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CALL TO ORDER

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

Madam President	Davis	Polsky
Albritton	DiCeglie	Powell
Avila	Garcia	Rodriguez
Baxley	Grall	Rouson
Berman	Gruters	Simon
Book	Harrell	Stewart
Boyd	Hooper	Thompson
Bradley	Hutson	Torres
Broxson	Ingolia	Trumbull
Burgess	Jones	Wright
Burton	Mayfield	Yarborough
Calatayud	Osgood	
Collins	Perry	

PRAYER

The following prayer was offered in song by Senator Baxley:

Our Father, who art in heaven,
hallowed be thy name.
Thy kingdom come,
Thy will be done,
on earth as it is in heaven.
Give us this day our daily bread.
And forgive us our debts,
as we forgive our debtors.
And lead us not into temptation,
but deliver us from evil.
For thine is the kingdom,
and the power, and the glory,
forever. Amen.

PLEDGE

Senate Pages, Janiya Early of Jacksonville; Bryan Ferreiro of Miami; and Sandra Jimenez of Monticello, 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. Maribeth Williams of Gainesville, sponsored by Senator Bradley, as the doctor of the day. Dr. Williams specializes in family medicine.

INTRODUCTION OF FORMER SENATORS

The President recognized former Senator Rob Bradley who was present in the chamber.

SPECIAL GUESTS

Senator Bradley recognized Tonya Shays, who was present in the chamber, upon the occasion of her retirement after 35 years of service to the Florida Senate.

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

SPECIAL ORDER CALENDAR

CS for SB 1596—A bill to be entitled An act relating to provider accountability; amending s. 400.022, F.S.; revising the rights of residents of nursing home facilities; amending s. 408.809, F.S.; providing additional disqualifying offenses for purposes of background screening of employees of certain health care providers; amending s. 408.812, F.S.; creating a cause of action for ex parte injunctive relief against continued unlicensed activity relating to health care provider facilities; authorizing the Agency for Health Care Administration to petition the court for such injunctive relief; providing requirements for the petition; prohibiting courts from requiring bond in such proceedings; limiting the types of evidence that may be presented in such proceedings; providing that a denial of such injunctive relief must be by written order of the court noting the legal grounds for the denial; providing construction; providing for ex parte temporary injunctive relief under certain circumstances; requiring that temporary injunctions be effective for a fixed period not exceeding 30 days; requiring the agency to conduct an inspection of the identified premises of unlicensed activity within a specified timeframe after such temporary injunction is issued; requiring the agency to dismiss its petition if the respondent complies with the injunction; providing for a permanent injunction within a specified timeframe if the unlicensed activity continues; requiring that a full hearing be set as soon as practicable thereafter; authorizing the agency to move for an extension of the injunction until disposition of the proceedings; providing for service of an ex parte injunction; providing construction; authorizing the agency to provide any inspection records to local law enforcement agencies and state attorney offices upon request and without redaction; amending s. 435.04, F.S.; providing additional disqualifying offenses for employment background screening requirements; amending ss. 458.328 and 459.0138, F.S.; requiring that a physician's office seeking registration to perform office surgeries must be inspected by the Department of Health before it may be registered; providing for immediate suspension of a registration under specified circumstances; providing construction; requiring physicians performing gluteal fat grafting procedures in an office surgery setting to adhere to specified standards of practice; authorizing the Board of Medicine and the Board of Osteopathic Medicine, respectively, to adopt certain rules; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1596**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1471** was withdrawn from the Committee on Rules.

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

CS for CS for HB 1471—A bill to be entitled An act relating to health care provider accountability; amending s. 400.022, F.S.; revising the rights of licensed nursing home facility residents; providing definitions; amending s. 408.812, F.S.; creating a cause of action for an ex parte temporary injunction against continued unlicensed activity; providing requirements for such injunction; providing construction; authorizing the Agency for Health Care Administration to provide certain records to local law enforcement and state attorneys' offices under certain circumstances; amending ss. 458.328 and 459.0138, F.S.; requiring the Department of Health to inspect specified offices before registration and refuse to register a new office or immediately suspend the registration of a registered office that refuses an inspection for a specified timeframe; prohibiting the department from registering specified facilities; providing suspension requirements; providing standard of practice requirements for office surgeries; providing definitions; prohibiting certain office surgeries; providing physician, office, and procedure requirements; providing an effective date.

—a companion measure, was substituted for **CS for SB 1596** and read the second time by title.

Senator Garcia moved the following amendment which was adopted:

Amendment 1 (483930) (with title amendment)—Delete lines 116-295 and insert:

Section 3. Present subsection (2) of section 458.328, Florida Statutes, is redesignated as subsection (3), a new subsection (2) is added to that section, and paragraphs (a) and (e) of subsection (1) of that section are amended, to read:

458.328 Office surgeries.—

(1) REGISTRATION.—

(a)1. An office in which a physician performs a liposuction procedure in which more than 1,000 cubic centimeters of supernatant fat is removed, a Level II office surgery, or a Level III office surgery must register with the department unless the office is licensed as a facility under chapter 390 or chapter 395.

2. *The department must complete an inspection of any office seeking registration under this section before the office may be registered.*

(e)1. The department shall inspect a registered office at least annually, including a review of patient records, to ensure that the office is in compliance with this section and rules adopted hereunder unless the office is accredited by a nationally recognized accrediting agency approved by the board. The inspection may be unannounced, except for the inspection of an office that meets the description of a clinic specified in s. 458.3265(1)(a)3.h., and those wholly owned and operated physician offices described in s. 458.3265(1)(a)3.g. which perform procedures referenced in s. 458.3265(1)(a)3.h., which must be announced.

2. *The department must immediately suspend the registration of a registered office that refuses an inspection under subparagraph 1. The office must close during such suspension. The suspension must remain in effect for at least 14 consecutive days and may not terminate until the department issues a written declaration that the office may reopen following the department's completion of an inspection of the office.*

(2) STANDARDS OF PRACTICE.—

(a) *A physician performing a gluteal fat grafting procedure in an office surgery setting shall adhere to standards of practice pursuant to this subsection and rules adopted by the board.*

(b) *Office surgeries may not:*

1. *Be a type of surgery that generally results in blood loss of more than 10 percent of estimated blood volume in a patient with a normal hemoglobin level;*

2. *Require major or prolonged intracranial, intrathoracic, abdominal, or joint replacement procedures, except for laparoscopic procedures;*

3. *Involve major blood vessels and be performed with direct visualization by open exposure of the major blood vessel, except for percutaneous endovascular intervention; or*

4. *Be emergent or life threatening.*

(c)1. *A physician performing a gluteal fat grafting procedure must conduct an in-person examination of the patient while physically present in the same room as the patient no later than the day before the procedure.*

2. *Before a physician may delegate any duties during a gluteal fat grafting procedure, the patient must provide written, informed consent for such delegation. Any duty delegated by a physician during a gluteal fat grafting procedure must be performed under the direct supervision of the physician performing such procedure. Fat extraction and gluteal fat injections must be performed by the physician and may not be delegated.*

3. *Fat may only be injected into the subcutaneous space of the patient and may not cross the fascia overlying the gluteal muscle. Intramuscular or submuscular fat injections are prohibited.*

4. *When the physician performing a gluteal fat grafting procedure injects fat into the subcutaneous space of the patient, the physician must use ultrasound guidance, or guidance with other technology authorized under board rule which equals or exceeds the quality of ultrasound, during the placement and navigation of the cannula to ensure that the fat is injected into the subcutaneous space of the patient above the fascia overlying the gluteal muscle. Such guidance with the use of ultrasound or other technology is not required for other portions of such procedure.*

(d) *If a procedure in an office surgery setting results in hospitalization, the incident must be reported as an adverse incident pursuant to s. 458.351.*

(e) *An office in which a physician performs gluteal fat grafting procedures must at all times maintain a ratio of one physician to one patient during all phases of the procedure, beginning with the administration of anesthesia to the patient and concluding with the extubation of the patient. After a physician has commenced, and while he or she is engaged in, a gluteal fat grafting procedure, the physician may not commence or engage in another gluteal fat grafting procedure or any other procedure with another patient at the same time.*

Section 4. Present subsection (2) of section 459.0138, Florida Statutes, is redesignated as subsection (3), a new subsection (2) is added to that section, and paragraphs (a) and (e) of subsection (1) of that section are amended, to read:

459.0138 Office surgeries.—

(1) REGISTRATION.—

(a)1. An office in which a physician performs a liposuction procedure in which more than 1,000 cubic centimeters of supernatant fat is removed, a Level II office surgery, or a Level III office surgery must register with the department unless the office is licensed as a facility under chapter 390 or chapter 395.

2. *The department must complete an inspection of any office seeking registration under this section before the office may be registered.*

(e)1. The department shall inspect a registered office at least annually, including a review of patient records, to ensure that the office is in compliance with this section and rules adopted hereunder unless the office is accredited by a nationally recognized accrediting agency approved by the board. The inspection may be unannounced, except for the inspection of an office that meets the description of clinic specified in s. 459.0137(1)(a)3.h., and those wholly owned and operated physician offices described in s. 459.0137(1)(a)3.g. which perform procedures referenced in s. 459.0137(1)(a)3.h., which must be announced.

2. *The department must immediately suspend the registration of a registered office that refuses an inspection under subparagraph 1. The office must close during such suspension. The suspension must remain in effect for at least 14 consecutive days and may not terminate until the*

department issues a written declaration that the office may reopen following the department's completion of an inspection of the office.

(2) **STANDARDS OF PRACTICE.**—

(a) A physician performing a gluteal fat grafting procedure in an office surgery setting shall adhere to standards of practice pursuant to this subsection and rules adopted by the board.

(b) Office surgeries may not:

1. Be a type of surgery that generally results in blood loss of more than 10 percent of estimated blood volume in a patient with a normal hemoglobin level;

2. Require major or prolonged intracranial, intrathoracic, abdominal, or joint replacement procedures, except for laparoscopic procedures;

3. Involve major blood vessels and be performed with direct visualization by open exposure of the major blood vessel, except for percutaneous endovascular intervention; or

4. Be emergent or life threatening.

(c)1. A physician performing a gluteal fat grafting procedure must conduct an in-person examination of the patient while physically present in the same room as the patient no later than the day before the procedure.

2. Before a physician may delegate any duties during a gluteal fat grafting procedure, the patient must provide written, informed consent for such delegation. Any duty delegated by a physician during a gluteal fat grafting procedure must be performed under the direct supervision of the physician performing such procedure. Fat extraction and gluteal fat injections must be performed by the physician and may not be delegated.

3. Fat may only be injected into the subcutaneous space of the patient and may not cross the fascia overlying the gluteal muscle. Intramuscular or submuscular fat injections are prohibited.

4. When the physician performing a gluteal fat grafting procedure injects fat into the subcutaneous space of the patient, the physician must use ultrasound guidance, or guidance with other technology authorized under board rule which equals or exceeds the quality of ultrasound, during the placement and navigation of the cannula to ensure that the fat is injected into the subcutaneous space of the patient above the fascia overlying the gluteal muscle. Such guidance with the use of ultrasound or other technology is not required for other portions of such procedure.

(d) If a procedure in an office surgery setting results in hospitalization, the incident must be reported as an adverse incident pursuant to s. 458.351.

(e) An office in which a physician performs gluteal fat grafting procedures must at all times maintain a ratio of one physician to one patient during all phases of the procedure, beginning with the administration of anesthesia to the patient and concluding with the extubation of the patient. After a physician has commenced, and while he or she is engaged in, a gluteal fat grafting procedure, the physician may not commence or engage in another gluteal fat grafting procedure or any other procedure with another patient at the same time.

And the title is amended as follows:

Delete lines 14-23 and insert: complete an inspection of any physician's office seeking registration to perform office surgeries before the office may be registered; requiring immediate suspension of a registration under specified circumstances; requiring such offices to remain closed for the duration of any suspensions; requiring a suspension to remain in effect for a specified timeframe; requiring physicians performing gluteal fat grafting procedures in an office surgery setting to adhere to specified standards of practice; specifying surgeries that may not be performed in an office surgery setting; requiring physicians performing gluteal fat grafting procedures to conduct in-person examinations of the patients; requiring the reporting of specified adverse incidents; providing requirements for the performance of gluteal fat grafting procedures; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 1471**, as amended, was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1506** was deferred.

CS for CS for SB 246—A bill to be entitled An act relating to Florida Kidcare program eligibility; amending s. 409.8132, F.S.; increasing the income eligibility threshold for coverage under the Medikids program component; amending s. 409.814, F.S.; increasing the income eligibility threshold for coverage under the Florida Kidcare program; requiring an applicant seeking coverage under the program to provide certain documentation if eligibility cannot be verified using reliable data sources; amending s. 409.816, F.S.; requiring that premiums for certain enrollees under the Florida Kidcare program be based on a tiered system of uniform premiums; amending s. 624.91, F.S.; conforming a provision to changes made by the act; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 246**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 121** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Calatayud—

CS for CS for HB 121—A bill to be entitled An act relating to Florida Kidcare program eligibility; amending s. 409.8132, F.S.; increasing the income eligibility threshold for coverage under the Medikids program component; amending s. 409.814, F.S.; increasing the income eligibility threshold for coverage under the Florida Kidcare program; requiring an applicant seeking coverage under the program to provide certain documentation if eligibility cannot be verified using reliable data sources; amending s. 409.816, F.S.; requiring that premiums for certain enrollees under the Florida Kidcare program be based on a tiered system of uniform premiums; amending s. 624.91, F.S.; conforming a provision to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 246** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 121** was placed on the calendar of Bills on Third Reading.

On motion by Senator Burgess—

CS for HB 339—A bill to be entitled An act relating to education of dependents of deceased or disabled servicemembers, prisoners of war, and persons missing in action; amending s. 295.01, F.S.; defining the terms “Armed Forces” and “servicemember”; revising eligibility requirements for educational benefits provided by the state to a spouse or dependent child of a deceased or disabled servicemember; amending s. 295.015, F.S.; revising eligibility requirements for educational benefits provided by the state to a dependent child of a prisoner of war or a person missing in action; amending ss. 295.016, 295.017, 295.0185, and 295.0195, F.S.; revising eligibility requirements for educational benefits provided by the state to a dependent child of a deceased or disabled servicemember who participated in certain military operations; amending s. 295.02, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pursuant to Rule 4.19, **CS for HB 339** was placed on the calendar of Bills on Third Reading.

