such loans are deemed a paramount public purpose; amending s. 163.31771, F.S.; revising conditions under which local governments are authorized to adopt ordinances that allow accessory dwelling units in any area zoned for single-family residential use; amending s. 163.31801, F.S.; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; amending s. 166.04151, F.S.; authorizing governing bodies of municipalities to approve the development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 166.241, F.S.; revising the information required to be annually submitted by municipal budget officers to the Office of Economic and Demographic Research; requiring certain information to be included beginning in a specified submission; amending s. 320.77, F.S.; revising a certification requirement for mobile home dealer applicants relating to the applicant's business location; amending s. 320.771, F.S.; exempting certain recreational vehicle dealer applicants from a garage liability insurance requirement; amending s. 320.822, F.S.; revising the definition of the term "code"; amending s. 320.8232, F.S.; revising applicable standards for the repair and remodeling of mobile and manufactured homes; amending s. 367.022, F.S.; revising an exemption from regulation for certain water service resellers; exempting certain mobile home park and mobile home subdivision owners from regulation by the Florida Public Service Commission relating to water and wastewater systems; creating s. 420.518, F.S.; authorizing the preclusion of an applicant or affiliate of an applicant from participation in Florida Housing Finance Corporation programs under certain conditions; authorizing the board of directors of the corporation to preclude the applicant for a period of time or revoke the applicant's funding; requiring that an administrative complaint be served before an order is issued; authorizing the corporation to suspend certain funding, allocations of federal housing credits, credit underwriting procedures, or application reviews; providing requirements for such suspensions; amending s. 420.5087, F.S.; revising the criteria used by a review committee when evaluating and selecting specified applications for state apartment incentive loans; authorizing the corporation to prioritize a portion of the State Apartment Incentive Loan funding set aside for certain purposes; requiring that such funding be used for housing for certain persons in foster care or persons aging out of foster care; providing requirements for such housing; requiring the corporation to consult with the Department of Children and Families to create minimum criteria for such housing; amending s. 420.5095, F.S.; revising legislative findings; renaming the Community Workforce Housing Innovation Pilot Program as the Com-

munity Workforce Housing Loan Program to provide workforce housing for persons affected by the high cost of housing; revising the definition of the term “workforce housing”; deleting the definition of the term “public-private partnership”; authorizing the corporation to provide loans under the program to applicants for construction of workforce housing; requiring the corporation to establish a certain loan application process; deleting provisions requiring the corporation to provide incentives for local governments to use certain funds; requiring projects to receive priority consideration for funding under certain circumstances; deleting provisions providing for the expedition of local government comprehensive plan amendments to implement a program project; requiring that the corporation award loans at a specified interest rate and for a limited term; conforming provisions to changes made by the act; deleting a provision authorizing the corporation to use a maximum percentage of a specified appropriation for administration and compliance; amending s. 420.531, F.S.; specifying that technical support provided to local governments and community-based organizations includes implementation of the State Apartment Incentive Loan Program; requiring the entity providing training and technical assistance to convene and administer biannual workshops; providing requirements for such workshops; requiring such entity to annually compile and submit certain information to the Legislature and the corporation by a specified date; amending s. 420.9071, F.S.; revising the definition of the term “affordable”; amending s. 420.9075, F.S.; revising requirements for reports submitted to the corporation by counties and certain municipalities; amending s. 420.9076, F.S.; beginning on a specified date, revising the membership of local affordable housing advisory committees; requiring the committees to perform specified duties annually instead of triennially; revising duties of the committees; requiring locally elected officials serving on advisory committees, or their designees, to attend biannual regional workshops; providing a penalty; amending s. 553.791, F.S.; revising a prohibition against auditing certain private providers more than a specified number of times per month under certain conditions; amending s. 723.011, F.S.; providing that a mobile home owner may be required to install permanent improvements as disclosed in the mobile home park prospectus; amending s. 723.012, F.S.; requiring a mobile home park owner to amend its prospectus under certain circumstances; requiring a mobile home park owner to increase shared facilities under certain circumstances; providing a requirement for the prospectus amendment; prohibiting certain costs and expenses from being passed on or passed through to existing mobile home owners; amending s. 723.023, F.S.; revising general obligations for mobile home owners; amending s. 723.031, F.S.; revising construction relating to a mobile home park owner’s disclosure of certain taxes and assessments; prohibiting a mobile home park owner from charging or collecting certain taxes or charges in excess of a certain amount; amending s. 723.037, F.S.; authorizing mobile home park owners to give notice of lot rental increases for multiple anniversary dates in one notice; providing construction; revising a requirement for a lot rental negotiation committee; amending s. 723.041, F.S.; providing that a mobile home park damaged or destroyed due to natural force may be rebuilt with the same density as previously approved, permitted, and built; providing construction; amending s. 723.042, F.S.; revising conditions under which a person is required by a mobile home park owner or developer to provide improvements as a condition of residence in a mobile home park; amending s. 723.059, F.S.; authorizing certain mobile home purchasers to assume the seller’s prospectus; authorizing a mobile home park owner to offer a purchaser any approved prospectus; amending s. 723.061, F.S.; revising requirements related to the provision of eviction notices by mobile home park owners to specified entities; specifying the waiver and nonwaiver of certain rights of mobile home park owners under certain circumstances; requiring the accounting at final hearing of rents received; amending s. 723.076, F.S.; providing a notice requirement for homeowners’ associations to mobile home park owners after the election or appointment of new officers or board members; amending s. 723.078, F.S.; revising requirements for homeowners’ association board elections and ballots; requiring an impartial committee to be responsible for overseeing the election process and complying with ballot requirements; defining the term “impartial committee”; requiring that association bylaws provide a method for determining the winner of an election under certain circumstances; requiring the division to adopt procedural rules; revising the types of meetings that are not required to be open to members; providing an exception to a requirement for an officer of an association to provide an affidavit affirming certain information; authorizing meeting notices to be provided by electronic means; providing that the minutes of certain board and committee meetings are privileged and confidential; conforming provisions to changes made by the act; amending s. 723.079, F.S.; revising homeowners’ association recordkeeping requirements; revising the timeframes during which certain records are required to be retained and be

made available for inspection or photocopying; limiting the amount of damages for which an association is liable when a member is denied access to official records; requiring that certain disputes be submitted to mandatory binding arbitration with the division; providing requirements for such arbitration; amending s. 723.1255, F.S.; requiring that certain disputes be submitted to mandatory binding arbitration with the division; providing requirements for such arbitration and responsibility for fees and costs; requiring the division to adopt procedural rules; reenacting s. 420.507(22)(i), F.S., relating to powers of the Florida Housing Finance Corporation, to incorporate the amendment made to s. 420.5087, F.S., in a reference thereto; reenacting s. 193.018(2), F.S., relating to land owned by a community land trust used to provide affordable housing, to incorporate the amendment made to s. 420.5095, F.S., in a reference thereto; providing an effective date.

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

Senator Brandes moved the following amendment to **Amendment 1 (105450)** which was adopted:

**Amendment 1A (191524) (with title amendment)**—Delete lines 5-158 and insert:

Section 1. Section 125.01055, Florida Statutes, is amended to read:  
125.01055 Affordable housing.—

(1) Notwithstanding any other provision of law, a county may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units.

(3) *An affordable housing linkage fee ordinance may require the payment of a flat or percentage-based fee, whether calculated on the basis of the number of approved dwelling units, the amount of approved square footage, or otherwise.*

(4) ~~However,~~ In exchange for a developer fulfilling the requirements of subsection (2) or, for residential or mixed-use residential development, the requirements of subsection (3), a county must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

(5) ~~(2)~~ Subsection (2) does not apply in an area of critical state concern, as designated in s. 380.0552.

(6) *Notwithstanding any other law or local ordinance or regulation to the contrary, the board of county commissioners may approve the development of housing that is affordable, as defined in s. 420.0004, on any parcel zoned for residential, commercial, or industrial use.*

Section 2. Paragraph (d) of subsection (3) of section 129.03, Florida Statutes, is amended to read:

129.03 Preparation and adoption of budget.—

(3) The county budget officer, after tentatively ascertaining the proposed fiscal policies of the board for the next fiscal year, shall prepare and present to the board a tentative budget for the next fiscal year for each of the funds provided in this chapter, including all estimated receipts, taxes to be levied, and balances expected to be brought forward

and all estimated expenditures, reserves, and balances to be carried over at the end of the year.

(d) By ~~October 15, 2019, and~~ each October 15 ~~annually thereafter~~, the county budget officer shall electronically submit the following information regarding the final budget and the county's economic status to the Office of Economic and Demographic Research in the format specified by the office:

1. Government spending per resident, including, at a minimum, the spending per resident for the previous 5 fiscal years.
2. Government debt per resident, including, at a minimum, the debt per resident for the previous 5 fiscal years.
3. Median income within the county.
4. The average county employee salary.
5. Percent of budget spent on salaries and benefits for county employees.
6. Number of special taxing districts, wholly or partially, within the county.
7. *Annual county expenditures providing for the financing, acquisition, construction, reconstruction, or rehabilitation of housing that is affordable, as that term is defined in s. 420.0004. The reported expenditures must indicate the source of such funds as "federal," "state," "local," or "other," as applicable. The information required by this subparagraph must be included in the submission due by October 15, 2020, and each annual submission thereafter.*

Section 3. Paragraph (d) of subsection (7) of section 163.01, Florida Statutes, is amended to read:

163.01 Florida Interlocal Cooperation Act of 1969.—

(7)

(d) Notwithstanding the provisions of paragraph (c), any separate legal entity created pursuant to this section and controlled by the municipalities or counties of this state or by one or more municipality and one or more county of this state, the membership of which consists or is to consist of municipalities only, counties only, or one or more municipality and one or more county, may, for the purpose of financing or refinancing any capital projects, exercise all powers in connection with the authorization, issuance, and sale of bonds. Notwithstanding any limitations provided in this section, all of the privileges, benefits, powers, and terms of part I of chapter 125, part II of chapter 166, and part I of chapter 159 ~~are shall~~ be fully applicable to such entity. Bonds issued by such entity ~~are shall~~ be deemed issued on behalf of the counties, ~~or municipalities, or private entities~~ which enter into loan agreements with such entity as provided in this paragraph. Any loan agreement executed pursuant to a program of such entity ~~is shall~~ be governed by the provisions of part I of chapter 159 or, in the case of counties, part I of chapter 125, or in the case of municipalities and charter counties, part II of chapter 166. Proceeds of bonds issued by such entity may be loaned to counties or municipalities of this state or a combination of municipalities and counties, whether or not such counties or municipalities are also members of the entity issuing the bonds, ~~or to private entities for projects that are "self-liquidating," as provided in s. 159.02, whether or not such private entities are located within the jurisdictional boundaries of a county or municipality that is a member of the entity issuing the bonds.~~ The issuance of bonds by such entity to fund a loan program to make loans to municipalities, ~~or counties, or private entities~~ or a combination of municipalities, ~~and~~ counties, ~~and private entities~~ with one another for capital projects to be identified subsequent to the issuance of the bonds to fund such loan programs is deemed to be a paramount public purpose. Any entity so created may also issue bond anticipation notes, as provided by s. 215.431, in connection with the authorization, issuance, and sale of such bonds. In addition, the governing body of such legal entity may also authorize bonds to be issued and sold from time to time and may delegate, to such officer, official, or agent of such legal entity as the governing body of such legal entity may select, the power to determine the time; manner of sale, public or private; maturities; rate or rates of interest, which may be fixed or may vary at such time or times and in accordance with a specified formula or method of determination; and other terms and conditions as may be deemed appropriate by the officer, official, or agent so designated by the

governing body of such legal entity. However, the amounts and maturities of such bonds and the interest rate or rates of such bonds shall be within the limits prescribed by the governing body of such legal entity and its resolution delegating to such officer, official, or agent the power to authorize the issuance and sale of such bonds. A local government self-insurance fund established under this section may financially guarantee bonds or bond anticipation notes issued or loans made under this subsection. Bonds issued pursuant to this paragraph may be validated as provided in chapter 75. The complaint in any action to validate such bonds shall be filed only in the Circuit Court for Leon County. The notice required to be published by s. 75.06 shall be published only in Leon County, and the complaint and order of the circuit court shall be served only on the State Attorney of the Second Judicial Circuit and on the state attorney of each circuit in each county where the public agencies which were initially a party to the agreement are located. Notice of such proceedings shall be published in the manner and the time required by s. 75.06 in Leon County and in each county where the public agencies which were initially a party to the agreement are located. Obligations of any county or municipality pursuant to a loan agreement as described in this paragraph may be validated as provided in chapter 75.

Section 4. Subsections (3) and (4) of section 163.31771, Florida Statutes, are amended to read:

163.31771 Accessory dwelling units.—

(3) ~~A Upon a finding by a local government that there is a shortage of affordable rentals within its jurisdiction, the local government may adopt an ordinance to allow accessory dwelling units in any area zoned for single-family residential use.~~

(4) ~~If the local government adopts an ordinance under this section, an application for a building permit to construct an accessory dwelling unit must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons.~~

Section 5. Subsection (10) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(10) *In addition to the items that must be reported in the annual financial reports under s. 218.32, a county, municipality, or special district must report all of the following data on all impact fees charged:*

- (a) *The specific purpose of the impact fee, including the specific infrastructure needs to be met, including, but not limited to, transportation, parks, water, sewer, and schools.*
- (b) *The impact fee schedule policy describing the method of calculating impact fees, such as flat fees, tiered scales based on number of bedrooms, or tiered scales based on square footage.*
- (c) *The amount assessed for each purpose and for each type of dwelling.*
- (d) *The total amount of impact fees charged by type of dwelling.*
- (e) *Each exception and waiver provided for construction or development of housing that is affordable.*

Section 6. Section 166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(1) Notwithstanding any other provision of law, a municipality may adopt and maintain in effect any law, ordinance, rule, or other measure that is adopted for the purpose of increasing the supply of affordable housing using land use mechanisms such as inclusionary housing or linkage fee ordinances.

(2) An inclusionary housing ordinance may require a developer to provide a specified number or percentage of affordable housing units to be included in a development or allow a developer to contribute to a housing fund or other alternatives in lieu of building the affordable housing units.