CS for SB 430—A bill to be entitled An act relating to abandoned and historic cemeteries; creating s. 267.21, F.S.; creating the Historic Cemeteries Program within the Division of Historical Resources of the Department of State; designating the State Historic Preservation Officer as the program's director and requiring him or her to hire employees, subject to legislative appropriation; providing the duties and responsibilities of the program; requiring the program to provide grants, subject to legislative appropriation, to certain entities for certain purposes; authorizing the division to adopt rules; creating s. 267.22, F.S.;

creating the Historic Cemeteries Program Advisory Council within the division; providing for membership, terms, and duties of the council; providing that members shall serve without compensation but may be reimbursed for per diem and travel expenses; amending s. 497.005, F.S.; revising the definition of the term “legally authorized person” to include a member of a representative community organization; amending s. 704.06, F.S.; revising the definition of the term “conservation easement” to include a right or interest in real property which is appropriate to retaining the structural integrity or physical appearance of certain cemeteries; authorizing certain entities to acquire conservation easements to preserve certain cemeteries; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 430**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 49** was withdrawn from the Committee on Appropriations.

On motion by Senator Powell—

CS for CS for CS for HB 49—A bill to be entitled An act relating to abandoned and historic cemeteries; creating s. 267.21, F.S.; creating the Historic Cemeteries Program within the Division of Historical Resources of the Department of State; designating the State Historic Preservation Officer as the program’s director and requiring him or her to hire employees, subject to legislative appropriation; providing the duties and responsibilities of the program; requiring the program to provide grants, subject to legislative appropriation, to certain entities for certain purposes; authorizing the division to adopt rules; creating s. 267.22, F.S.; creating the Historic Cemeteries Program Advisory Council within the division; providing for membership, terms, and duties of the council; providing that members shall serve without compensation but may receive per diem and reimbursement for travel expenses; amending s. 497.005, F.S.; revising the definition of the term “legally authorized person” to include a member of a representative community organization; amending s. 704.06, F.S.; revising the definition of the term “conservation easement” to include a right or interest in real property which is appropriate to retaining the structural integrity or physical appearance of certain cemeteries; authorizing certain entities to acquire conservation easements to preserve certain cemeteries; providing appropriations and authorizing positions; providing an effective date.

—a companion measure, was substituted for **CS for SB 430** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 49** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 490—A bill to be entitled An act relating to deceased individuals; providing a short title; amending s. 960.001, F.S.; requiring law enforcement agencies to provide certain information during the investigation of the death of a minor; providing an exception; providing construction; amending s. 497.005, F.S.; revising the definition of the term “legally authorized person”; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 490**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 233** was withdrawn from the Committee on Appropriations.

On motion by Senator Jones—

CS for CS for HB 233—A bill to be entitled An act relating to deceased individuals; providing a short title; amending s. 497.055, F.S.; revising a definition; providing construction; amending s. 960.001, F.S.; defining the term “next of kin”; requiring law enforcement agencies to provide certain information during the investigation of the death of a minor; providing an exception; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 490** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 233** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 996** was deferred.

SB 1424—A bill to be entitled An act relating to student outcomes; amending s. 1001.215, F.S.; revising the responsibilities of the Just Read, Florida! Office; revising the primary instructional strategy for word reading; amending s. 1001.42, F.S.; revising the early warning system that schools must implement for students with low academic performance; amending s. 1002.33, F.S.; providing that a charter school application must include certain reading instructional strategies; providing that a charter school charter must include certain reading instructional strategies; amending s. 1002.59, F.S.; revising the standards for emergent literacy and performance standards training courses; amending s. 1002.67, F.S.; revising the performance standards of emergent literacy skills; adding a requirement for each prekindergarten provider’s curriculum; amending s. 1003.485, F.S.; revising the definition of the term “micro-credential”; revising administrator responsibilities relating to the New Worlds Reading Initiative; amending s. 1004.04, F.S.; revising the rules for establishing uniform core curricula for teacher preparation programs; amending s. 1004.85, F.S.; providing that the certification program of a postsecondary educator preparation institute must include certain reading instructional strategies; amending s. 1006.283, F.S.; providing that district school board instructional materials must include certain reading instructional strategies; amending s. 1006.31, F.S.; providing that instructional materials relating to foundational reading skills which are under review must include certain reading instructional strategies; amending s. 1008.25, F.S.; revising requirements for an individualized progress monitoring plan; requiring a student who has dyslexia to be provided with certain interventions to address the deficiency; requiring the Department of Education to provide a specified list of intervention programs; requiring the department to provide specified daily reading interventions to certain students; requiring a school district to evaluate students for a reading deficiency at the end of every grading period; requiring students in kindergarten through grade 4 who exhibit a substantial deficiency in mathematics or dyscalculia to be provided with certain instruction; providing methods for such instruction; requiring the student’s performance to be monitored; requiring the Department of Education to provide a list of approved mathematics intervention programs, curricula, and supplemental materials; providing that a Voluntary Pre-kindergarten Education student may be eligible to receive mathematics interventions from the local school district; requiring the parent of a student who has a deficiency in mathematics to be notified; providing requirements for the notification; requiring the school to keep the parent informed of the student’s progress; requiring a school district to evaluate the students at the end of each grading period for a mathematics deficiency; requiring a school to provide additional support to a student with a mathematics deficiency; requiring the department to collaborate with the Florida Center for Mathematics and Science Education Research to compile resources that each school district must incorporate into a home-based plan for students with a mathematics deficiency; providing requirements for the resources; providing that the resources must be provided to a parent in a hardcopy format, if requested; conforming provisions to changes made by the act; revising requirements for intensive interventions to address student reading deficiencies; revising requirements for a coordinated screening and progress monitoring system; conforming cross-references; amending s. 1008.365, F.S.; conforming provisions to changes made by the act; amending s. 1011.62, F.S.; including specified mathematics interventions in a school district’s use of funding for supplemental academic instruction; conforming a cross-reference; providing that supplemental materials must include certain instructional strategies to be eligible for an evidence-based reading instruction allocation; revising requirements for a comprehensive reading plan that each school district must submit to the department; amending s. 1012.56, F.S.; revising requirements for a competency-based professional development certification and education competency program; amending s. 1012.585, F.S.; revising the requirements for the renewal of a professional certificate; amending s. 1012.98, F.S.; revising training requirements for reading coaches, classroom teachers, and school administrators to include certain instructional strategies; providing construction with regard to district school boards contracting for certain training; amending ss. 1002.37, 1002.45, 1002.53, 1002.68, 1008.2125, 1008.22, 1008.34, and 1008.345, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1424**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 7039** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Calatayud—

CS for CS for HB 7039—A bill to be entitled An act relating to student outcomes; amending s. 1001.215, F.S.; revising the responsibilities of the Just Read, Florida! Office; revising the requirements for certain reading instructional and intervention programs; revising the primary instructional strategy for word reading; amending s. 1001.42, F.S.; revising the requirements for the early warning system for certain students; amending s. 1002.20, F.S.; conforming provisions to changes made by the act; amending s. 1002.33, F.S.; revising the requirements for charter school applications and charters; providing requirements for such strategies; amending s. 1002.411, F.S.; renaming the New Worlds Reading Scholarship Accounts as the “New Worlds Scholarship Accounts”; revising the eligibility criteria for a scholarship account; revising eligible expenditures for such accounts; amending s. 1002.59, F.S.; revising the standards for emergent literacy and performance standards training courses; amending s. 1002.67, F.S.; revising the performance standards for students in a specified program; revising the requirements for certain prekindergarten curricula; amending s. 1003.485, F.S.; revising the definition of the term “micro-credential” within the New Worlds Reading Initiative; revising the student eligibility criteria and administrator responsibilities for the initiative; requiring school districts to establish a specified agreement with the initiative administrator; amending s. 1003.53, F.S.; requiring district school boards to establish specified course standards for certain dropout prevention and academic intervention programs; amending s. 1004.04, F.S.; revising the rules for establishing uniform core curricula for teacher preparation programs; amending s. 1004.85, F.S.; revising requirements for the certification program of certain postsecondary educator preparation institutes; amending s. 1004.86, F.S.; revising the responsibilities of the Florida Center for Mathematics and Science Education Research; amending ss. 1006.283 and 1006.31, F.S.; providing additional requirements for certain instructional materials; amending s. 1008.25, F.S.; revising the priority for the allocation of specified school district resources; providing requirements for an individualized progress monitoring plan; requiring a student who has dyslexia to be provided with certain interventions to address the dyslexia; requiring the Department of Education to provide a specified list of intervention programs; providing requirements for such programs; requiring the department to provide specified daily reading interventions to certain students; requiring students in kindergarten through grade 4 who exhibit a substantial deficiency in mathematics or dyscalculia to be provided with certain instruction; providing methods for such instruction; providing school district requirements; requiring the student’s performance to be monitored; requiring the Department of Education to provide a list of approved mathematics intervention programs, curricula, and supplemental materials to specified individuals; providing that certain Voluntary Prekindergarten Education students may be eligible to receive mathematics interventions from local school districts; requiring the parent of a student who has a deficiency in mathematics to be notified; providing requirements for the notification; requiring the school to keep the parent informed of the student’s progress; requiring a school to provide additional support to a student with a mathematics deficiency; requiring the department to collaborate with the Florida Center for Mathematics and Science Education Research to compile resources that each school district must incorporate into a home-based plan for students with a mathematics deficiency; providing requirements for the resources; providing that the resources must be provided to a parent in a hardcopy format, if requested; conforming provisions to changes made by the act; revising requirements for intensive interventions to address student reading deficiencies; revising requirements for a coordinated screening and progress monitoring system; conforming cross-references; amending s. 1008.365, F.S.; conforming provisions and a cross-reference to changes made by the act; amending s. 1011.62, F.S.; revising the authorized uses of funds through the supplemental academic instruction allocation and the evidence-based reading instruction allocation; conforming a cross-reference; revising requirements for certain supplemental instructional materials; revising requirements for a specified school district comprehensive reading plan; amending s. 1012.56, F.S.; revising requirements

for a competency-based professional development certification and education competency program; amending s. 1012.585, F.S.; conforming provisions to changes made by the act; amending s. 1012.98, F.S.; revising training requirements for reading coaches, classroom teachers, and school administrators to include certain instructional strategies; providing construction with regard to district school boards contracting for certain training; amending ss. 1002.37, 1002.45, 1002.53, 1002.68, 1003.01, 1008.2125, 1008.22, 1008.34, and 1008.345, F.S.; conforming cross-references; providing appropriations; providing an effective date.

—a companion measure, was substituted for **SB 1424** and read the second time by title.

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

RECONSIDERATION OF BILL

On motion by Senator Jones, the Senate reconsidered the action by which—

CS for CS for HB 233—A bill to be entitled An act relating to deceased individuals; providing a short title; amending s. 497.055, F.S.; revising a definition; providing construction; amending s. 960.001, F.S.; defining the term “next of kin”; requiring law enforcement agencies to provide certain information during the investigation of the death of a minor; providing an exception; providing construction; providing an effective date.

—was placed on the calendar of Bills on Third Reading.

On motion by Senator Jones, by two-thirds vote, **CS for CS for HB 233** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—37

Madam President	Davis	Polsky
Albritton	DiCeglie	Powell
Avila	Garcia	Rodriguez
Baxley	Grall	Rouson
Berman	Gruters	Simon
Book	Harrell	Stewart
Boyd	Hooper	Thompson
Bradley	Hutson	Torres
Broxson	Ingoglia	Trumbull
Burgess	Jones	Wright
Burton	Mayfield	Yarborough
Calatayud	Osgood	
Collins	Perry	

Nays—None

Vote after roll call:

Yea—Brodeur, Martin

SPECIAL GUESTS

Senator Jones recognized Representative Kiyon Michael who was present in the chamber in support of CS for CS for SB 490/CS for CS for HB 233, related to Deceased Individuals, also known as “Curtis’ Law.”

SPECIAL RECOGNITION

Senator Jones recognized several family members of victims of gun violence including Patricia Ward, the mother of Curtis Williamson, who were present in the gallery in support of “Curtis’ Law.”

CS for SB 996—A bill to be entitled An act relating to driver license, identification card, and motor vehicle registration applications; amending ss. 320.02 and 322.08, F.S.; requiring that the motor vehicle

registration form and registration renewal form and the driver license or identification card application form, respectively, include an option to make a voluntary contribution to Best Buddies International; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 996**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 965** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Berman—

CS for HB 965—A bill to be entitled An act relating to driver license, identification card, and motor vehicle registration applications; amending ss. 320.02 and 322.08, F.S.; requiring that the motor vehicle registration form and registration renewal form and the driver license or identification card application form, respectively, include an option to make a voluntary contribution to Best Buddies International; providing an effective date.

—a companion measure, was substituted for **CS for SB 996** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 965** was placed on the calendar of Bills on Third Reading.

CS for SB 1436—A bill to be entitled An act relating to real property fraud; creating s. 28.47, F.S.; requiring the clerk of the circuit court to create, maintain, and operate an opt-in recording notification service; providing definitions; requiring such clerk to ensure that registration for such service is possible through an electronic registration portal; specifying portal and notification requirements; providing immunity from liability for the clerk; providing construction; providing for applicability of the section to property appraisers; creating s. 65.091, F.S.; clarifying that an action may be brought under ch. 65, F.S., to quiet title after a fraudulent attempted conveyance; requiring the court to quiet title and award certain title and rights under certain circumstances; directing the clerk of the circuit court to provide a simplified complaint form; creating s. 475.5025, F.S.; requiring a real estate licensee to send a fraud prevention notice under specified circumstances; providing form language for such notice; providing for applicability; limiting the liability of a real estate licensee for noncompliance but providing that such noncompliance may be introduced as evidence for certain violations; providing that the failure of a property owner to respond to the notice does not preclude or limit the ability to establish certain challenges or defenses or limit his or her remedy in any quiet title or declaratory judgment action; amending s. 626.8411, F.S.; providing for applicability relating to title insurance agents and agencies and title insurers; creating s. 627.799, F.S.; requiring parties providing real estate transaction closing services to send a fraud prevention notice under specified circumstances; providing form language for such notice; providing for applicability; limiting a closing service provider's liability for noncompliance but permitting such noncompliance to be introduced as evidence to establish certain violations; providing that the failure of a property owner to respond to the notice does not preclude or limit the ability to establish certain challenges or defenses or limit his or her remedy in any quiet title or declaratory judgment action; providing applicability relating to the title insurer's obligations; creating s. 689.025, F.S.; prescribing the form for a quitclaim deed; amending s. 695.26, F.S.; revising the requirements for recording instruments affecting real property; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1436**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1419** was withdrawn from the Committee on Rules.