(3) *An affordable housing linkage fee ordinance may require the payment of a flat or percentage-based fee, whether calculated on the basis of the number of approved dwelling units, the amount of approved square footage, or otherwise.*

(4) ~~However,~~ In exchange for a developer fulfilling the requirements of subsection (2) or, for residential or mixed-use residential development, the requirements of subsection (3), a municipality must provide incentives to fully offset all costs to the developer of its affordable housing contribution or linkage fee. Such incentives may include, but are not limited to:

(a) Allowing the developer density or intensity bonus incentives or more floor space than allowed under the current or proposed future land use designation or zoning;

(b) Reducing or waiving fees, such as impact fees or water and sewer charges; or

(c) Granting other incentives.

(5)(3) Subsection (2) does not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

(6) *Notwithstanding any other law or local ordinance or*

And the title is amended as follows:

Delete lines 1694-1716 and insert: 125.01055, F.S.; adding linkage fee ordinances as land use mechanisms that counties are authorized to adopt and maintain; providing that affordable housing linkage fee ordinances may require the payment of certain fees; authorizing a board of county commissioners to approve development of affordable housing on any parcel zoned for residential, commercial, or industrial use; amending s. 129.03, F.S.; revising the information required to be annually submitted by county budget officers to the Office of Economic and Demographic Research; requiring certain information to be included beginning in a specified submission; amending s. 163.01, F.S.; amending the Florida Interlocal Cooperation Act of 1969 to authorize private entities to enter into specified loan agreements; authorizing certain bond proceeds to be loaned to private entities for specified types of projects; providing that such loans are deemed a paramount public purpose; amending s. 163.31771, F.S.; revising conditions under which local governments are authorized to adopt ordinances that allow accessory dwelling units in any area zoned for single-family residential use; amending s. 163.31801, F.S.; requiring counties, municipalities, and special districts to include certain data relating to impact fees in their annual financial reports; amending s. 166.04151, F.S.; adding linkage fee ordinances as land use mechanisms that municipalities are authorized to adopt and maintain; providing that affordable housing linkage fee ordinances may require the payment of certain fees; authorizing governing bodies of

**Amendment 1 (105450)**, as amended, was adopted.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1339**, as amended, was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 1556**—A bill to be entitled An act relating to nondiscrimination in organ transplants; creating s. 765.523, F.S.; defining terms; prohibiting certain entities from making certain determinations or engaging in certain actions related to organ transplants solely on the basis of an individual's disability; specifying an instance where certain entities may consider an individual's disability, with an exception; requiring certain entities to make reasonable modifications in their policies, practices, and procedures under certain circumstances, with an exception; providing criteria for such modifications; requiring certain entities to take certain necessary steps to ensure an individual with a disability is not denied services, with exceptions; providing a cause of action for injunctive and other relief; providing construction; creating ss. 627.64197, 627.65736, and 641.31075, F.S.; prohibiting certain individual and group health insurers and health maintenance organizations, respectively, from denying coverage for organ transplants solely on the basis of an individual's disability under certain circumstances; providing construction; defining the terms "disability" and "organ transplant"; amending s. 627.6699, F.S.; requiring certain health benefit plans covering small employers to comply with certain provisions; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1556**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1179** was withdrawn from the Committees on Health Policy; Banking and Insurance; and Appropriations.

On motion by Senator Bean—

**CS for HB 1179**—A bill to be entitled An act relating to nondiscrimination in organ transplants; creating s. 765.523, F.S.; providing definitions; prohibiting certain entities from making certain determinations or engaging in certain actions related to organ transplants solely on the basis of an individual's disability; specifying an instance where certain entities may consider an individual's disability, with an exception; requiring certain entities to make reasonable modifications in their policies, practices, and procedures under certain circumstances, with an exception; providing criteria for such modifications; requiring certain entities to take certain necessary steps to ensure an individual with a disability is not denied services, with exceptions; providing a cause of action for injunctive and other relief; providing construction; creating ss. 627.64197, 627.65736, and 641.31075, F.S.; prohibiting insurers, nonprofit health care service plans, and health maintenance organizations that provide coverage for organ transplants from denying coverage solely on the basis of an individual's disability under certain circumstances; providing construction; defining the term "organ transplant"; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1556** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1179** was placed on the calendar of Bills on Third Reading.

By direction of the President, pursuant to Rule 4.3(3), the Senate reverted to—

## MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 70, with 1 amendment, and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

**CS for CS for SB 70**—A bill to be entitled An act relating to alert systems in public schools; providing a short title; amending s. 1006.07, F.S.; requiring each public school to implement an interoperable mobile panic alert system for specified purposes beginning in a specified school year; providing requirements for such system; requiring the Department of Education to issue a competitive solicitation to contract for an interoperable mobile panic alert system for all public schools statewide, subject to appropriation; requiring the department to consult with the Marjory Stoneman Douglas High School Public Safety Commission, the Department of Law Enforcement, and the Division of Emergency Management in the development of the competitive solicitation; providing an effective date.

**House Amendment 1 (886033) (with title amendment)**—Remove everything after the enacting clause and insert:

Section 1. *This act may be cited as "Alyssa's Law."*

Section 2. Present paragraph (c) of subsection (4) of section 1006.07, Florida Statutes, is redesignated as paragraph (f), and a new paragraph (c) and paragraphs (d) and (e) are added to that subsection, to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

(c) Beginning with the 2021-2022 school year, each public school, including charter schools, shall implement a mobile panic alert system capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies. Such system, known as “Alyssa’s Alert,” must integrate with local public safety answering point infrastructure to transmit 911 calls and mobile activations.

(d) In addition to the requirements of paragraph (c), a public school district may implement additional strategies or systems to ensure real-time coordination between multiple first responder agencies in a school security emergency.

(e) For the 2020-2021 fiscal year and subject to the appropriation of funds in the General Appropriations Act for this purpose, the department shall issue a competitive solicitation to contract for a mobile panic alert system that may be used by each school district. The department shall consult with the Marjory Stoneman Douglas High School Public Safety Commission, the Department of Law Enforcement, and the Division of Emergency Management in the development of the competitive solicitation for the mobile panic alert system.

Section 3. This act shall take effect July 1, 2020.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to alert systems in public schools; providing a short title; amending s. 1006.07, F.S.; requiring each public school to implement a mobile panic alert system for specified purposes beginning in a specified school year; providing requirements for such system; authorizing public school districts to implement additional strategies and systems for specified purposes; requiring the Department of Education to issue a competitive solicitation to contract for a mobile panic alert system, subject to appropriation; requiring the department to consult with the Marjory Stoneman Douglas High School Public Safety Commission, the Department of Law Enforcement, and the Division of Emergency Management in the development of the competitive solicitation; providing an effective date.

On motion by Senator Book, the Senate concurred in **House Amendment 1 (886033)**.

**CS for CS for SB 70** passed, as amended, was ordered engrossed, and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—40

Mr. President	Farmer	Powell
Albritton	Flores	Rader
Baxley	Gainer	Rodriguez
Bean	Gibson	Rouson
Benacquisto	Gruters	Simmons
Berman	Harrell	Simpson
Book	Hooper	Stargel
Bracy	Hutson	Stewart
Bradley	Lee	Taddeo
Brandes	Mayfield	Thurston
Braynon	Montford	Torres
Broxson	Passidomo	Wright
Cruz	Perry	
Diaz	Pizzo	

Nays—None

**MOTIONS**

On motion by Senator Benacquisto, the rules were waived and all bills remaining or temporarily postponed on the Special Order Calendar this day were retained on the Special Order Calendar except for **CS for CS for SB 1404** and **CS for SB 1492**.

On motion by Senator Benacquisto, the rules were waived and a deadline of one hour after the availability of engrossed bills was set for filing amendments to Bills on Third Reading to be considered Wednesday, March 11, 2020.

**REPORTS OF COMMITTEES**

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Tuesday, March 10, 2020: CS for SB 714, CS for CS for SB 1094, CS for CS for SB 1676, CS for CS for SB 1370, CS for CS for SB 1556, CS for CS for SB 1332, SB 1002, SB 1256, CS for SB 1636, CS for CS for SB 380, CS for CS for SB 506, CS for CS for SB 688, CS for CS for SB 708, CS for CS for SB 1220, CS for SB 1784, CS for CS for SB 190, SB 946, SB 7038, CS for SB 358, CS for CS for SB 1564, SB 7058, SB 7060.

Respectfully submitted,  
*Lizbeth Benacquisto*, Rules Chair  
*Kathleen Passidomo*, Majority Leader  
*Audrey Gibson*, Minority Leader

**MESSAGES FROM THE HOUSE OF REPRESENTATIVES**

**FIRST READING**

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 199 and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Criminal Justice Subcommittee and Representative(s) Davis, Plakon, Brown, Cortes, J., Driskell, Eskamani, Gottlieb, Grall, Grieco, Hattersley, Joseph, Mercado, Polsky, Slosberg, Watson, C., Webb, Williams—

**CS for HB 199**—A bill to be entitled An act relating to the sexual battery prosecution time limitation; providing a short title; amending s. 775.15, F.S.; creating an exception to the general time limitations which allows a prosecution to be commenced at any time for specified sexual battery offenses against victims younger than a certain age at the time the offense was committed; providing applicability; providing an effective date.

—was referred to the Committees on Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; and Appropriations.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 573, as amended, and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Judiciary Committee, Civil Justice Subcommittee and Representative(s) Casello, McClain, Newton, Watson, C., Webb—

**CS for CS for HB 573**—A bill to be entitled An act relating to peer support for first responders; creating s. 111.09, F.S.; providing definitions; prohibiting certain persons who participate in peer support communication with a first responder from testifying or divulging specified information under certain circumstances; providing exceptions; prohibiting liability and a cause of action under certain circumstances; providing construction; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Judiciary; and Rules.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/HB 623, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Commerce Committee, Civil Justice Subcommittee, Business & Professions Subcommittee and Representative(s) Shoaf—

**CS for CS for CS for HB 623**—A bill to be entitled An act relating to community associations; amending s. 514.0115, F.S.; exempting certain property association pools from Department of Health regulations; amending s. 553.77, F.S.; conforming cross references; amending s. 627.714, F.S.; prohibiting subrogation rights against a condominium association under certain circumstances; creating s. 712.065, F.S.; defining the term "discriminatory restriction"; providing that discriminatory restrictions are unlawful, unenforceable, and void; providing that discriminatory restrictions are extinguished and severed from recorded title transactions; specifying that the recording of certain notices does not reimpose or preserve a discriminatory restriction; providing requirements for a parcel owner to remove a discriminatory restriction from a covenant or restriction; amending s. 718.111, F.S.; requiring that certain records be maintained for a specified time; requiring associations to maintain official records in a specified manner; requiring an association to provide a checklist or affidavit relating to certain records to certain persons; requiring such checklist or affidavit to be maintained for a time certain; creating a rebuttable presumption; prohibiting an association from requiring certain actions relating to the inspection of records; revising requirements relating to the posting of digital copies of certain documents by certain condominium associations; amending s. 718.112, F.S.; authorizing a condominium association to extinguish discriminatory restrictions; revising calculation of a board member's term limit; providing requirements for certain notices; revising the fees an association may charge for transfers; deleting a prohibition against employing or contracting with certain service providers; amending s. 718.113, F.S.; defining the terms "natural gas fuel" and "natural gas fuel vehicle"; revising legislative findings; revising requirements for electric vehicle charging stations; providing requirements for the installation of natural gas fuel stations on property governed by condominium associations; amending s. 718.117, F.S.; conforming provisions to changes made by the act; amending s. 718.121, F.S.; providing when the installation of a natural gas fuel station may be the basis of a lien; amending s. 718.1255, F.S.; authorizing parties to initiate presuit mediation under certain circumstances; specifying when arbitration is binding on the parties; providing requirements for presuit mediation; amending s. 718.202, F.S.; revising use of certain withdrawn escrow funds by developers; amending s. 718.303, F.S.; revising requirements for certain actions for failure to comply with specified provisions; revising requirements for certain fines; amending s. 718.501, F.S.; defining the term "financial issue"; authorizing the Division of Condominiums, Timeshares, and Mobile Homes to adopt rules; amending s. 718.5014, F.S.; revising where the principal office of the Office of the Condominium Ombudsman must be maintained; amending s. 719.103, F.S.; revising the definition of the term "unit" to specify that an interest in a cooperative unit is an interest in real property; amending s. 719.104, F.S.; prohibiting an association from requiring certain actions relating to the inspection of records; amending s. 719.106, F.S.; revising provisions relating to a quorum and voting rights for members remotely participating in meetings; amending procedure to challenge a board member recall; authorizing cooperative associations to extinguish discriminatory restrictions; amending s. 720.303, F.S.; authorizing an association to adopt procedures for electronic meeting notices; revising the documents that constitute the official records of an association; revising when a specified statement must be included in an association's financial report; revising requirements for such statement; revising when an association is deemed to have provided for reserve accounts; amending procedure to challenge a board member recall; amending s. 720.304, F.S.; authorizing a homeowner to display certain flags; amending s. 720.305, F.S.; providing requirements for certain fines; amending s. 720.306, F.S.; revising requirements for providing certain notices; providing limitations on associations when a parcel owner attempts to rent or lease his or her parcel; amending the procedure for election disputes; amending s. 720.311, F.S.; amending the procedure for election disputes; amending s. 720.3075, F.S.; authorizing homeowners' associations to extinguish discriminatory restrictions; providing an effective date.

—was referred to the Committees on Innovation, Industry, and Technology; and Appropriations.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 625 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By State Affairs Committee, Civil Justice Subcommittee and Representative(s) Newton, McClain, Mercado—

**CS for CS for HB 625**—A bill to be entitled An act relating to public nuisances; amending s. 60.05, F.S.; authorizing sheriffs to sue to enjoin nuisances; revising notice requirements for the filing of temporary injunctions relating to the enjoinder of certain nuisances; extending the period of notice before a lien may attach to certain real estate; amending s. 823.05, F.S.; making technical changes; declaring that the use of a location by a criminal gang, criminal gang members, or criminal gang associates for criminal gang-related activity is a public nuisance; declaring that any place or premises that has been used on more than two occasions during a certain time period as the site of specified violations is a nuisance and may be abated or enjoined pursuant to specified provisions; providing a property owner an opportunity to remedy a nuisance before specified legal actions may be taken against the property under certain circumstances; amending s. 893.138, F.S.; declaring that any place or premises that has been used on more than two occasions during a certain time period as the site of any combination of specified violations is a nuisance and may be abated pursuant to specified provisions; prohibiting a rental property from being abated or subject to forfeiture under certain conditions; providing an effective date.