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

CS for CS for HB 1419—A bill to be entitled An act relating to real property fraud; creating s. 28.2225, F.S.; creating the Title Fraud Prevention Through Identity Verification Pilot Program in Lee County;

authorizing the clerk of the circuit court for Lee County to require the production of a government-issued photographic identification card before recording a deed or other instrument in specified circumstances and providing requirements therefor; providing requirements for the clerk, including submitting a certain report to the Governor and Legislature by a specified date; providing that the clerk is not required to allow access to a record or other information that is confidential and exempt; providing for prospective repeal; creating s. 28.47, F.S.; requiring the clerk to create, maintain, and operate an opt-in recording notification service; providing definitions; requiring the clerk to ensure that registration for such service is possible through an electronic registration portal; providing portal and notification requirements; providing immunity from liability for the clerk; providing construction; providing applicability for certain property appraisers; creating s. 65.091, F.S.; providing that an action may be brought under ch. 65, F.S., to quiet title after a fraudulent attempted conveyance; requiring the court to quiet title and award certain title and rights under certain circumstances; requiring the clerk to provide a simplified complaint form; creating s. 689.025, F.S.; requiring a quitclaim deed to be in a specified form; amending s. 695.26, F.S.; revising requirements for recording instruments affecting real property; providing effective dates.

—a companion measure, was substituted for **CS for SB 1436** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1419** was placed on the calendar of Bills on Third Reading.

CS for SB 1532—A bill to be entitled An act relating to regional transportation planning; providing legislative findings and intent; requiring the Department of Transportation, or its consultant, to conduct a study regarding the potential dissolution or transfer of the governance, staff, operations, funding, and facilities of the Hillsborough Area Regional Transit Authority; specifying requirements of the study; requiring the department to submit a report to the Governor and Legislature by a specified date; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 1532**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1397** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Burgess—

CS for HB 1397—A bill to be entitled An act relating to regional transportation planning; providing legislative findings and intent; requiring the Department of Transportation to conduct a study of the organizational structure and operation of the Hillsborough Area Regional Transit Authority; specifying requirements of the study; requiring the department to submit a specified report to the Governor and Legislature; providing an effective date.

—a companion measure, was substituted for **CS for SB 1532** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1397** was placed on the calendar of Bills on Third Reading.

SB 1564—A bill to be entitled An act relating to the Year-round School Pilot Program; creating s. 1003.07, F.S.; creating the Year-round School Pilot Program for a period of 4 school years beginning with a specified school year; providing the purpose of the program; providing an application process for school districts seeking to participate in the program; requiring the Commissioner of Education to select a certain number of school districts to participate in the program; providing requirements for participating school districts; requiring the commissioner to submit a report to the Governor and Legislature; providing requirements for the report; authorizing the State Board of Education to adopt rules; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1564**, pursuant to Rule 3.11(3), there being no objection, **HB 891** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Stewart—

HB 891—A bill to be entitled An act relating to the Year-round School Pilot Program; creating s. 1003.07, F.S.; creating the Year-round School Pilot Program for a period of 4 school years beginning with a specified school year; providing the purpose of the program; providing for an application process for participation in the program; requiring the Commissioner of Education to select a certain number of school districts to participate in the program; providing requirements for participating school districts; requiring the commissioner to submit a report to the Governor and Legislature; providing requirements for such report; authorizing the State Board of Education to adopt rules; providing an effective date.

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

Pursuant to Rule 4.19, **HB 891** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1624** and **CS for CS for CS for SB 1664** was deferred.

CS for SB 7002—A bill to be entitled An act relating to ratification of rules of the Department of Environmental Protection; ratifying specified rules relating to standards for onsite sewage treatment and disposal systems and for domestic wastewater facility planning for facilities expansion, collection/transmission systems, and an operation and maintenance manual for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs; providing construction; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 7002**, pursuant to Rule 3.11(3), there being no objection, **HB 7027** was withdrawn from the Committee on Appropriations.

On motion by Senator Rodriguez—

HB 7027—A bill to be entitled An act relating to ratification of rules of the Department of Environmental Protection; ratifying specified rules relating to standards for onsite sewage treatment and disposal systems and for domestic wastewater facility planning for facilities expansion, collection/transmission systems, and an operation and maintenance manual for the sole and exclusive purpose of satisfying any condition on effectiveness pursuant to s. 120.541(3), F.S., which requires ratification of any rule exceeding the specified thresholds for likely adverse impact or increase in regulatory costs; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for SB 7002** and read the second time by title.

Pursuant to Rule 4.19, **HB 7027** was placed on the calendar of Bills on Third Reading.

CS for SB 7040—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 security or firesafety system plans; revising legislative intent; removing the scheduled repeal of the exemption; repealing s. 281.301, F.S., relating to security and firesafety systems; amending s. 286.0113, F.S., which provides an exemption from public meeting requirements for the portion of a meeting that would reveal a security or firesafety system plan or portion thereof; removing the scheduled repeal of the

exemption; amending s. 1006.1493, F.S.; conforming a provision to changes made by the act; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 7040**, pursuant to Rule 3.11(3), there being no objection, **HB 7007** was withdrawn from the Committee on Rules.

On motion by Senator Boyd—

HB 7007—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 security or firesafety system plans; removing the scheduled repeal of the exemption; repealing s. 281.301, F.S., relating to security and firesafety systems; amending s. 286.0113, F.S., which provides an exemption from public meeting requirements for the portion of a meeting that would reveal a security or firesafety system plan or portion thereof; removing the scheduled repeal of the exemption; amending s. 1006.1493, F.S.; conforming a provision to changes made by the act; providing an effective date.

—a companion measure, was substituted for **CS for SB 7040** and read the second time by title.

Pursuant to Rule 4.19, **HB 7007** was placed on the calendar of Bills on Third Reading.

CS for SB 7042—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.352, F.S., which provides an exemption from public record and public meeting requirements for certain data and information relating to cybersecurity; repealing exemptions relating to data and information from technology systems; making technical changes; revising specified information that is required to be made available to certain entities; removing the scheduled repeal of the exemption; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 7042**, pursuant to Rule 3.11(3), there being no objection, **HB 7035** was withdrawn from the Committee on Rules.

On motion by Senator Boyd—

HB 7035—A bill to be entitled An act relating to a review under the Open Government Sunset Review Act; amending s. 627.352, F.S., which provides an exemption from public record and public meeting requirements for certain data and information relating to cybersecurity; repealing exemptions relating to data and information from technology systems; making technical changes; revising specified information that is required to be made available to certain entities; removing the scheduled repeal of the exemption; providing an effective date.

—a companion measure, was substituted for **CS for SB 7042** and read the second time by title.

Pursuant to Rule 4.19, **HB 7035** was placed on the calendar of Bills on Third Reading.

SB 7046—A bill to be entitled An act relating to licensing fee relief; amending s. 455.213, F.S.; requiring the Department of Business and Professional Regulation to waive a portion of the initial license application fee and the renewal fee for certain licenses; providing a maximum waiver; providing for expiration; providing an appropriation; providing for the disposition of any unexpended balance; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 7046**, pursuant to Rule 3.11(3), there being no objection, **HB 1091** was withdrawn from the Committee on Appropriations.

On motion by Senator Gruters—

HB 1091—A bill to be entitled An act relating to licensing fee relief; amending s. 455.213, F.S.; waiving a portion of the initial license application fee and renewal fees for certain licenses; providing a maximum waiver; providing an expiration; providing an appropriation; providing for disposition of any unexpended balance; providing an effective date.

—a companion measure, was substituted for **SB 7046** and read the second time by title.

Pursuant to Rule 4.19, **HB 1091** was placed on the calendar of Bills on Third Reading.

CS for SB 7048—A bill to be entitled An act relating to Space Florida; amending s. 20.60, F.S.; requiring the Secretary of Economic Opportunity to serve as the manager for the state with respect to contracts with Space Florida; requiring that an annual report submitted by the Department of Economic Opportunity include specified information provided by Space Florida and a certain analysis; amending s. 288.0001, F.S.; requiring the Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability to provide to the Governor and the Legislature an analysis of Space Florida; amending s. 331.303, F.S.; revising the definitions of the terms “aerospace” and “landing area”; amending s. 331.305, F.S.; making a technical change; amending s. 331.3051, F.S.; revising the duties of Space Florida; requiring the Department of Economic Opportunity to annually submit a proposed operating budget by a specified date; requiring Space Florida to annually report on its performance by a specified date; specifying information that the report must include; requiring Space Florida to provide a copy of a certain facilities report to specified recipients; amending s. 331.3081, F.S.; revising membership of the board of directors of Space Florida; providing for certain Senate confirmation; specifying requirements for the appointing official, staggered terms, reappointments, filling of vacancies, and removal of members; providing that appointed members serve without compensation but may receive reimbursement for per diem and travel expenses; specifying requirements regarding meetings of the board of directors; specifying what constitutes a quorum and when the board of directors may take official action; authorizing meetings through teleconference; providing that open meeting and public records laws apply to Space Florida and its board of directors; requiring the board to conduct certain education programs for new board members; prohibiting Space Florida from endorsing a candidate for elected public office or contributing moneys to such candidate’s campaign; specifying that members of the existing board may serve until a specified date; requiring that the appointments of certain board members take effect on a specified date; amending s. 331.310, F.S.; conforming a cross-reference; revising the powers and duties of the board of directors of Space Florida; amending s. 331.3101, F.S.; revising the scheduled expiration of provisions requiring certain information in an annual report; deleting the scheduled expiration of provisions relating to the expenditure of certain funds; amending s. 331.312, F.S.; expanding the authority that Space Florida may exercise within certain geographical limits; amending s. 331.313, F.S.; requiring Space Florida to consult with certain agencies and jurisdictions regarding certain roads; requiring Space Florida to advise the Department of Transportation of certain determinations and take certain actions relating to certain construction projects; requiring Space Florida to transfer certain funds to the Department of Transportation; authorizing the Department of Transportation to proceed with certain construction or maintenance in a certain manner; amending s. 331.324, F.S.; requiring that certain contracts include provisions requiring an auditor report to provide certain periodic assessments; requiring Space Florida to submit the auditor’s final assessment report to specified entities; requiring the board of directors to submit a certain statement to the Department of Economic Opportunity within a specified timeframe; providing construction; providing an effective date

—was read the second time by title.

Pending further consideration of **CS for SB 7048**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 7041** was withdrawn from the Committee on Rules.

On motion by Senator Wright—

CS for HB 7041—A bill to be entitled An act relating to Space Florida; amending s. 20.60, F.S.; requiring the Secretary of Economic Opportunity to serve as the manager for the state with respect to contracts with Space Florida; requiring a certain report by the Department of Economic Opportunity to include an annual report on Space Florida; amending s. 288.0001, F.S.; requiring the Office of Economic and Demographic Research and the Office of Program Policy and Government Accountability to provide to the Governor and the Legislature an analysis of Space Florida by a date certain and thereafter at certain intervals; amending s. 331.303, F.S.; revising definitions; amending s. 331.305, F.S.; making a technical change; amending s. 331.3051, F.S.; revising the duties of Space Florida; amending s. 331.3081, F.S.; revising membership of the board of directors of Space Florida; providing that members appointed to the board by the Governor are subject to Senate confirmation; providing for staggered terms, appointments, filling of vacancies, removal of members, and meetings of the board; providing that members serve without compensation but may receive reimbursement for per diem and travel expenses; requiring the board to conduct certain education for new board members; prohibiting Space Florida from endorsing a candidate or contributing moneys to a campaign; amending s. 331.310, F.S.; conforming a cross-reference; amending s. 331.3101, F.S.; requiring the annual report of Space Florida to include certain information; prohibiting Space Florida from expending funds on certain expenses; providing that certain expenses may not exceed a certain amount; revising the scheduled expiration of provisions requiring certain information in an annual report; abrogating the scheduled expiration of provisions relating to the expenditure of certain funds; amending s. 331.312, F.S.; providing Space Florida with certain authority; amending s. 331.313, F.S.; requiring Space Florida to consult with certain agencies and jurisdictions; requiring Space Florida to advise the Department of Transportation of certain determinations and take certain actions relating to certain construction projects; amending s. 331.324, F.S.; requiring Space Florida to make and obtain certain assessments; requiring the submission of a final assessment report to certain persons; requiring the board of directors to submit a certain statement to the Department of Economic Opportunity; requiring Space Florida to complete a certain assessment at certain intervals beginning on a certain date; providing that the provisions of this act shall control to the extent of certain conflicts; providing an effective date.

—a companion measure, was substituted for **CS for SB 7048** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 7041** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for SB 7062** was deferred.

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

BILLS ON THIRD READING

CS for CS for HB 1069—A bill to be entitled An act relating to education; amending s. 1000.21, F.S.; defining the term “sex” for the Florida Early Learning-20 Education Code; creating s. 1000.071, F.S.; requiring specified policies relating to a person’s sex at certain educational institutions; providing applicability; prohibiting employees, contractors, and students of such educational institutions from being required to use, from providing, and from being asked to provide certain titles and pronouns; prohibiting students from being penalized or subjected to certain treatment for not providing certain titles and pronouns; authorizing the State Board of Education to adopt rules; amending s. 1001.42, F.S.; prohibiting classroom instruction on sexual orientation or gender identity from occurring in prekindergarten through grade 8, rather than kindergarten through grade 3; providing an exception; providing requirements if such instruction is provided in grades 9 through 12; providing that such prohibition applies to charter schools; requiring school districts to post specified policies on their websites; amending s. 1003.42, F.S.; requiring all materials used for specified instruction relating to reproductive health to be approved by the Department of Education; amending s. 1003.46, F.S.; providing additional

requirements for certain instruction regarding human sexuality; requiring the department to approve specified instructional materials; amending s. 1006.28, F.S.; providing that district school boards are responsible for materials used in classroom libraries; requiring that a specified objection form and district school board process meet certain requirements; providing requirements for materials used in a classroom library; revising the criteria a parent or resident must meet to object to certain materials used in the classroom; requiring certain classroom materials to be removed within a specified time period and be unavailable to certain students until the resolution of certain objections; providing that parents have the right to read passages from specified materials; requiring the discontinuation of specified materials under certain circumstances; providing requirements for certain meetings of school district committees relating to instructional materials; requiring the Commissioner of Education to appoint a special magistrate under certain circumstances; providing requirements for and duties of the special magistrate; requiring the State Board of Education to approve or reject the special magistrate's recommendation within a specified timeframe; requiring school districts to bear the costs of the special magistrate; requiring the State Board of Education to adopt rules; revising certain district school board procedures relating to library media center collections; revising elementary school requirements relating to materials in specified libraries; requiring district school boards to adopt and publish a specified process relating to student access to certain materials; revising district school board reporting requirements relating to materials which received certain objections; requiring school principals to communicate to and notify parents of certain procedures and processes relating to instructional materials; reenacting ss. 1000.05(2), (3), (4)(a), (5), and (6)(d), 1001.453(2)(c), 1002.42(3)(a), 1003.27(2)(b) and (c), 1003.42(3)(a), (c), (e), and (f), 1004.43(2), 1006.205(2)(b) and (3), 1009.23(7), 1009.24(10)(b), 1009.983(6), 1009.986(3)(e), and 1014.05(1)(c), (d), and (f), F.S., to incorporate the amendment made to s. 1000.21, F.S., in references thereto; providing severability; providing an effective date.