—was referred to the Committees on Criminal Justice; Community Affairs; and Rules.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 675 and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Judiciary Committee and Representative(s) Mercado, Slosberg—

**CS for HB 675**—A bill to be entitled An act relating to exposure of sexual organs; amending s. 800.03, F.S.; increasing criminal penalties for exposure of sexual organs for a second or subsequent offense; amending s. 901.15, F.S.; authorizing warrantless arrests when a law enforcement officer has probable cause to believe that a person has violated s. 800.03, F.S.; providing an effective date.

—was referred to the Committees on Criminal Justice; Judiciary; and Rules.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/HB 689, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Commerce Committee, Government Operations & Technology Appropriations Subcommittee, Business & Professions Subcommittee and Representative(s) Rodriguez, A.—

**CS for CS for CS for HB 689**—A bill to be entitled An act relating to the Department of Business and Professional Regulation; amending s. 210.09, F.S.; requiring that certain reports relating to the transportation or possession of cigarettes be filed with the Division of Alcoholic Beverages and Tobacco through the division's electronic data submission system; authorizing certain records to be kept in an electronic or paper format; amending s. 210.55, F.S.; requiring that certain entities file reports, rather than returns, relating to tobacco products with the



division; providing requirements for such reports; amending s. 210.60, F.S.; authorizing certain records to be kept in an electronic or paper format; amending s. 326.002, F.S.; revising the definition of the term "yacht"; amending s. 194.011, F.S.; providing that certain associations may represent, prosecute, or defend owners in certain proceedings; providing applicability; requiring specified notice be provided to unit or parcel owners in a specified way; amending s. 194.181, F.S.; providing and revising the parties considered as the defendant in a tax suit; requiring certain notice to be provided to unit owners in a specified way; providing unit owners options for defending a tax suit; imposing certain actions for unit owners who fail to respond to a specified notice; amending s. 514.0115, F.S.; exempting certain property association pools from Department of Health regulations; amending s. 553.77, F.S.; conforming a cross-reference; amending s. 548.003, F.S.; renaming the Florida State Boxing Commission as the Florida Athletic Commission; amending s. 548.043, F.S.; revising rulemaking requirements for the commission relating to gloves; amending s. 561.01, F.S.; deleting the definition of the term "permit carrier"; amending s. 561.17, F.S.; revising a requirement related to the filing of fingerprints with the division; requiring that applications be accompanied by certain information relating to right of occupancy; providing requirements relating to contact information for licensees and permittees; amending s. 561.20, F.S.; conforming cross-references; revising requirements for issuing special licenses to certain food service establishments; amending s. 561.42, F.S.; requiring the division, and authorizing vendors, to use electronic mail to give certain notice; amending s. 561.55, F.S.; revising requirements for reports relating to alcoholic beverages; amending s. 562.455, F.S.; removing grains of paradise from the list of specified substances subject to penalties relating to adulterating liquor; amending s. 627.714, F.S.; prohibiting subrogation rights against a condominium association under certain circumstances; creating s. 712.065, F.S.; defining the term "discriminatory restriction"; providing that discriminatory restrictions are unlawful, unenforceable, and void; providing that discriminatory restrictions are extinguished and severed from recorded title transactions; specifying that the recording of certain notices does not reimpose or preserve a discriminatory restriction; providing requirements for a parcel owner to remove a discriminatory restriction from a covenant or restriction; amending s. 718.111, F.S.; providing that a condominium association may take certain actions relating to a challenge to ad valorem taxes in its own name or on behalf of unit owners; providing applicability; requiring an association to provide a checklist to certain persons requesting records; requiring that the checklist be signed by a specified person or the association to provide an affidavit attesting to the veracity of the checklist; providing a timeframe for maintaining such checklist and affidavit; creating a rebuttable presumption; amending s. 718.112, F.S.; authorizing a condominium association to extinguish discriminatory restrictions; revising calculation of a board member's term limit; providing requirements for certain notices; revising the fees an association may charge for transfers; deleting a prohibition against employing or contracting with certain service providers; amending s. 718.113, F.S.; defining the terms "natural gas fuel" and "natural gas fuel vehicle"; revising legislative findings; revising requirements for electric vehicle charging stations; providing requirements for the installation of natural gas fuel stations on property governed by condominium associations; amending s. 718.117, F.S.; conforming provisions to changes made by the act; amending s. 718.121, F.S.; providing when the installation of a natural gas fuel station may be the basis of a lien; amending s. 718.1255, F.S.; authorizing parties to initiate presuit mediation under certain circumstances; specifying when arbitration is binding on the parties; providing requirements for presuit mediation; amending s. 718.202, F.S.; revising use of certain withdrawn escrow funds by developers; amending s. 718.303, F.S.; revising requirements for certain actions for failure to comply with specified provisions; revising requirements for certain fines; amending s. 718.501, F.S.; defining the term "financial issue"; authorizing the Division of Condominiums, Timeshares, and Mobile Homes to adopt rules; amending s. 718.5014, F.S.; revising where the principal office of the Office of the Condominium Ombudsman must be maintained; amending s. 719.103, F.S.; revising the definition of the term "unit" to specify that an interest in a cooperative unit is an interest in real property; amending s. 719.104, F.S.; prohibiting an association from requiring certain actions relating to the inspection of records; amending s. 719.106, F.S.; revising provisions relating to a quorum and voting rights for members remotely participating in meetings; amending procedure to challenge a board member recall; authorizing cooperative associations to extinguish discriminatory restrictions; amending s. 720.303, F.S.; authorizing an association to adopt proce-

dures for electronic meeting notices; revising the documents that constitute the official records of an association; revising when a specified statement must be included in an association's financial report; revising requirements for such statement; revising when an association is deemed to have provided for reserve accounts; amending procedure to challenge a board member recall; amending s. 720.305, F.S.; providing requirements for certain fines; amending s. 720.306, F.S.; revising requirements for providing certain notices; providing limitations on associations when a parcel owner attempts to rent or lease his or her parcel; amending the procedure for election disputes; amending s. 720.311, F.S.; amending the procedure for election disputes; amending s. 720.3075, F.S.; authorizing homeowners' associations to extinguish discriminatory restrictions; amending s. 721.15, F.S.; providing requirements for subordinate lienholder related timeshare estates; amending ss. 455.219, 548.002, 548.05, 548.071, and 548.077, F.S.; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Innovation, Industry, and Technology; Community Affairs; and Appropriations.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 731, as amended, and requests the concurrence of the Senate.