—was read the third time by title.

SENATOR BAXLEY PRESIDING

THE PRESIDENT PRESIDING

On motion by Senator Yarborough, **CS for CS for HB 1069** was passed and certified to the House. The vote on passage was:

Yeas—27

Madam President	Calatayud	Ingoglia
Albritton	Collins	Martin
Avila	DiCeglie	Mayfield
Baxley	Garcia	Perry
Boyd	Grall	Rodriguez
Bradley	Gruters	Simon
Broxson	Harrell	Trumbull
Burgess	Hooper	Wright
Burton	Hutson	Yarborough

Nays—12

Berman	Osgood	Rouson
Book	Pizzo	Stewart
Davis	Polsky	Thompson
Jones	Powell	Torres

Vote after roll call:

Yea—Brodeur

RECESS

The President declared the Senate in recess at 12:31 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by President Passidomo at 2:07 p.m. A quorum present—39:

Madam President	Davis	Perry
Albritton	DiCeglie	Pizzo
Avila	Garcia	Polsky
Baxley	Grall	Powell
Berman	Gruters	Rodriguez
Book	Harrell	Rouson
Boyd	Hooper	Simon
Bradley	Hutson	Stewart
Broxson	Ingoglia	Thompson
Burgess	Jones	Torres
Burton	Martin	Trumbull
Calatayud	Mayfield	Wright
Collins	Osgood	Yarborough

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Mayfield, by two-thirds vote, **CS for CS for HB 387** was withdrawn from the Committee on Fiscal Policy and placed on the Special Order Calendar this day.

BILLS ON THIRD READING, continued

CS for HB 1521—A bill to be entitled An act relating to facility requirements based on sex; creating s. 553.865, F.S.; providing a short title; providing legislative findings; providing definitions; providing requirements for exclusive use of restrooms by gender; providing requirements for exclusive use of changing facilities by gender; providing exceptions; prohibiting willfully entering a restroom or changing facility designated for the opposite sex and refusing to immediately depart when asked to do so by another person present there; providing criminal penalties; providing requirements for exclusive use of domestic violence centers by gender; providing requirements for correctional institutions; requiring entities that receive state licenses to submit compliance documentation; authorizing the Attorney General to bring enforcement actions; authorizing civil penalties; providing for certain funds to be deposited in the General Revenue Fund; providing an exception for individuals born with certain genetically or biochemically verifiable disorders of sex development; providing severability; providing an effective date.

—as amended May 2, was read the third time by title.

On motion by Senator Grall, **CS for HB 1521**, as amended, was passed and certified to the House. The vote on passage was:

Yeas—26

Madam President	Calatayud	Martin
Albritton	Collins	Mayfield
Avila	DiCeglie	Perry
Baxley	Garcia	Rodriguez
Boyd	Grall	Simon
Bradley	Gruters	Trumbull
Broxson	Hooper	Wright
Burgess	Hutson	Yarborough
Burton	Ingoglia	

Nays—12

Berman	Osgood	Rouson
Book	Pizzo	Stewart
Harrell	Polsky	Thompson
Jones	Powell	Torres

Vote after roll call:

Yea—Brodeur

SPECIAL ORDER CALENDAR, continued

SB 298—A bill to be entitled An act relating to telehealth practice standards; amending s. 456.47, F.S.; revising the definition of the term “telehealth”; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 298**, pursuant to Rule 3.11(3), there being no objection, **HB 267** was withdrawn from the Committee on Rules.

On motion by Senator Boyd—

HB 267—A bill to be entitled An act relating to telehealth practice standards; amending s. 456.47, F.S.; revising the definition of the term “telehealth”; providing an effective date.

—a companion measure, was substituted for **SB 298** and read the second time by title.

Pursuant to Rule 4.19, **HB 267** was placed on the calendar of Bills on Third Reading.

CS for SB 622—A bill to be entitled An act relating to continuing care contracts; amending s. 651.011, F.S.; defining the terms “designated resident representative” and “residents’ council”; amending s. 651.0246, F.S.; revising a requirement for specified information that must be submitted by a provider applying for expansion of a certificated continuing care facility; revising a condition for the release of certain escrowed funds to providers; revising the timeframe in which the Office of Insurance Regulation must complete its review of an application for expansion; amending s. 651.026, F.S.; revising information required to be contained in certain providers’ financial reports in their annual reports; amending s. 651.033, F.S.; revising financial institutions in which escrow accounts must be established; revising a condition under which a provider may hold and not deposit a resident’s check for a specified period; amending s. 651.034, F.S.; revising the timeframe during which the office may exempt certain providers from certain regulatory actions; amending s. 651.035, F.S.; providing that certain documents relating to a provider’s debt service reserve must require certain notice to the office before the withdrawal of debt service reserve funds; specifying requirements for the notice and for certain plans to replenish withdrawn funds; revising the calculation of minimum liquid reserve requirements for certain facilities; revising requirements for letters of credit which satisfy minimum liquid reserve requirements; revising circumstances under which a provider may withdraw funds held in escrow without the office’s approval; making a technical change; amending s. 651.055, F.S.; specifying that a forfeiture penalty may be deducted from certain resident refunds, except under certain circumstances; conforming a provision to changes made by the act; amending s. 651.081, F.S.; specifying the authority of residents’ councils and the eligibility of persons to participate in residents’ council matters; deleting a requirement for open meetings of residents’ councils; amending s. 651.083, F.S.; specifying that a resident has the right to access ombudsman staff; amending s. 651.085, F.S.; requiring residents’ councils to nominate and elect a designated resident representative to represent them on specified matters; providing requirements for designated resident representatives; revising meetings of the full governing body for which the designated resident representative must be notified; requiring each facility of certain providers to have its own designated resident representative; providing a requirement for certain designated resident representatives; amending s. 651.091, F.S.; adding reporting and notice requirements for continuing care facilities; adding a disclosure requirement for providers to prospective residents or their legal representatives; amending s. 651.105, F.S.; specifying requirements for the office’s examination of providers and applicants for certificates of authority; deleting a requirement for a provider’s representative to give examination reports and corrective action plans to the governing body’s executive officer within a certain timeframe; amending ss. 651.012 and 651.0261, F.S.; conforming cross-references; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for SB 622**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1573** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Yarborough—

CS for CS for HB 1573—A bill to be entitled An act relating to continuing care providers; amending s. 651.011, F.S.; providing definitions; amending s. 651.012, F.S.; conforming a cross-reference; amending s. 651.0246, F.S.; revising a requirement for specified information submitted by a provider applying for expansion of a certificated continuing care facility; revising conditions for the release of certain escrowed funds to providers; revising the timeframe in which the Office of Insurance Regulation must complete its review of an application for expansion; amending s. 651.026, F.S.; revising information required to be contained in certain providers’ financial reports in their annual reports; amending s. 651.033, F.S.; revising the list of financial institutions in which escrow accounts for certain providers’ funds must be established; revising a condition under which a provider may hold and not deposit a resident’s check for a specified period; amending s. 651.034, F.S.; revising the timeframe during which the office may exempt certain providers from certain regulatory actions; amending s. 651.035, F.S.; providing that certain documents relating to a provider’s debt service reserve must require certain notice to the office before the withdrawal of debt service reserve funds; specifying requirements for the notice and for certain plans to replenish withdrawn funds; revising the calculation of minimum liquid reserve requirements for certain facilities; revising requirements for letters of credit which satisfy minimum liquid reserve requirements; revising circumstances under which a provider may withdraw funds held in escrow without the office’s approval; amending s. 651.055, F.S.; specifying that a forfeiture penalty may be deducted from certain resident refunds, except under certain circumstances; conforming a provision to changes made by the act; amending s. 651.081, F.S.; specifying the authority of residents’ councils and the eligibility of persons to participate in residents’ council matters; deleting a requirement for open meetings of residents’ councils; amending s. 651.083, F.S.; specifying that a resident has the right to access ombudsman staff; amending s. 651.085, F.S.; requiring residents’ councils to nominate and elect a designated resident representative to represent them on specified matters; providing requirements for designated resident representatives; revising meetings of the full governing body for which the designated resident representative must be notified; requiring each facility of certain providers to have its own designated resident representative; providing duties for certain designated resident representatives; amending s. 651.091, F.S.; providing reporting and notice requirements for continuing care facilities; providing a disclosure requirement for providers to prospective residents or their legal representatives; amending s. 651.105, F.S.; specifying requirements for the office’s examination of providers and applicants for certificates of authority; deleting a requirement for a provider’s representative to give examination reports and corrective action plans to the governing body’s executive officer within a certain timeframe; amending ss. 651.012 and 651.0261, F.S.; conforming cross-references; providing an effective date.

—a companion measure, was substituted for **CS for SB 622** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for HB 1573** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for CS for HB 1343** was deferred.

CS for CS for CS for SB 64—A bill to be entitled An act relating to transportation; amending s. 316.126, F.S.; requiring the driver of a vehicle to perform certain actions in the presence of a disabled motor vehicle under certain circumstances; providing penalties; reenacting s. 318.18(2)(d), F.S., relating to the amount of certain penalties, to incorporate the amendment made to s. 316.126, F.S., in a reference thereto; creating s. 316.83, F.S.; requiring the Department of Transportation to coordinate with certain entities to establish certain standards relating to grading certain roads’ compatibility with the operation of autonomous vehicles; requiring the department to consider certain factors in establishing such standards; requiring such standards to be incorporated into standards for certain transportation projects; amending s. 333.03, F.S.; requiring political subdivisions to consider certain factors in airport land use compatibility zoning regulations; authorizing certain airport owners to establish noise contours pursuant to a specified study accepted by the Federal Aviation Administration;

authorizing mitigation of potential incompatible uses if a noise study has not been conducted; amending s. 334.044, F.S.; revising the department's powers and duties regarding a workforce development program; creating s. 334.066, F.S.; establishing the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) within the University of Florida; specifying requirements for I-STREET; creating an advisory board to review and advise I-STREET; specifying the composition of the advisory board; amending s. 334.179, F.S.; revising the definition of the term "certified for use" in regard to permissible use of aggregates; prohibiting a producer from certifying shipments of aggregates that are not in compliance with department rules; creating s. 334.181, F.S.; requiring a local governmental entity to accept an electronic proof of delivery as an official record for a material delivery on the local governmental entity's transportation project; amending s. 337.11, F.S.; requiring that contracts let by the department for performance of bridge construction or maintenance over navigable waters contain certain insurance requirements; requiring the department to implement and track strategies to reduce the cost of projects while ensuring that such projects meet federal and state standards; authorizing the department to share a portion of cost savings with certain consultants under specified circumstances; providing that payments to consultants may not exceed a specified amount; amending s. 337.1101, F.S.; revising the calculation of a certain settlement paid to a nonselected responsive bidder which requires the department to maintain certain records and provide certain notices to the Legislature and the Attorney General; amending s. 337.14, F.S.; increasing the proposed budget estimates of construction contracts for which an applying contractor may submit certain financial statements; revising procedures relating to certificates of qualification issued by the department to construction contractors seeking certification to bid on certain contracts; amending s. 337.168, F.S.; deleting a public records exemption for certain documents that reveal the identity of a potential bidder; amending s. 337.408, F.S.; specifying the maximum height of modular news racks and advertising thereon; amending s. 338.223, F.S.; deleting a requirement regarding the department's request for legislative approval of proposed turnpike projects; amending s. 339.175, F.S.; providing requirements for multiple M.P.O.'s designated for a single area; prohibiting an M.P.O. from performing project production or delivery for certain projects; revising duties of an M.P.O.; revising membership of an M.P.O.'s technical advisory committee; requiring the M.P.O.'s serving certain counties to submit a report to the Governor and Legislature by a specified date; deleting obsolete provisions; authorizing multiple M.P.O.'s to merge into a single M.P.O.; requiring multiple M.P.O.'s within a contiguous urbanized area to coordinate plans and transportation improvement programs and ensure consistency of certain data; requiring an M.P.O.'s transportation improvement program to indicate coordination with transportation improvement plans of other M.P.O.'s within a contiguous urbanized area; revising powers and duties of the Metropolitan Planning Organization Advisory Council; authorizing the council to enter into certain contracts; providing prohibitions; creating s. 339.651, F.S.; providing legislative findings; requiring the department to specifically address movement and storage of construction aggregate materials in transportation plans; requiring specified funding for certain projects; providing considerations for funding; requiring priority to be given to certain projects; specifying the funding level authorized from the State Transportation Trust Fund; authorizing rulemaking; providing for future repeal; creating s. 339.84, F.S.; requiring a specified amount to be allocated to the workforce development program for specified purposes; amending s. 354.01, F.S.; requiring certain railroad police officers to be recognized as special officers for certain purposes; providing construction; removing provisions requiring the Governor to appoint special officers; amending s. 354.02, F.S.; revising the powers of a special officer; amending s. 354.05, F.S.; revising how a special officer may be removed from employment; amending s. 784.07, F.S.; revising the definition of the term "railroad special officer"; amending s. 943.10, F.S.; revising the definition of the terms "law enforcement officer" and "employing agency"; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 64**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for HB 425** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Hooper—

CS for CS for CS for HB 425—A bill to be entitled An act relating to transportation; amending s. 316.126, F.S.; requiring the driver of a vehicle to perform certain actions in the presence of a disabled motor vehicle; providing penalties; reenacting s. 318.18(2)(d), F.S., relating to the amount of certain penalties, to incorporate the amendment made to s. 316.126, F.S., in a reference thereto; creating s. 316.83, F.S.; requiring the Department of Transportation to coordinate with certain entities to establish standards by which roads on the State Highway System shall be graded according to their compatibility with the operation of autonomous vehicles; providing factors to be considered by the department in establishing such standards; requiring established standards to be incorporated into standards for certain transportation projects; amending s. 333.03, F.S.; requiring political subdivisions to consider certain factors in airport land use compatibility zoning regulations; authorizing certain airport owners to establish noise contours pursuant to a specified study accepted by the Federal Aviation Administration; authorizing mitigation of potential incompatible uses if a noise study has not been conducted; amending s. 334.044, F.S.; revising the department's powers and duties regarding a workforce development program; creating s. 334.066, F.S.; establishing the Implementing Solutions from Transportation Research and Evaluating Emerging Technologies Living Lab (I-STREET) within the University of Florida; specifying the duties of I-STREET; requiring I-STREET to submit an annual report to the Governor and Legislature; requiring the creation of a certain advisory board; specifying the composition of the board; amending s. 334.179, F.S.; limiting certification of aggregate shipments to those in compliance with specified rules of the department; prohibiting a producer of aggregates from misrepresenting certification of aggregates; creating s. 334.181, F.S.; requiring a local governmental entity to accept an electronic proof of delivery as an official record for a material delivery on the local governmental entity's transportation project; amending s. 337.11, F.S.; requiring certain bridge construction or maintenance contracts to require certain marine general liability insurance; requiring the department to implement strategies to reduce certain costs and to make a record of such strategies and projected savings related thereto; authorizing the department to share a certain portion of construction cost savings with certain consultants; amending s. 337.1101, F.S.; revising procedures for resolving certain protests through settlements requiring the payment of certain amounts; amending s. 337.14, F.S.; revising a limitation on the amount of a construction contract for which a bidder may submit annual or interim financial statements prepared by a certified public accountant; revising the effect of submission and approval of an application for a certificate of qualification; authorizing submission of a written request to maintain an existing certificate; amending s. 337.168, F.S.; deleting an exemption from public records requirements for identities of potential transportation project bidders; amending s. 337.408, F.S.; revising the maximum height of modular news racks or advertising thereon; amending s. 338.223, F.S.; deleting provisions prohibiting the department from requesting legislative approval of a proposed turnpike project until the design phase is partially completed; amending s. 339.175, F.S.; providing requirements for multiple M.P.O.'s designated for a single urbanized area; prohibiting an M.P.O. from performing project production or delivery for certain projects; revising duties of an M.P.O.; revising membership of an M.P.O.'s technical advisory committee; requiring the M.P.O.'s serving certain counties to submit a report to the Governor and Legislature by a specified date; removing obsolete provisions; authorizing multiple M.P.O.'s to merge into a single M.P.O.; requiring multiple M.P.O.'s within a contiguous urbanized area to coordinate plans and transportation improvement programs and ensure consistency of certain data; requiring an M.P.O.'s transportation improvement program to indicate coordination with transportation improvement plans of other M.P.O.'s within a contiguous urbanized area; revising powers and duties of the Metropolitan Planning Organization Advisory Council; authorizing the council to enter into certain contracts; providing prohibitions; creating s. 339.651, F.S.; providing legislative findings; requiring the department to specifically address movement and storage of construction aggregate in transportation plans; requiring specified funding for certain projects; providing considerations for funding; requiring priority to be given to certain projects; specifying the funding level authorized from the State Transportation Trust Fund; authorizing the

department to adopt rules; providing for future repeal; creating s. 339.84, F.S.; requiring specified funds to be allocated to the department's workforce development program for certain purposes; amending s. 354.01, F.S.; requiring certain railroad police officers to be recognized as special officers for certain purposes; providing construction; removing provisions requiring the Governor to appoint special officers; amending ss. 354.02, 354.05, and 784.07, F.S.; conforming provisions to changes made by the act; amending s. 943.10, F.S.; revising definitions; providing effective dates.

—a companion measure, was substituted for **CS for CS for CS for SB 64** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for HB 425** was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1328—A bill to be entitled An act relating to charter school capital outlay funding; amending s. 212.055, F.S.; conforming provisions to changes made by the act; amending s. 1013.62, F.S.; deleting obsolete language; making technical changes; revising charter school eligibility requirements; revising the calculation methodologies for the distribution of specified funds to eligible charter schools; providing school district requirements for the distribution of capital outlay funds to eligible charter schools; requiring that any purchase, lease-purchase, or lease be at the appraised value; defining the term “appraised value”; requiring that documentation of the appraised value be provided upon request of the department; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1328**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 1259** was withdrawn from the Committee on Appropriations.

On motion by Senator Hutson—

CS for CS for HB 1259—A bill to be entitled An act relating to education; amending s. 212.055, F.S.; conforming provisions to changes made by the act; amending s. 1013.62, F.S.; deleting obsolete language; making technical changes; revising charter school eligibility and ineligibility criteria to receive capital outlay funds; revising the calculation methodologies for the distribution of specified funds to eligible charter schools; providing school district requirements for the distribution of capital outlay funds to eligible charter schools; providing requirements for the use of capital outlay funds; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1328** and read the second time by title.

Senator Davis moved the following amendment which failed:

Amendment 1 (308282) (with title amendment)—Between lines 63 and 64 insert:

Section 2. Subsection (1) of section 1013.31, Florida Statutes, is amended to read:

1013.31 Educational plant survey; localized need assessment; PECO project funding.—

(1) At least every 5 years, each board shall arrange for an educational plant survey, to aid in formulating plans for housing the educational program and student population, faculty, administrators, staff, and auxiliary and ancillary services of the district, *charter school*, or campus, including consideration of the local comprehensive plan. The Department of Education shall document the need for additional career and adult education programs and the continuation of existing programs before facility construction or renovation related to career or adult education may be included in the educational plant survey of a school district, *charter school governing board*, or Florida College System institution that delivers career or adult education programs. Information used by the Department of Education to establish facility needs must include, but need not be limited to, labor market data, needs

analysis, and information submitted by the school district, *charter school governing board*, or Florida College System institution.

(a) *Educational plant survey and localized need assessment for capital outlay purposes.*—A survey recommendation is not required when a district or a *charter school governing board* uses funds from the following sources for educational, auxiliary, and ancillary plant capital outlay purposes:

1. The local capital outlay improvement fund, consisting of funds that come from and are a part of the district's or *charter school governing board's* basic operating budget;
2. A taxpayer-approved bond referendum, to fund construction of an educational, auxiliary, or ancillary plant facility;
3. One-half cent sales surtax revenue;
4. One cent local governmental surtax revenue;
5. Impact fees;
6. Private gifts or donations; and
7. The district school tax levied pursuant to s. 1011.71(2).

(b) *Survey preparation and required data.*—Each survey shall be conducted by the board or an agency employed by the board. Surveys shall be reviewed and approved by the board, and a file copy shall be submitted to the Department of Education or the Chancellor of the State University System, as appropriate. The survey report shall include at least an inventory of existing educational and ancillary plants, including safe access facilities; recommendations for existing educational and ancillary plants; recommendations for new educational or ancillary plants, including the general location of each in coordination with the land use plan and safe access facilities; campus master plan update and detail for Florida College System institutions; the utilization of school plants based on an extended school day or year-round operation; and such other information as may be required by the Department of Education. This report may be amended, if conditions warrant, at the request of the department or commissioner.

(c) *Required need assessment criteria for district, charter school governing board, or Florida College System institution, state university, and Florida School for the Deaf and the Blind plant surveys.*—Educational plant surveys must use uniform data sources and criteria specified in this paragraph. Each revised educational plant survey and each new educational plant survey supersedes previous surveys.

1. The school district's or *charter school governing board's* survey must be submitted as a part of the ~~district~~ educational facilities plan defined in s. 1013.35. To ensure that the data reported to the Department of Education as required by this section is correct, the department shall annually conduct an onsite review of 5 percent of the facilities reported for each school district or *charter school governing board* completing a new survey that year. If the department's review finds the data reported by a district or a *charter school governing board* is less than 95 percent accurate, within 1 year from the time of notification by the department the district or *charter school governing board* must submit revised reports correcting its data. If a district or a *charter school governing board* fails to correct its reports, the commissioner may direct that future fixed capital outlay funds be withheld until such time as the district or the *charter school governing board* has corrected its reports so that they are not less than 95 percent accurate.

2. Each survey of a special facility, joint-use facility, or cooperative career education facility must be based on capital outlay full-time equivalent student enrollment data prepared by the department for school districts, *charter school governing boards*, and Florida College System institutions and by the Chancellor of the State University System for universities. A survey of space needs of a joint-use facility shall be based upon the respective space needs of the school districts, *charter school governing boards*, Florida College System institutions, and universities, as appropriate. Projections of a school district's or *charter school governing board's* facility space needs may not exceed the

norm space and occupant design criteria established by the State Requirements for Educational Facilities.

3. Each Florida College System institution's survey must reflect the capacity of existing facilities as specified in the inventory maintained by the Department of Education. Projections of facility space needs must comply with standards for determining space needs as specified by rule of the State Board of Education. The 5-year projection of capital outlay student enrollment must be consistent with the annual report of capital outlay full-time student enrollment prepared by the Department of Education.

4. Each state university's survey must reflect the capacity of existing facilities as specified in the inventory maintained and validated by the Chancellor of the State University System. Projections of facility space needs must be consistent with standards for determining space needs as specified by regulation of the Board of Governors. The projected capital outlay full-time equivalent student enrollment must be consistent with the 5-year planned enrollment cycle for the State University System approved by the Board of Governors.

5. The ~~district~~ educational facilities plan of a school ~~district~~ and the educational plant survey of a Florida College System institution, state university, or the Florida School for the Deaf and the Blind may include space needs that deviate from approved standards for determining space needs if the deviation is justified by the district, *the charter school governing board*, or the institution and approved by the department or the Board of Governors, as appropriate, as necessary for the delivery of an approved educational program.

(d) *Review and validation.*—The Department of Education shall review and validate the surveys of school districts, *charter school governing boards*, and Florida College System institutions, and the Chancellor of the State University System shall review and validate the surveys of universities, and any amendments thereto for compliance with the requirements of this chapter and shall recommend those in compliance for approval by the State Board of Education or the Board of Governors, as appropriate. Annually, the department shall perform an in-depth analysis of a representative sample of each survey of recommended needs for five districts *and five charter school governing boards* selected by the commissioner from among districts *and charter school governing boards* with the largest need-to-revenue ratio. For the purpose of this subsection, the need-to-revenue ratio is determined by dividing the total 5-year cost of projects listed on the ~~district~~ survey by the total 5-year fixed capital outlay revenue projections from state and local sources as determined by the department. The commissioner may direct fixed capital outlay funds provided from general revenue or from state trust funds to be withheld from districts *and charter school governing boards* until such time as the survey accurately projects facilities needs.

(e) *Periodic update of Florida Inventory of School Houses.*—School districts shall periodically update their inventory of educational facilities as new capacity becomes available and as unsatisfactory space is eliminated. The State Board of Education shall adopt rules to determine the timeframe in which districts must provide a periodic update.

And the title is amended as follows:

Delete line 4 and insert: act; amending s. 1013.31, F.S.; providing that certain provisions relating to educational plant surveys and need assessments apply to charter schools; requiring the Department of Education to review surveys of charter school governing boards in addition to those of other specified institutions; amending s. 1013.62, F.S.; deleting obsolete

Senator Jones moved the following amendment:

Amendment 2 (541364)—Delete lines 210-220 and insert:

1. *For fiscal year 2024-2025, the amount is 20 percent of the amount calculated under this paragraph.*
2. *For fiscal year 2025-2026, the amount is 40 percent of the amount calculated under this paragraph.*

3. *For fiscal year 2026-2027, the amount is 60 percent of the amount calculated under this paragraph.*

4. *For fiscal year 2027-2028, the amount is 80 percent of the amount calculated under this paragraph.*

5. *For fiscal year 2028-2029, and each fiscal year thereafter, the amount is 100 percent of the amount calculated under this paragraph.*

Senator Jones moved the following substitute amendment which failed:

Substitute Amendment 3 (158112)—Delete lines 210-220 and insert:

1. *For fiscal year 2023-2024, the amount is zero percent of the amount calculated under this paragraph.*
2. *For fiscal year 2024-2025, the amount is 20 percent of the amount calculated under this paragraph.*
3. *For fiscal year 2025-2026, the amount is 40 percent of the amount calculated under this paragraph.*
4. *For fiscal year 2026-2027, the amount is 60 percent of the amount calculated under this paragraph.*
5. *For fiscal year 2027-2028, the amount is 80 percent of the amount calculated under this paragraph.*
6. *For fiscal year 2028-2029 and each fiscal year thereafter, the amount is 100 percent of the amount calculated under this paragraph.*

The question recurred on **Amendment 2 (541364)** which was withdrawn.

Pursuant to Rule 4.19, **CS for CS for HB 1259** was placed on the calendar of Bills on Third Reading.

SB 1112—A bill to be entitled An act relating to middle school and high school start times; amending s. 1001.42, F.S.; providing requirements for middle school and high school start times; requiring such school start times to be implemented by a specified date; providing district school board requirements; amending s. 1002.33, F.S.; requiring charter schools to meet certain requirements relating to middle school and high school start times; providing an effective date.

—was read the second time by title.

Pending further consideration of **SB 1112**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 733** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Burgess—

CS for HB 733—A bill to be entitled An act relating to middle school and high school start times; amending s. 1001.42, F.S.; providing requirements for middle school and high school start times; requiring such school start times to be implemented by a specified date; providing district school board requirements; amending s. 1002.33, F.S.; requiring charter schools to meet certain requirements relating to middle school and high school start times; providing an exception; providing an effective date.

—a companion measure, was substituted for **SB 1112** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 733** was placed on the calendar of Bills on Third Reading.

Consideration of **CS for CS for SB 1252**, **CS for CS for SB 1084**, and **CS for CS for HB 387** was deferred.

RECESS

The President declared the Senate in recess at 2:58 p.m. to reconvene upon her call.

EVENING SESSION

The Senate was called to order by President Passidomo at 3:50 p.m. A quorum present—39:

Madam President	Davis	Perry
Albritton	DiCeglie	Pizzo
Avila	Garcia	Polsky
Baxley	Grall	Powell
Berman	Gruters	Rodriguez
Book	Harrell	Rouson
Boyd	Hooper	Simon
Bradley	Hutson	Stewart
Brodeur	Ingolia	Thompson
Burgess	Jones	Torres
Burton	Martin	Trumbull
Calatayud	Mayfield	Wright
Collins	Osgood	Yarborough

SPECIAL ORDER CALENDAR, continued

On motion by Senator Collins—

CS for CS for CS for HB 1343—A bill to be entitled An act relating to agricultural lands; amending s. 125.01, F.S.; prohibiting counties from levying specified special assessments on lands classified as agricultural; providing an exception; providing applicability; amending s. 163.3162, F.S.; authorizing construction or installation of housing for seasonal agricultural employees on certain lands; providing requirements for such housing; exempting such housing from certain local government approval; providing conditions under which such housing is subject to specified zoning, land use, and permit provisions; amending s. 193.461, F.S.; prohibiting a county or municipality from requiring the removal or relinquishment of an agricultural land classification for certain lands; requiring landowners to provide a county or municipality with certain written notice regarding such lands; providing an effective date.