*Jeff Takacs*, Clerk

By Health & Human Services Committee, Health Market Reform Subcommittee and Representative(s) Perez—

**CS for CS for HB 731**—A bill to be entitled An act relating to the Agency for Health Care Administration; amending s. 383.327, F.S.; requiring birth centers to report certain deaths and stillbirths to the Agency for Health Care Administration; removing a requirement that a certain report be submitted annually to the agency; authorizing the agency to prescribe by rule the frequency at which such report is submitted; amending s. 395.003, F.S.; removing a requirement that specified information be listed on licenses for certain facilities; amending s. 395.1055, F.S.; requiring the agency to adopt specified rules related to ongoing quality improvement programs for certain cardiac programs; amending s. 395.602, F.S.; extending a certain date relating to the designation of certain rural hospitals; repealing s. 395.7015, F.S., relating to an annual assessment on health care entities; amending s. 395.7016, F.S.; conforming a provision to changes made by the act; amending s. 400.19, F.S.; revising provisions requiring the agency to conduct licensure inspections of nursing homes; requiring the agency to conduct biannual licensure surveys under certain circumstances; revising a provision requiring the agency to assess a specified fine for such surveys; amending s. 400.462, F.S.; revising definitions; amending s. 400.464, F.S.; revising provisions relating to exemptions from licensure requirements for home health agencies; exempting certain persons from such licensure requirements; amending ss. 400.471, 400.492, 400.506, and 400.509, F.S.; revising provisions relating to licensure requirements for home health agencies to conform to changes made by the act; amending s. 400.605, F.S.; removing a requirement that the agency conduct specified inspections of certain licensees; amending s. 400.60501, F.S.; removing an obsolete date and a requirement that the agency develop a specified annual report; amending s. 400.9905, F.S.; revising the definition of the term "clinic"; amending s. 400.991, F.S.; conforming provisions to changes made by the act; removing the option for health care clinics to file a surety bond under certain circumstances; amending s. 400.9935, F.S.; requiring certain clinics to publish and post a schedule of charges; amending s. 408.033, F.S.; conforming a provision to changes made by the act; amending s. 408.05, F.S.; requiring the agency to publish an annual report identifying certain health care services by a specified date; amending s. 408.061, F.S.; revising provisions requiring health care facilities to submit specified data to the agency; amending s. 408.0611, F.S.; requiring the agency to annually publish a report on the progress of implementation of electronic prescribing on its Internet website; amending s. 408.062, F.S.; requiring the agency to annually publish certain information on its Internet



website; removing a requirement that the agency submit certain annual reports to the Governor and Legislature; amending s. 408.063, F.S.; removing a requirement that the agency annually publish certain reports; amending ss. 408.802, 408.820, 408.831, and 408.832, F.S.; conforming provisions to changes made by the act; amending s. 408.803, F.S.; conforming a provision to changes made by the act; providing a definition of the term "low-risk provider"; amending s. 408.806, F.S.; exempting certain low-risk providers from a specified inspection; amending s. 408.808, F.S.; authorizing the issuance of a provisional license to certain applicants; amending s. 408.809, F.S.; revising provisions relating to background screening requirements for certain licensure applicants; removing an obsolete date and provisions relating to certain rescreening requirements; amending s. 408.811, F.S.; authorizing the agency to exempt certain low-risk providers from inspections and conduct unannounced licensure inspections of such providers under certain circumstances; authorizing the agency to adopt rules to waive routine inspections and grant extended time periods between relicensure inspections under certain conditions; amending s. 408.821, F.S.; revising provisions requiring licensees to have a specified plan; providing requirements for the submission of such plan; amending s. 408.909, F.S.; removing a requirement that the agency and Office of Insurance Regulation evaluate a specified program; amending s. 408.9091, F.S.; removing a requirement that the agency and office jointly submit a specified annual report to the Governor and Legislature; amending s. 409.905, F.S.; providing construction for a provision that requires the agency to discontinue its hospital retrospective review program under certain circumstances; providing legislative intent; amending s. 409.907, F.S.; requiring that a specified background screening be conducted through the agency on certain persons and entities; amending s. 409.908, F.S.; revising provisions related to the prospective payment methodology for certain Medicaid provider reimbursements; amending s. 409.913, F.S.; revising a requirement that the agency and the Medicaid Fraud Control Unit of the Department of Legal Affairs submit a specified report to the Legislature; authorizing the agency to recover specified costs associated with an audit, investigation, or enforcement action relating to provider fraud under the Medicaid program; amending s. 409.920, F.S.; revising provisions related to prohibited referral practices under the Medicaid program; providing applicability; amending ss. 409.967 and 409.973, F.S.; revising the length of managed care plan and Medicaid prepaid dental health program contracts, respectively, procured by the agency beginning during a specified timeframe; requiring the agency to extend the term of certain existing contracts until a specified date; amending s. 429.11, F.S.; removing an authorization for the issuance of a provisional license to certain facilities; amending s. 429.19, F.S.; removing requirements that the agency develop and disseminate a specified list and the Department of Children and Families disseminate such list to certain providers; amending ss. 429.35, 429.905, and 429.929, F.S.; revising provisions requiring a biennial inspection cycle for specified facilities and centers, respectively; repealing part I of chapter 483, F.S., relating to The Florida Multiphasic Health Testing Center Law; amending ss. 627.6387, 627.6648, and 641.31076, F.S.; revising the definition of the term "shoppable health care service"; revising duties of certain health insurers and health maintenance organizations; amending ss. 20.43, 381.0034, 456.001, 456.057, 456.076, and 456.47, F.S.; conforming cross-references; providing effective dates.

—was referred to the Committee on Appropriations.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 835, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Children, Families & Seniors Subcommittee and Representative(s) Willhite, Plakon, Caruso, Daley, Eskamani, Fernández, Gottlieb, Grieco, Hogan Johnson, Joseph, Killebrew, LaMarca, Maggard, Newton, Silvers, Williams—

**CS for HB 835**—A bill to be entitled An act relating to Alzheimer's disease; amending s. 430.501, F.S.; requiring state agencies to provide assistance to the Alzheimer's Disease Advisory Committee, upon request; creating s. 430.5015, F.S.; creating the position of Dementia Director within the Department of Elderly Affairs; requiring the Secretary of Elderly Affairs to appoint the director; authorizing the director to call upon certain agencies for assistance; providing duties and responsibilities of the director; amending s. 430.502, F.S.; revising the name of a memory disorder clinic in Orange County; revising a provision relating to an allocation formula for the funding of respite care; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; Appropriations Subcommittee on Health and Human Services; and Appropriations.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 921, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By State Affairs Committee, Agriculture & Natural Resources Subcommittee and Representative(s) Brannan—

**CS for CS for HB 921**—A bill to be entitled An act relating to the Department of Agriculture and Consumer Services; amending s. 316.520, F.S.; revising application of agricultural load securing requirements; amending s. 527.01, F.S.; defining the term "recreational vehicle"; amending s. 527.0201, F.S.; requiring the Department of Agriculture and Consumer Services to adopt rules specifying requirements for agents to administer certain competency examinations and establishing a competency examination for a license to engage in activities solely related to the service and repair of recreational vehicles; authorizing certain qualifiers and master qualifiers to engage in activities solely related to the service and repair of recreational vehicles; requiring verifiable LP gas experience or professional certification by an LP gas manufacturer in order to apply for certification as a master qualifier; amending s. 570.441, F.S.; extending the scheduled expiration for the Department of Agriculture and Consumer Services' use of funds from the Pest Control Trust Fund for certain duties of the department; amending s. 590.02, F.S.; directing the Florida Forest Service to develop a training curriculum for wildland firefighters; providing requirements for such training; amending s. 597.003, F.S.; authorizing the Department of Agriculture and Consumer Services to revoke an aquaculture certificate of registration under certain conditions; amending s. 633.408, F.S.; providing wildland firefighter training and certification for certain firefighters and volunteer firefighters; providing an effective date.

—was referred to the Committees on Agriculture; and Appropriations.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1083, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By PreK-12 Innovation Subcommittee and Representative(s) Webb, Bush, Byrd, Daniels, Donalds, Duran, Eskamani, Grieco, Joseph, Plasencia, Santiago, Smith, C., Williams—

**CS for HB 1083**—A bill to be entitled An act relating to student mental health procedures; amending ss. 1002.20 and 1002.33, F.S.; requiring verification that certain strategies have been utilized and certain outreach has been initiated before a principal or his or her designee contacts a law enforcement officer under specified circumstances; providing an exception; providing an effective date.

—was referred to the Committees on Children, Families, and Elder Affairs; and Rules.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1105, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Health & Human Services Committee, Children, Families & Seniors Subcommittee and Representative(s) Tomkow, Mariano—

**CS for CS for HB 1105**—A bill to be entitled An act relating to child welfare; amending s. 25.385, F.S.; requiring the Florida Court Educational Council to establish certain standards for instruction of circuit and county court judges for dependency cases; requiring the council to provide such instruction on a periodic and timely basis; creating s. 39.01304, F.S.; authorizing circuit courts to create early childhood court programs; providing requirements for such programs; requiring the Office of the State Courts Administrator to contract to evaluate the early childhood court programs; authorizing the Office of the State Courts Administrator to provide, or contract for the provision of, certain training and assistance; amending s. 39.0138, F.S.; requiring the Department of Children and Families to complete certain records checks within a specified timeframe; amending s. 39.301, F.S.; requiring the department to notify the court of certain reports; authorizing the department to file specified petitions under certain circumstances; amending s. 39.522, F.S.; requiring the court to consider specified factors when making certain determinations; requiring a child's case plan to be amended if the court changes the permanency goal; amending s. 39.6011, F.S.; revising and providing requirements for case plan descriptions; amending s. 39.701, F.S.; requiring the court to retain jurisdiction over a child under certain circumstances; requiring specified parties to disclose certain information to the court; providing for certain caregiver recommendations to the court; requiring the court and citizen review panel to determine whether certain parties have developed a productive relationship; amending s. 63.092, F.S.; requiring that certain preliminary home studies be completed within a specified timeframe; creating s. 63.093, F.S.; providing requirements and processes for the adoption of children from the child welfare system; providing applicability; creating s. 409.1415, F.S.; providing legislative findings and intent; requiring the department and community-based care lead agencies to develop and support relationships between caregivers and birth or legal parents of certain children; providing responsibilities for caregivers, birth or legal parents, the department, and community-based care lead agency staff; requiring employees of residential group homes to meet specified requirements; requiring the department to adopt rules; amending s. 409.145, F.S.; removing certain responsibilities of caregivers, the department, community-based care lead agency staff, and other agency staff; removing requirements relating to transitions, information sharing, and certain caregivers; amending s. 409.175, F.S.; revising requirements for the licensure of family foster homes; requiring certain entities to complete a licensing study within a specified timeframe; requiring the department to issue determinations for family foster home licenses within a specified timeframe; providing an exception; amending s. 409.988, F.S.; authorizing a lead agency to provide more than 35 percent of all child welfare services under certain conditions; requiring a specified local community alliance, or specified representatives in certain circumstances, to review and recommend approval or denial of the lead agency's request for a specified exemption; amending ss. 39.302, 39.6225, 393.065, and 409.1451, F.S.; conforming cross-references to changes made by the act; providing an effective date.

—was referred to the Committee on Appropriations.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed HB 1231, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Representative(s) DuBose, Rodrigues, R., Bush, Caruso, Donalds, Duran, Eskamani, Hattersley, Hill, Jenne, Mercado, Polo, Slosberg, Stark, Toledo, Valdés, Webb—

**HB 1231**—A bill to be entitled An act relating to students with disabilities in public schools; amending s. 1003.573, F.S.; providing definitions; requiring school districts to prohibit the use of seclusion; providing requirements for the use of restraint; prohibiting specified restraint techniques; revising school district policies and procedures relating to restraint; requiring school districts to adopt positive behavior interventions and supports and certain policies and procedures; requiring school districts to publicly post specified policies and procedures; requiring school districts to provide training on certain interventions and supports to specified personnel; providing requirements for such training; requiring school districts to publish training procedures; requiring a school to develop a crisis intervention plan for certain students; providing requirements for such plans; providing requirements for documenting, reporting, and monitoring the use of restraint; conforming provisions to changes made by the act; requiring the department to make certain information available to the public by a specified date; creating s. 1003.574, F.S.; creating the Video Cameras in Public School Classrooms Pilot Program; providing definitions; requiring a video camera be placed in specified classrooms upon the request of a parent; requiring a video camera to be operational within a specified time period; providing requirements for the discontinuation of such video cameras; providing requirements for such video cameras; requiring a written explanation if the operation of such cameras is interrupted; requiring district school boards to maintain such explanation for a specified time period; requiring a school to provide written notice of the placement of a video camera to certain individuals; providing requirements for retaining and deleting video recordings; providing prohibitions for the use of such video cameras and recordings; providing that a school principal is the custodian of such video cameras and recordings; providing requirements for school principals and video recordings; providing requirements relating to student privacy; providing requirements for the viewing of such video recordings; providing for an appeal process for actions of a school or school district; providing that incidental viewings of video recordings by specified individuals are not a violation of certain provisions; providing construction; requiring the Department of Education to collect specified information; authorizing the State Board of Education to adopt rules; amending s. 1012.582, F.S.; requiring continuing education and inservice training for teaching students with emotional or behavioral disabilities; conforming provisions to changes made by the act; providing an effective date.

—was referred to the Committees on Education; Appropriations Subcommittee on Education; and Appropriations.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 1257, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Judiciary Committee and Representative(s) Tomkow—

**CS for HB 1257**—A bill to be entitled An act relating to community associations; amending s. 194.011, F.S.; providing that certain associations may represent, prosecute, or defend owners in certain proceedings; providing applicability; requiring specified notice be provided to unit or parcel owners in a specified way; specifying a timeframe for a unit or parcel owner to respond; amending s. 194.181, F.S.; providing and revising the parties considered as the defendant in a tax suit; requiring certain notice to be provided to unit or parcel owners in a specified way; providing unit or parcel owners options for defending a tax suit; specifying a timeframe for a unit or parcel owner to respond; imposing certain actions for unit or parcel owners who fail to respond to a specified notice; amending s. 514.0115, F.S.; providing that certain property association pools are exempt from Department of Health regulations; amending s. 553.77, F.S.; conforming a cross reference;

amending s. 718.111, F.S.; providing that a condominium association may take certain actions relating to a challenge to ad valorem taxes in its own name or on behalf of unit owners; providing applicability; requiring an association to provide a checklist to certain persons requesting records; requiring that the checklist be signed by a specified person or the association to provide an affidavit attesting to the veracity of the checklist; providing a timeframe for maintaining such checklist and affidavit; creating a rebuttable presumption; amending s. 718.112, F.S.; revising the amount of the fee an association may charge for transfers; providing for the adjustment of the fee after a specified time; requiring the Department of Business and Professional Regulation to publish the fee on its website; amending s. 718.501, F.S.; defining the term "financial issue"; authorizing the Division of Condominiums, Timeshares, and Mobile Homes to adopt rules; amending s. 720.306, F.S.; providing that certain amendments to governing documents apply only to certain parcel owners; providing exceptions; specifying that a change of ownership does not occur under certain circumstances; defining the term "affiliated entity"; requiring an affiliated entity to provide specified documents to an association in order for a conveyance to be recognized; providing an effective date.