—was 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 Collins moved the following amendment which was adopted:

Amendment 1 (645914) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Subsection (5) is added to section 163.3162, Florida Statutes, to read:

163.3162 Agricultural Lands and Practices.—

(5) **AGRICULTURAL EMPLOYEE HOUSING.**—

(a) *The construction or installation of housing for nonimmigrant agricultural employees working in this state pursuant to 8 U.S.C. s. 1188 is authorized on land zoned for agricultural use which is operated as a bona fide farm.*

(b) *Except as authorized by a less restrictive local government ordinance, construction or installation of housing under this subsection:*

- Must be located on a parcel of land no less than 50 acres in size;*
- Must meet, at a minimum, the criteria set forth in 29 C.F.R. 1910.142 and 64E-14, Florida Administrative Code;*
- May not be located within 750 feet of a property line;*

4. May not exceed three structures per parcel or a maximum of 2,500 square feet per structure which is heated and cooled; and

5. Must meet all local and state building standards for securing a residential certificate of occupancy.

(c) *Construction or installation of housing authorized under this subsection does not require approval by ordinance or resolution of the governmental entity where the land is located.*

(d) *If agricultural operations are discontinued on the property for a minimum of 3 years and the agricultural land classification of the property is no longer valid, housing authorized under this subsection is no longer eligible for the residential uses provided in this subsection unless and until approved by the local jurisdiction under its zoning and land use regulations for the intended nonagricultural use.*

(e) *Notwithstanding this subsection, the construction or installation of housing for seasonal agricultural employees in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern is subject to the permit allocation systems of the Florida Keys Area of Critical State Concern and City of Key West Area of Critical State Concern, respectively.*

Section 2. Paragraph (b) of subsection (3) of section 193.461, Florida Statutes, is amended to read:

193.461 Agricultural lands; classification and assessment; mandated eradication or quarantine program; natural disasters.—

(3)

(b) Subject to the restrictions specified in this section, only lands that are used primarily for bona fide agricultural purposes shall be classified as agricultural. The term “bona fide agricultural purposes” means good faith commercial agricultural use of the land.

1. In determining whether the use of the land for agricultural purposes is bona fide, the following factors may be taken into consideration:

- The length of time the land has been so used.
- Whether the use has been continuous.
- The purchase price paid.
- Size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment.
- Whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforestation, and other accepted agricultural practices.
- Whether the land is under lease and, if so, the effective length, terms, and conditions of the lease.
- Such other factors as may become applicable.

2. Offering property for sale does not constitute a primary use of land and may not be the basis for denying an agricultural classification if the land continues to be used primarily for bona fide agricultural purposes while it is being offered for sale.

3. *A local government may not adopt a land use or zoning restriction, condition, or regulation that requires the termination of an agricultural classification for any property or the surrender of an agricultural classification for any property by the property owner if the property is used for bona fide agricultural purposes as defined in this section. Such restrictions, conditions, or regulations adopted before July 1, 2023, are invalid and unenforceable.*

Section 3. This act shall take effect July 1, 2023.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to agricultural lands; amending s. 163.3162, F.S.; authorizing construction or installation of housing for nonimmigrant agricultural employees on certain lands; providing require-

ments for such housing; exempting such housing from certain local government approval; providing conditions under which such housing is subject to specified land use restrictions; providing that such housing in certain areas is subject to certain permit allocation systems; amending s. 193.461, F.S.; prohibiting local governments from adopting land use or zoning restrictions, conditions, or regulations that require termination or surrender of agricultural classifications for certain property; providing that such restrictions, conditions, or regulations adopted before a specified date are invalid and unenforceable; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for CS for HB 1343**, as amended, was placed on the calendar of Bills on Third Reading.

CS for CS for SB 1624—A bill to be entitled An act relating to commercial financing transaction brokers and providers; creating part XIII of ch. 559, F.S., entitled “Florida Commercial Financing Disclosure Law”; creating s. 559.961, F.S.; providing a short title; creating s. 559.9611, F.S.; defining terms; creating s. 559.9612, F.S.; providing applicability; creating s. 559.9613, F.S.; requiring providers that consummate commercial financing transactions to provide specified written disclosures; authorizing providers to provide specified required disclosures when consummating a commercial financing facility based on an example of a transaction; specifying that disclosures are not required under certain circumstances; creating s. 559.9614, F.S.; prohibiting brokers from taking specified actions; creating s. 559.9615, F.S.; providing exclusive authority of the Attorney General to enforce specified provisions; providing civil penalties; providing construction; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 1624**, pursuant to Rule 3.11(3), there being no objection, **CS for HB 1353** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Brodeur—

CS for HB 1353—A bill to be entitled An act relating to commercial financing product brokers and providers; creating part XIII of ch. 559, F.S., entitled “Florida Commercial Financing Disclosure Law”; creating s. 559.961, F.S.; providing a short title; creating s. 559.9611, F.S.; defining terms; creating s. 559.9612, F.S.; providing applicability; creating s. 559.9613, F.S.; requiring providers that consummate commercial financing transactions to provide specified written disclosures; authorizing providers to provide specified required disclosures when consummating a commercial financing facility which are based on an example of a transaction; specifying that disclosures are not required under certain circumstances; creating s. 559.9614, F.S.; prohibiting brokers from taking specified actions; creating s. 559.9615, F.S.; providing exclusive authority of the Attorney General to enforce specified provisions; providing civil penalties; providing construction; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 1624** and read the second time by title.

Pursuant to Rule 4.19, **CS for HB 1353** was placed on the calendar of Bills on Third Reading.

CS for CS for CS for SB 1664—A bill to be entitled An act relating to economic programs; providing for a type two transfer of the duties and functions of Enterprise Florida, Inc., to the Department of Commerce; providing legislative intent; providing for a transition period; requiring the department and Enterprise Florida, Inc., to coordinate the development and implementation of a transition plan; providing requirements for the transition plan; specifying that certain binding contracts remain binding; requiring the transfer of specified funds; requiring the department to submit specified amendments and information to the Federal Government and seek specified waivers; requiring the Division of Law Revision to provide assistance to specified committees for certain purposes; prohibiting certain actions from being taken relating to specified programs; specifying that existing contracts or agreements authorized under such programs continue in full force and effect; providing appropriations; amending ss. 11.45, 14.32, 15.18, 15.182, and 20.435, F.S.; conforming provisions to changes made by the

act; amending s. 20.60, F.S.; renaming the Department of Economic Opportunity as the Department of Commerce; designating the head of the department as the Secretary of Commerce; requiring the secretary to serve as the Governor’s chief negotiator for certain purposes; renaming the Division of Strategic Business Development as the Division of Economic Development; revising the duties and purposes of the department; revising the duties of the Division of Workforce Services; conforming provisions to changes made by the act; repealing s. 20.601, F.S., relating to review of the Department of Economic Opportunity; amending s. 159.803, F.S.; requiring the department to develop certain protocols and measures; conforming provisions to changes made by the act; amending ss. 189.033, 196.012, and 212.08, 212.098, 212.20, 212.205, 213.053, 220.02, 220.13, and 220.16, F.S.; conforming provisions to changes made by the act; repealing s. 220.1899, F.S., relating to an entertainment industry tax credit; amending s. 220.191, F.S.; defining the term “average private sector wage in the area”; conforming provisions to changes made by the act; repealing s. 220.194, F.S., relating to corporate income tax credits for spaceflight projects; amending ss. 220.196, 272.11, 287.0947, and 287.137, F.S.; conforming provisions to changes made by the act; amending s. 288.0001, F.S.; revising required analyses provided by the Office of Economic and Demographic Research and Office of Program Policy Analysis and Government Accountability; conforming provisions to changes made by the act; amending ss. 288.001 and 288.005, F.S.; conforming provisions to changes made by the act; amending s. 288.012, F.S.; requiring the department to establish a direct-support organization for a specified purpose; specifying the Secretary of Commerce is the head of such direct-support organization; authorizing the secretary to provide for the appointment of a director and other staff; providing requirements and authorizations relating to the direct-support organization; providing requirements for an agreement between the direct-support organization and the department; requiring the department to submit a proposed operating budget for the direct-support organization to the Governor and the Legislature; providing for a future repeal; conforming provisions to changes made by the act; amending s. 288.017, F.S.; providing authority to the Florida Tourism Industry Marketing Corporation, rather than Enterprise Florida, Inc., to establish and administer a cooperative advertising matching grants program; conforming provisions to changes made by the act; amending ss. 288.018, 288.047, 288.061, 288.0655, 288.0656, 288.0658, 288.075, and 288.076, F.S.; conforming provisions to changes made by the act; amending s. 288.095, F.S.; requiring the department to issue quarterly reports relating to the status of certain payments and escrow activity to specified entities; requiring the department to create a separate account for specified transferred funds; requiring the department to transfer payments to the General Revenue Fund; conforming provisions to changes made by the act; amending s. 288.101, F.S.; revising authorizations relating to the Florida Job Growth Grant Fund; repealing ss. 288.1045 and 288.106, F.S., relating to the qualified defense contractor and space flight business tax refund program and a tax refund program for qualified target industry businesses, respectively; amending 288.107, F.S.; revising requirements relating to brownfield redevelopment bonus refunds; authorizing the department to adopt rules; conforming provisions to changes made by the act; amending s. 288.108, F.S.; conforming provisions to changes made by the act; repealing ss. 288.1081, 288.1082, 288.1088, and 288.1089, F.S., relating to the Economic Gardening Business Loan Pilot Program, the Economic Gardening Technical Assistance Pilot Program, the Quick Action Closing Fund, and the Innovation Incentive Program, respectively; amending ss. 288.111, 288.11621, and 288.11631, F.S.; conforming provisions to changes made by the act; repealing ss. 288.1168 and 288.1169, F.S., relating to the professional golf hall of fame facility and the International Game Fish Association World Center facility, respectively; amending s. 288.122, F.S.; conforming a provision to changes made by the act; amending s. 288.1226, F.S.; revising the composition of the board of directors of the Florida Tourism Industry Marketing Corporation; conforming provisions to changes made by the act; amending s. 288.12265, F.S.; transferring responsibility for administering and operating welcome centers from Enterprise Florida, Inc., to the Florida Tourism Industry Marketing Corporation; reviving, readopting, and amending s. 288.1229, F.S., relating to promotion and development of sports-related industries and amateur athletics; requiring the department to establish the Florida Sports Foundation direct-support organization; providing requirements for the foundation, including development of the Florida Senior Games; providing and revising requirements for the Florida Senior Games and the Sunshine State Games, respectively; conforming provisions to changes made by the act; amending s. 288.125, F.S.; con-

forming a provision to changes made by the act; repealing ss. 288.1251, 288.1252, 288.1253, and 288.1254, F.S., relating to the promotion and development of the entertainment industry by the Office of Film and Entertainment, the Florida Film and Entertainment Advisory Council, certain travel and entertainment expenses, and an entertainment industry financial incentive program, respectively; amending ss. 288.1258, 288.7015, 288.706, 288.773, 288.776, 288.7771, 288.816, and 288.826, F.S.; conforming provisions to changes made by the act; repealing ss. 288.901, 288.9015, 288.903, 288.904, 288.905, and 288.906, F.S., relating to Enterprise Florida, Inc., powers of board of directors of Enterprise Florida, Inc., duties of Enterprise Florida, Inc., funding for Enterprise Florida, Inc., the president and employees of Enterprise Florida, Inc., and the annual report and audits of Enterprise Florida, Inc., and its divisions, respectively; renumbering and amending s. 288.907, F.S.; conforming provisions to changes made by the act; repealing s. 288.911, F.S., relating to the creation and implementation of a marketing and image campaign; renumbering and amending s. 288.912, F.S.; conforming provisions to changes made by the act; repealing s. 288.92, F.S., relating to the divisions of Enterprise Florida, Inc.; renumbering and amending s. 288.923, F.S.; revising the responsibilities and duties of the Florida Tourism Industry Marketing Corporation; conforming provisions to changes made by the act; repealing ss. 288.95155 and 288.9519, F.S., relating to the Florida Small Business Technology Growth Program and a not-for-profit corporation intended to promote the competitiveness and profitability of high-technology business and industry, respectively; renumbering and amending s. 288.9520, F.S.; specifying that the department is the custodian of certain public records; conforming provisions to changes made by the act; repealing s. 288.955, F.S., relating to Scripps Florida Funding Corporation; amending s. 288.9603, F.S.; conforming a provision to changes made by the act; amending s. 288.9604, F.S.; removing the future repeal of the Florida Development Finance Corporation; amending ss. 288.9605, 288.9614, 288.9624, 288.9625, 288.96255, 288.980, and 288.987, F.S.; conforming provisions to changes made by the act; repealing ss. 288.991, 288.9912, 288.9913, 288.9914, 288.9915, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, and 288.9922, F.S., relating to the New Markets Development Program Act; amending s. 288.9932, F.S.; deleting the definition of the term “domiciled in this state”; repealing s. 288.9934, F.S., relating to the Microfinance Loan Program; amending s. 288.9935, F.S.; conforming provisions to changes made by the act; repealing ss. 288.9936 and 288.9937, F.S., relating to the annual report of the Microfinance Loan Program and the evaluation of certain programs, respectively; amending ss. 288.9961, 290.0056, 290.0065, 290.00677, 290.053, and 295.22, F.S.; conforming provisions to changes made by the act; amending ss. 320.08058, 339.2821, 377.703, 377.804, 377.809, 380.0657, 403.7032, 403.973, 443.091, 443.191, 445.004, 445.045, 446.44, 477.0135, 570.81, 570.85, 625.3255, 657.042, 658.67, 1004.015, 1004.65, 1004.78, and 1011.76, F.S.; conforming provisions to changes made by the act; directing the Division of Law Revision to prepare a reviser’s bill for a specified purpose; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for CS for SB 1664**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 5** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Hooper—