—was referred to the Committees on Innovation, Industry, and Technology; and Rules.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/HB 1259, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Justice Appropriations Subcommittee, Criminal Justice Subcommittee and Representative(s) Jones, Mercado, Brown, Bush, Eskamani, Geller, Goff-Marcil, Hart, Joseph, Killebrew, Newton, Polsky, Smith, C.—

**CS for CS for HB 1259**—A bill to be entitled An act relating to restrictive housing for incarcerated pregnant women; amending s. 944.241, F.S.; providing definitions; prohibiting the involuntary placement of pregnant prisoners in restrictive housing under specified circumstances; providing exceptions; requiring corrections officials to write a specified report if circumstances necessitate placing a pregnant prisoner in restrictive housing; providing requirements for the report; requiring a copy of such reports to be provided to pregnant prisoners in restrictive housing; providing requirements for the treatment of pregnant prisoners placed in restrictive housing; requiring pregnant prisoners to be placed in designated medical housing unit or admitted to the infirmary under certain circumstances; providing certain rights for pregnant prisoners placed in designated medical housing unit or admitted to the infirmary; requiring the Department of Corrections and the Department of Juvenile Justice to adopt rules by a specified date; providing an effective date.

—was referred to the Committees on Criminal Justice; and Appropriations.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/HB 7077, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Judiciary Committee, Criminal Justice Subcommittee and Representative(s) Grant, J., Bush—

**CS for HB 7077**—A bill to be entitled An act relating to post-sentencing forensic analysis; amending s. 925.11, F.S.; providing definitions; authorizing specified persons to petition a court for post-sentencing forensic analysis that may result in evidence of the identity

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

—was referred to the Committees on Criminal Justice; and Appropriations.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed HB 7103, as amended, and requests the concurrence of the Senate.

*Jeff Takacs, Clerk*

By Education Committee and Representative(s) Sullivan, Duggan—

**HB 7103**—A bill to be entitled An act relating to education; amending s. 1004.04, F.S.; revising student requirements for entrance into certain teacher preparation programs; deleting authorization for a teacher preparation program to waive such requirements for certain students; amending s. 1012.585, F.S.; providing limitations for inservice points a teacher may earn for certain mandatory training topics; amending s. 1012.98, F.S.; requiring district school boards to calculate an amount of specified funds for use by teachers for professional development; requiring the Department of Education to identify specified professional development opportunities; amending s. 1013.44, F.S.; prohibiting costs associated with certain solar energy systems from being included in certain cost per student station limitations; amending s. 1002.33, F.S.; revising the student populations for which a charter school is authorized to limit the enrollment process; amending s. 1007.271, F.S.; prohibiting recreation and leisure studies courses from inclusion in dual enrollment programs; revising provisions for exceptions to grade point average requirements for dual enrollment programs; prohibiting district school boards and Florida College System institutions from limiting participation in dual enrollment programs; providing an exemption; revising specified dates relating to certain agreements; requiring district school boards to inform students and parents of specified information; requiring a school to have a specified form on file before enrolling a student in a dual enrollment course; providing requirements for such form; revising grade point average requirements for home education students; requiring, rather than authorizing, instructional materials to be made available to certain dual enrollment students free of charge; revising the requirements for articulation agreements; requiring private school articulation agreements to prohibit certain costs from being passed along to private school students or private schools; requiring the State Board of Education to adopt rules and the Board of Governors to adopt regulations for specified purposes; amending s. 1007.273, F.S.; changing the term "collegiate high school program" to "early college program"; defining the term "early college program"; requiring early college programs to prioritize certain courses; revising provisions relating to student performance contracts for students participating in early college programs; authorizing charter schools to execute contracts to establish an early college program with specified institutions; requiring the commissioner to annually report the status of early college programs to the Governor and the Legislature by a specified date; amending s. 1011.62, F.S.; providing funding calculations for certain students enrolled in specified programs; providing requirements

for such calculations; revising the annual allocation to school districts to include an additional calculation of full-time equivalent membership for students who earn a College Board Advanced Placement Capstone Diploma beginning in a specified fiscal year; amending s. 1001.10, F.S.; requiring the Department of Education to maintain an ineligible list of certain persons; providing for the removal of a person from a specified list under certain circumstances; requiring the State Board of Education to adopt rules; requiring the department to provide access to specified information to certain staff for specified purposes; amending s. 1012.31, requiring certain persons to execute and maintain an affidavit of separation form for specified purposes; providing requirements for such affidavit; requiring specified affidavit be provided for certain employment history checks; amending s. 1012.796, F.S.; requiring the commissioner to make a determination of probable cause within a specified timeframe for complaints relating to sexual misconduct with a student; providing for such timeframe to be held in abeyance under certain circumstances; requiring the commissioner to remove certain suspended personnel or administrators from certain positions under specified circumstances; requiring a district school superintendent to immediately suspend certain individuals and take specified action as a results of alleged misconduct; providing a timeframe for specified investigations; providing timeframe for administrative suspension; amending s. 1008.34, F.S.; revising the components on which a school's grade is based; amending 1006.20, F.S.; requiring the Florida High School Athletic Association (FHSAA) to allow certain schools and home education cooperatives to maintain full membership in the association or join by sport; requiring the FHSAA to allow public schools to join other athletic associations; prohibiting the FHSAA from taking retaliatory or discriminatory actions against member schools that join other athletic associations; requiring the Florida High School Athletic Association (FHSAA) to adopt bylaws requiring certain governing boards to approve the employment and continued employment of certain individuals; requiring the FHSAA to adopt bylaws or policies; requiring that 30 seconds be set aside for opening remarks at the beginning of all athletic events; prohibiting the association from controlling, monitoring, or reviewing the content of the opening remarks; requiring an announcement before the remarks that the association does not endorse the views or opinions presented; requiring the Commissioner of Education to submit a report to specified entities by December 1, 2020, on the feasibility of implementing a certain program; amending s. 1002.391, F.S.; revising the definition for the term "auditory-oral education program"; requiring certain individual educational plan teams and individualized family support plan teams to include a specified specialist; providing effective dates.

—was referred to the Committees on Education; and Appropriations.

RETURNING MESSAGES — FINAL ACTION

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 28.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 124.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 172.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 226.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 294.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 434.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 580.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 662.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 716.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 828.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 830.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 936.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1056.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 1084.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1286.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 1362.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

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The Honorable Bill Galvano, President

I am directed to inform the Senate that the House of Representatives has passed SB 7004.

*Jeff Takacs, Clerk*

The bill contained in the foregoing message was ordered enrolled.

## **CORRECTION AND APPROVAL OF JOURNAL**

The Journal of March 9 was corrected and approved.

## **CO-INTRODUCERS**

Senator Diaz—CS for SB 352

## **ADJOURNMENT**

On motion by Senator Benacquisto, the Senate adjourned at 5:48 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Wednesday, March 11 or upon call of the President.