CS for CS for HB 5—A bill to be entitled An act relating to economic programs; amending ss. 11.45, 14.32, 15.18, 15.182, and 20.435, F.S.; conforming provisions to changes made by the act; amending s. 20.60, F.S.; renaming the Department of Economic Opportunity as the Department of Commerce; revising the purposes of the department; providing that the head of the department is the Secretary of Commerce; renaming the Division of Strategic Business Development as the Division of Economic Development; repealing s. 20.601, F.S., relating to review of the Department of Economic Opportunity; transferring all duties, records, pending issues, rules, and unexpended balances of appropriations, allocations, and other public funds relating to programs in Enterprise Florida, Inc., to the Department of Commerce by a type two transfer; authorizing the Florida Sports Foundation to enter into an agreement with the Department of Commerce for certain purposes and use certain funds; providing legislative intent; requiring the Department of Commerce and Enterprise Florida, Inc., to coordinate the development and implementation of a transitional plan; authorizing Enterprise Florida, Inc., to continue certain operations for a specified

period; providing a directive to the Division of Law Revision; providing transitional provisions for terminated programs established pursuant to certain statutes; amending ss. 159.803, 189.033, 196.012, 196.101, 196.121, 196.1995, 197.3181, 197.319, 212.08, 212.098, 212.20, 213.053, 218.64, 220.02, 220.13, and 220.16, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; repealing s. 220.1899, F.S., relating to an entertainment industry tax credit; amending s. 220.191, F.S.; conforming provisions to changes made by the act; repealing s. 220.194, F.S., relating to corporate income tax credits for spaceflight projects; amending ss. 220.196, 272.11, 287.0947, 287.137, 288.0001, 288.001, and 288.005, F.S.; conforming provisions to changes made by the act; amending s. 288.012, F.S.; requiring the department to establish a direct-support organization designated Florida International Trade, Inc., for certain purposes; requiring the department to approve the articles of incorporation and the bylaws of the organization; providing for the creation, use, powers, and duties of the corporation; authorizing the corporation to take certain actions; requiring the corporation to provide for a certain audit; providing requirements for the deposit and use of certain moneys; authorizing the department to terminate a certain agreement in certain circumstances; providing for the distribution of corporation assets upon termination of the corporation; declaring that the corporation and entities thereof are subject to the public records and public meeting laws of the state; providing that certain persons are subject to certain ethics and financial disclosure requirements; requiring the corporation to enter into a certain contract with the department; providing for the board of directors of the corporation and requirements thereof; providing for meetings of the board of directors; providing that members of the board of directors shall serve without compensation but may be reimbursed for certain expenses; requiring the department to annually take certain actions; requiring the department to submit a certain budget by a certain date each fiscal year; providing for the scheduled repeal of the corporation; amending ss. 288.017, 288.018, 288.047, 288.061, 288.0655, 288.0656, 288.0658, 288.075, and 288.076, F.S.; conforming provisions to changes made by the act; conforming a cross-reference; amending s. 288.095, F.S.; requiring the department to create a separate account for a specified purpose; requiring the department to provide certain reports; amending s. 288.101, F.S.; removing a provision authorizing the Governor to approve certain infrastructure funding; repealing ss. 288.1045 and 288.106, F.S., relating to the qualified defense contractor and space flight business tax refund program and a tax refund program for qualified target industry businesses, respectively; amending s. 288.107, F.S.; authorizing the department to adopt certain rules; conforming provisions to changes made by the act; amending s. 288.108, F.S.; conforming provisions to changes made by the act; repealing ss. 288.1081, 288.1082, 288.1088, and 288.1089, F.S., relating to the Economic Gardening Business Loan Pilot Program, the Economic Gardening Technical Assistance Pilot Program, the Quick Action Closing Fund, and the Innovation Incentive Program, respectively; amending s. 288.111, F.S.; conforming a provision to changes made by the act; amending s. 288.11621, F.S.; conforming a provision to changes made by the act; amending s. 288.11631, F.S.; conforming a cross-reference; repealing ss. 288.1168, 288.1169, and 288.1171, F.S., relating to the professional golf hall of fame facility, the International Game Fish Association World Center facility, and motorsports entertainment complexes, respectively; amending ss. 288.122 and 288.1226, F.S.; conforming provisions to changes made by the act; amending s. 288.12265, F.S.; transferring responsibility for administering and operating welcome centers from Enterprise Florida, Inc., to the Florida Tourism Industry Marketing Corporation; amending s. 288.125, F.S.; conforming a cross-reference; repealing ss. 288.125, 288.1251, 288.1252, 288.1253, and 288.1254, F.S., relating to a definition of the term “entertainment industry,” the promotion and development of the entertainment industry by the Office of Film and Entertainment, the Florida Film and Entertainment Advisory Council, certain travel and entertainment expenses, and an entertainment industry financial incentive program, respectively; amending ss. 288.1258, 288.7015, 288.706, 288.773, 288.776, 288.7771, and 288.816, F.S.; conforming provisions to changes made by the act; amending s. 288.826, F.S.; providing that moneys deposited in the trust fund may be administered for the operation of Florida International Trade, Inc.; repealing ss. 288.901, 288.9015, 288.903, 288.904, 288.905, and 288.906, F.S., relating to Enterprise Florida, Inc., powers of board of directors of Enterprise Florida, Inc., duties of Enterprise Florida, Inc., funding for Enterprise Florida, Inc., the president and employees of Enterprise Florida, Inc., and the annual report and audits of Enterprise Florida, Inc., and its divisions, respectively; transferring, renumbering, and amending s. 288.907, F.S.; conforming provisions to changes made by

the act; repealing s. 288.911, F.S., relating to the creation and implementation of a marketing and image campaign; transferring, renumbering, and amending s. 288.912, F.S.; conforming provisions to changes made by the act; repealing ss. 288.92, 288.923, 288.95155, and 288.9519, F.S., relating to relating to the divisions of Enterprise Florida, Inc., the Division of Tourism Marketing, the Florida Small Business Technology Growth Program, and a not-for-profit corporation intended to promote the competitiveness and profitability of high-technology business and industry, respectively; amending s. 288.9520, F.S.; conforming provisions to changes made by the act; repealing s. 288.955, F.S., relating to the Scripps Florida Funding Corporation; amending s. 288.9604, F.S.; providing a date after which the Florida Development Finance Corporation may not enter into specified agreements; removing the scheduled repeal of the corporation; amending ss. 288.9603, 288.9605, 288.9614, and 288.9624, F.S.; conforming provisions to changes made by the act; amending s. 288.96255, F.S.; conforming a cross-reference; amending ss. 288.980 and 288.987, F.S.; conforming a provision to changes made by the act; repealing ss. 288.991, 288.9912, 288.9913, 288.9914, 288.9915, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, and 288.9922, F.S., relating to the New Markets Development Program; repealing ss. 288.993, 288.9931, 288.9932, 288.9933, 288.9934, 288.9935, 288.9936, and 288.9937, F.S., relating to the Florida Microfinance Act, definitions relating to certain programs, the Microfinance Loan Program, the Microfinance Guarantee Program, annual reports for certain programs, and the evaluation of certain programs, respectively; amending ss. 288.9961, 290.0056, 290.0065, 290.00677, 290.053, 295.22, 320.08058, and 331.3051, F.S.; conforming provisions to changes made by the act; conforming cross-references; amending s. 331.3081, F.S.; revising the board of directors of Space Florida; amending s. 339.08, F.S.; conforming provisions to changes made by the act; repealing s. 339.2821, F.S., relating to economic development transportation projects; amending ss. 377.703, 377.804, 377.809, 380.0657, 401.23, 403.7032, 403.973, 443.091, 445.004, 445.045, 446.44, 465.003, 477.0135, 570.81, and 570.85, F.S.; conforming provisions to changes made by the act; amending s. 625.3255, F.S.; conforming provisions to changes made by the act; amending ss. 657.042, 658.67, 1004.015, 1004.65, 1004.78, and 1011.76, F.S.; conforming provisions to changes made by the act; providing appropriations and authorizing positions; providing a directive to the Division of Law Revision; providing legislative intent; providing an effective date.

—a companion measure, was substituted for **CS for CS for CS for SB 1664** and read the second time by title.

Senator Hooper moved the following amendment which was adopted:

Amendment 1 (224226) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. (1) *All duties, functions, records, pending issues, existing contracts, administrative authority, administrative rules, and unexpended balances of appropriations, allocations, and other public funds relating to Enterprise Florida, Inc., are transferred by a type two transfer, as defined in s. 20.06, Florida Statutes, to the Department of Commerce, as created by this act.*

(2) *It is the intent of the Legislature that the changes made by this act be accomplished with minimal disruption of services provided to the public and with minimal disruption to employees of any organization. To that end, the Legislature directs all applicable units of state government to contribute to the successful implementation of this act, and the Legislature believes that a transition period between July 1, 2023, and December 1, 2023, is appropriate and warranted.*

(3)(a) *The Department of Commerce, as created by this act, and Enterprise Florida, Inc., shall each coordinate the development and implementation of a transition plan by August 1, 2023, that supports the implementation of this act. The department shall coordinate the submission of any budget amendments, in accordance with chapter 216, Florida Statutes, which may be necessary to implement this act.*

(b) *The Legislature directs that notwithstanding the changes made by this act, Enterprise Florida, Inc., may continue with such powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts as provided in Florida Statutes 2022 until December 1, 2023, except that the board of directors shall stand repealed on October 1, 2023. The president of Enterprise Florida, Inc., shall continue the operations of the direct-support organization until full implementa-*

tion of the transition plan or December 1, 2023, whichever occurs first. The transition plan shall provide for transfer of powers, duties, functions, records, offices, personnel, property, pending issues, and existing contracts related to international business development and trade to the direct-support organization created under s. 288.012, Florida Statutes.

(4) *The transfer of any program, activity, duty, or function under this act includes the transfer of any records and unexpended balances of appropriations, allocations, or other funds related to such program, activity, duty, or function. Unless otherwise provided, the successor organization to any program, activity, duty, or function transferred under this act shall become the custodian of any property of the organization that was responsible for the program, activity, duty, or function immediately prior to the transfer.*

(5) *Any binding contract or interagency agreement existing before December 1, 2023, between Enterprise Florida, Inc., and any other agency, entity, or person shall continue as a binding contract or agreement for the remainder of the term of such contract or agreement on the successor department, agency, or entity responsible for the program, activity, or functions relative to the contract or agreement.*

(6) *Any funds held in trust which were donated to or earned by the Division of International Trade and Business Development, the Division of Sports Industry Development, or the Division of Tourism Marketing of Enterprise Florida, Inc., shall be transferred to the direct-support organization created under s. 288.012, Florida Statutes, the Florida Tourism Industry Marketing Corporation, or the Florida Sports Foundation, as appropriate, for the original purposes of the funds.*

(7) *The department shall submit in a timely manner to the applicable federal departments or agencies any necessary amendments or supplemental information concerning plans which the state or one of the entities is required to submit to the Federal Government in connection with any federal or state program. The department shall seek any waivers from the requirements of federal law or rules which may be necessary to administer the provisions of this act.*

Section 2. *The Legislature recognizes that there is a need to conform the Florida Statutes to the policy decisions reflected in this act and that there is a need to resolve apparent conflicts between any other legislation that has been or may be enacted during the 2023 Regular Session of the Legislature and the transfer of duties made by this act. Therefore, in the interim between this act becoming law and the 2024 Regular Session of the Legislature or an earlier special session addressing this issue, the Division of Law Revision shall provide the relevant substantive committees of the Senate and the House of Representatives with assistance, upon request, to enable such committees to prepare draft legislation to conform the Florida Statutes and any legislation enacted during 2023 to the provisions of this act.*

Section 3. *For programs or corporations established pursuant to s. 220.1899, s. 220.194, s. 288.1045, s. 288.106, s. 288.1081, s. 288.1082, s. 288.1088, s. 288.1089, s. 288.1171, s. 288.95155, s. 288.955, s. 288.9916, or s. 288.9934, Florida Statutes, no new or additional applications or certifications shall be approved, no new letters of certification may be issued, no new contracts or agreements may be executed, and no new awards may be made. All certifications issued under such sections are rescinded except for the certifications of those certified applicants or projects that continue to meet the applicable criteria that was in effect before July 1, 2023. Any existing contracts or agreements authorized under any of these programs shall continue in full force and effect in accordance with the statutory requirements in effect when the contract or agreement was executed or last modified. However, no further modifications, extensions, or waivers may be made or granted relating to such contracts or agreements except computations by the Department of Revenue of the income generated by or arising out of the qualifying project.*

Section 4. (1) *For the 2023-2024 fiscal year, the sum of \$5 million in recurring funds from the Florida International Trade and Promotion Trust Fund is appropriated to the direct-support organization created under s. 288.012, Florida Statutes.*

(2) *For the 2023-2024 fiscal year, 20 full-time equivalent positions with associated salary rate of 1,406,860 are authorized and the sum of \$5 million in recurring funds from the State Economic Enhancement*

and Development Trust Fund is appropriated to the Department of Commerce, as created by this act, to carry-out the provisions of this act.

(3) For the 2023-2024 fiscal year, the sum of \$1 million in non-recurring funds from the State Economic Enhancement and Development Trust Fund is appropriated to the Department of Commerce, as created by this act, to facilitate the transition plan and transfers required by this act. The unexpended balance of funds as of December 31, 2023, shall revert.

Section 5. Paragraph (i) of subsection (3) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.—

(3) **AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.**—The Auditor General may, pursuant to his or her own authority, or at the direction of the Legislative Auditing Committee, conduct audits or other engagements as determined appropriate by the Auditor General of:

~~(i) Enterprise Florida, Inc., including any of its boards, advisory committees, or similar groups created by Enterprise Florida, Inc., and programs. The audit report may not reveal the identity of any person who has anonymously made a donation to Enterprise Florida, Inc., pursuant to this paragraph. The identity of a donor or prospective donor to Enterprise Florida, Inc., who desires to remain anonymous and all information identifying such donor or prospective donor are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution. Such anonymity shall be maintained in the auditor's report.~~

Section 6. Paragraph (a) of subsection (3) of section 14.32, Florida Statutes, is amended to read:

14.32 Office of Chief Inspector General.—

(3) Related to public-private partnerships, the Chief Inspector General:

(a) Shall advise public-private partnerships, ~~including Enterprise Florida, Inc.,~~ in their development, utilization, and improvement of internal control measures necessary to ensure fiscal accountability.

Section 7. Section 15.18, Florida Statutes, is amended to read:

15.18 International and cultural relations.—The Divisions of Arts and Culture, Historical Resources, and Library and Information Services of the Department of State promote programs having substantial cultural, artistic, and indirect economic significance that emphasize American creativity. The Secretary of State, as the head administrator of these divisions, shall hereafter be known as “Florida’s Chief Arts and Culture Officer.” As this officer, the Secretary of State is encouraged to initiate and develop relationships between the state and foreign cultural officers, their representatives, and other foreign governmental officials in order to promote Florida as the center of American creativity. The Secretary of State shall coordinate international activities pursuant to this section with ~~the Department of Commerce Enterprise Florida, Inc.,~~ and any other organization the secretary deems appropriate. For the accomplishment of this purpose, the Secretary of State shall have the power and authority to:

(1) Disseminate any information pertaining to the State of Florida which promotes the state’s cultural assets.

(2) Plan and carry out activities designed to cause improved cultural and governmental programs and exchanges with foreign countries.

(3) Plan and implement cultural and social activities for visiting foreign heads of state, diplomats, dignitaries, and exchange groups.

(4) Encourage and cooperate with other public and private organizations or groups in their efforts to promote the cultural advantages of Florida.

(5) Serve as the liaison with all foreign consular and ambassadorial corps, as well as international organizations, that are consistent with the purposes of this section.

(6) Provide, arrange, and make expenditures for the achievement of any or all of the purposes specified in this section.

Section 8. Subsection (2) of section 15.182, Florida Statutes, is amended to read:

15.182 International travel by state-funded musical, cultural, or artistic organizations; notification to the Department of State.—

(2) The Department of State, in conjunction with the Department of ~~Commerce Economic Opportunity and Enterprise Florida, Inc.,~~ shall act as an intermediary between performing musical, cultural, and artistic organizations and Florida businesses to encourage and coordinate joint undertakings. Such coordination may include, but is not limited to, encouraging business and industry to sponsor cultural events, assistance with travel of such organizations, and coordinating travel schedules of cultural performance groups and international trade missions.

Section 9. Paragraph (a) of subsection (7) of section 20.435, Florida Statutes, is amended to read:

20.435 Department of Health; trust funds.—The following trust funds shall be administered by the Department of Health:

(7) Biomedical Research Trust Fund.

(a) Funds to be credited to the trust fund shall consist of funds appropriated by the Legislature. Funds shall be used for the purposes of the James and Esther King Biomedical Research Program, the Casey DeSantis Cancer Research Program, and the William G. “Bill” Bankhead, Jr., and David Coley Cancer Research Program as specified in ss. 215.5602, ~~288.955~~, 381.915, and 381.922. The trust fund is exempt from the service charges imposed by s. 215.20.

Section 10. Section 20.60, Florida Statutes, is amended to read:

20.60 Department of ~~Commerce Economic Opportunity~~; creation; powers and duties.—

(1) There is created the Department of ~~Commerce Economic Opportunity~~.

(2) The head of the department is the Secretary of ~~Commerce Economic Opportunity~~, who shall be appointed by the Governor, subject to confirmation by the Senate. The secretary shall serve at the pleasure of and report to the Governor ~~and shall serve as the Governor's chief negotiator for business recruitment and expansion and economic development.~~ The secretary may appoint deputy and assistant secretaries as necessary to aid the secretary in fulfilling his or her statutory obligations.

(3)(a) The following divisions and offices of the Department of ~~Commerce Economic Opportunity~~ are established:

1. The Division of ~~Economic Strategic Business~~ Development.

2. The Division of Community Development.

3. The Division of Workforce Services.

4. The Division of Finance and Administration.

5. The Division of Information Technology.

6. The Office of the Secretary.

7. The Office of Economic Accountability and Transparency, which shall:

a. Oversee the department’s critical objectives as determined by the secretary and make sure that the department’s key objectives are clearly communicated to the public.

b. Organize department resources, expertise, data, and research to focus on and solve the complex economic challenges facing the state.

c. Provide leadership for the department’s priority issues that require integration of policy, management, and critical objectives from multiple programs and organizations internal and external to the de-

partment; and organize and manage external communication on such priority issues.

d. Promote and facilitate key department initiatives to address priority economic issues and explore data and identify opportunities for innovative approaches to address such economic issues.

e. Promote strategic planning for the department.

(b) The secretary:

1. May create offices within the Office of the Secretary and within the divisions established in paragraph (a) to promote efficient and effective operation of the department.

2. Shall appoint a director for each division, who shall directly administer his or her division and be responsible to the secretary.

(4) The purpose of the department is to assist the Governor in working with the Legislature, state agencies, business leaders, and economic development professionals to formulate and implement coherent and consistent policies and strategies designed to promote economic opportunities for all Floridians. *The department is the state's chief agency for business recruitment and expansion and economic development.* To accomplish such purposes, the department shall:

(a) Facilitate the direct involvement of the Governor and the Lieutenant Governor in economic development and workforce development projects designed to create, expand, and retain businesses in this state, to recruit business from around the world, *to promote the state as a pro-business location for new investment*, and to facilitate other job-creating efforts.

(b) Recruit new businesses to this state and promote the expansion of existing businesses by expediting permitting and location decisions, worker placement and training, and incentive awards.

(c) Promote viable, sustainable communities by providing technical assistance and guidance on growth and development issues, grants, and other assistance to local communities.

(d) Ensure that the state's goals and policies relating to economic development, workforce development, community planning and development, and affordable housing are fully integrated with appropriate implementation strategies.

(e) Manage the activities of public-private partnerships and state agencies in order to avoid duplication and promote coordinated and consistent implementation of programs in areas including, but not limited to, tourism; international trade and investment; business recruitment, creation, retention, and expansion; minority and small business development; *defense, space, and aerospace development*; rural community development; and the development and promotion of professional and amateur sporting events.

(f) Coordinate with state agencies on the processing of state development approvals or permits to minimize the duplication of information provided by the applicant and the time before approval or disapproval.

(g) *Contract with the Florida Sports Foundation to guide, stimulate, and promote the sports industry in this state, to promote the participation of residents of this state in amateur athletic competition, and to promote this state as a host for national and international amateur athletic competitions.*

(h) *Encourage and oversee the coordination of international trade development efforts of public institutions, business associations, economic development councils, and private industry.*

(i) *Contract with the direct-support organization created in s. 288.012, to assist with coordination described in paragraph (h), provide services through State of Florida international offices, and assist in developing and carrying out the 5-year statewide strategic plan as it relates to foreign investment, international partnerships, and other international business and trade development.*

(j) *Support Florida's defense, space, and aerospace industries, including research and development, and strengthen this state's existing*

leadership in defense, space, and aerospace activity and economic growth.

(k) *Assist, promote, and enhance economic opportunities for this state's minority-owned businesses and rural and urban communities.*

(l) *Contract with the Florida Tourism Industry Marketing Corporation to execute tourism promotion and marketing services, functions, and programs for the state and advise the department on the development of domestic and international tourism marketing campaigns featuring this state.*

(5) The divisions within the department have specific responsibilities to achieve the duties, responsibilities, and goals of the department. Specifically:

(a) The Division of ~~Economic Strategic Business~~ Development shall:

1. Analyze and evaluate business prospects identified by the Governor ~~and; the secretary, and Enterprise Florida, Inc.~~

2. Administer certain tax refund, tax credit, and grant programs created in law. Notwithstanding any other provision of law, the department may expend interest earned from the investment of program funds deposited in the Grants and Donations Trust Fund to contract for the administration of those programs, or portions of the programs, assigned to the department by law, by the appropriations process, or by the Governor. Such expenditures shall be subject to review under chapter 216.

3. Develop measurement protocols for the state incentive programs and for the contracted entities which will be used to determine their performance and competitive value to the state. Performance measures, benchmarks, and sanctions must be developed in consultation with the legislative appropriations committees and the appropriate substantive committees, and are subject to the review and approval process provided in s. 216.177. The approved performance measures, standards, and sanctions shall be included and made a part of the strategic plan for contracts entered into for delivery of programs authorized by this section.

4. Develop a 5-year statewide strategic plan. The strategic plan must include, but need not be limited to:

a. Strategies for the promotion of business formation, expansion, recruitment, and retention through aggressive marketing, *attraction of venture capital and finance development, domestic trade*, international development, and export assistance, which lead to more and better jobs and higher wages for all geographic regions, disadvantaged communities, and populations of the state, including rural areas, minority businesses, and urban core areas.

b. The development of realistic policies and programs to further the economic diversity of the state, its regions, and their associated industrial clusters.

c. Specific provisions for the stimulation of economic development and job creation in rural areas and midsize cities and counties of the state, including strategies for rural marketing and the development of infrastructure in rural areas.

d. Provisions for the promotion of the successful long-term economic development of the state with increased emphasis in market research and information.

e. Plans for the generation of foreign investment in the state which create jobs paying above-average wages and which result in reverse investment in the state, including programs that establish viable overseas markets, assist in meeting the financing requirements of export-ready firms, broaden opportunities for international joint venture relationships, use the resources of academic and other institutions, coordinate trade assistance and facilitation services, and facilitate availability of and access to education and training programs that assure requisite skills and competencies necessary to compete successfully in the global marketplace.

f. The identification of business sectors that are of current or future importance to the state's economy and to the state's global business

image, and development of specific strategies to promote the development of such sectors.

g. Strategies for talent development necessary in the state to encourage economic development growth, taking into account factors such as the state's talent supply chain, education and training opportunities, and available workforce.

h. Strategies and plans to support this state's defense, space, and aerospace industries and the emerging complementary business activities and industries that support the development and growth of defense, space, and aerospace in this state.

5. Update the strategic plan every 5 years.

6. Involve ~~Enterprise Florida, Inc.~~; CareerSource Florida, Inc.; *direct-support organizations of the department*; local governments; the general public; local and regional economic development organizations; other local, state, and federal economic, international, and workforce development entities; the business community; and educational institutions to assist with the strategic plan.

7. *Coordinate with the Florida Tourism Industry Marketing Corporation in the development of the 4-year marketing plan pursuant to s. 288.1226(13).*

8. *Administer and manage relationships, as appropriate, with the entities and programs created pursuant to the Florida Capital Formation Act, ss. 288.9621-288.9625.*

(b) The Division of Community Development shall:

1. Assist local governments and their communities in finding creative planning solutions to help them foster vibrant, healthy communities, while protecting the functions of important state resources and facilities.

2. Administer state and federal grant programs as provided by law to provide community development and project planning activities to maintain viable communities, revitalize existing communities, and expand economic development and employment opportunities, including:

- a. The Community Services Block Grant Program.
- b. The Community Development Block Grant Program in chapter 290.
- c. The Low-Income Home Energy Assistance Program in chapter 409.
- d. The Weatherization Assistance Program in chapter 409.
- e. The Neighborhood Stabilization Program.
- f. The local comprehensive planning process and the development of regional impact process.

g. The Front Porch Florida Initiative through the Office of Urban Opportunity, which is created within the division. The purpose of the office is to administer the Front Porch Florida initiative, a comprehensive, community-based urban core redevelopment program that enables urban core residents to craft solutions to the unique challenges of each designated community.

3. Assist in developing the 5-year statewide strategic plan required by this section.

(c) The Division of Workforce Services shall:

1. Prepare and submit a unified budget request for workforce development in accordance with chapter 216 for, and in conjunction with, the state board as defined in s. 445.002.

2. Ensure that the state appropriately administers federal and state workforce funding by administering plans and policies of the state board as defined in s. 445.002. The operating budget and midyear amendments thereto must be part of such contract.

a. All program and fiscal instructions to local workforce development boards shall emanate from the Department of ~~Commerce~~

~~Economic Opportunity~~ pursuant to plans and policies of the state board as defined in s. 445.002, which shall be responsible for all policy directions to the local workforce development boards.

b. Unless otherwise provided by agreement with the state board as defined in s. 445.002, administrative and personnel policies of the Department of ~~Commerce~~ ~~Economic Opportunity~~ apply.

3. Implement the state's reemployment assistance program. The Department of ~~Commerce~~ ~~Economic Opportunity~~ shall ensure that the state appropriately administers the reemployment assistance program pursuant to state and federal law.

4. Assist in developing the 5-year statewide strategic plan required by this section, *including identifying education and training programs to ensure that the state has the skilled and competent workforce necessary to attract and grow business in this state and allow them to compete successfully in domestic and global markets.*

(6)(a) The Department of ~~Commerce~~ ~~Economic Opportunity~~ is the administrative agency designated for receipt of federal workforce development grants and other federal funds. The department shall administer the duties and responsibilities assigned by the Governor under each federal grant assigned to the department. The department shall expend each revenue source as provided by federal and state law and as provided in plans developed by and agreements with the state board as defined in s. 445.002. The department may serve as the contract administrator for contracts entered into by the state board under s. 445.004(5).

(b) The Department of ~~Commerce~~ ~~Economic Opportunity~~ shall serve as the designated agency for purposes of each federal workforce development grant assigned to it for administration. The department shall carry out the duties assigned to it by the Governor, under the terms and conditions of each grant. The department shall have the level of authority and autonomy necessary to be the designated recipient of each federal grant assigned to it and shall disburse such grants pursuant to the plans and policies of the state board as defined in s. 445.002. The secretary may, upon delegation from the Governor and pursuant to agreement with the state board, sign contracts, grants, and other instruments as necessary to execute functions assigned to the department. Notwithstanding other provisions of law, the department shall administer other programs funded by federal or state appropriations, as determined by the Legislature in the General Appropriations Act or other law.

(7) The department may provide or contract for training for employees of administrative entities and case managers of any contracted providers to ensure they have the necessary competencies and skills to provide adequate administrative oversight and delivery of the full array of client services.

(8) The Reemployment Assistance Appeals Commission, authorized by s. 443.012, is not subject to control, supervision, or direction by the department in the performance of its powers and duties but shall receive any and all support and assistance from the department which is required for the performance of its duties.

(9) The secretary shall:

(a) Manage all activities and responsibilities of the department.

(b) Serve as the manager for the state with respect to contracts with ~~Enterprise Florida, Inc., and~~ all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of chapter 288, and notwithstanding the provisions of part I of chapter 287, the secretary shall enter into specific contracts with ~~Enterprise Florida, Inc., and other~~ appropriate direct-support organizations. Such contracts may be for multiyear terms and must include specific performance measures for each year. For purposes of this section, ~~the Florida Tourism Industry Marketing Corporation and the Institute for Commercialization of Florida Technology is~~ ~~are~~ not an appropriate direct-support organization ~~organizations~~.

(c) Serve as a member of the board of directors of the Florida Development Finance Corporation. The secretary may designate an employee of the department to serve in this capacity.

(10) The department, ~~with assistance from Enterprise Florida, Inc.,~~ shall, by November 1 of each year, submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives on the condition of the business climate and economic development in the state.

(a) The report must include the identification of problems and a prioritized list of recommendations.

(b) *The department shall collect and maintain data on the development and utilization of the international trade development program for inclusion in the report.*

(c) The report must incorporate annual reports of other programs, including:

~~1. Information provided by the Department of Revenue under s. 290.014.~~

~~2. Information provided by enterprise zone development agencies under s. 290.0056 and an analysis of the activities and accomplishments of each enterprise zone.~~

~~3. The Economic Gardening Business Loan Pilot Program established under s. 288.1081 and the Economic Gardening Technical Assistance Pilot Program established under s. 288.1082.~~

1.4. A detailed report of the performance of the Black Business Loan Program and a cumulative summary of quarterly report data required under s. 288.714.

2.5. The Rural Economic Development Initiative established under s. 288.0656.

3.6. The Florida Unique Abilities Partner Program.

4.7. A detailed report of the performance of the Florida Development Finance Corporation and a summary of the corporation's report required under s. 288.9610.

(11) The department shall establish annual performance standards for ~~Enterprise Florida, Inc.; CareerSource Florida, Inc.; the Florida Tourism Industry Marketing Corporation; Space Florida; and the Florida Development Finance Corporation; and any other direct-support organization of the department~~ and report annually on how these performance measures are being met in the annual report required under subsection (10).

(12) The department shall have an official seal by which its records, orders, and proceedings are authenticated. The seal shall be judicially noticed.

(13) The department shall administer the role of state government under part I of chapter 421, relating to public housing; chapter 422, relating to housing cooperation law; and chapter 423, tax exemption of housing authorities. The department is the agency of state government responsible for the state's role in housing and urban development.

Section 11. *Section 20.601, Florida Statutes, is repealed.*

Section 12. Subsection (11) of section 159.803, Florida Statutes, is amended to read:

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

(11) “Florida First Business project” means any project which is certified by the Department of ~~Commerce~~ **Economic Opportunity** as eligible to receive an allocation from the Florida First Business allocation pool established pursuant to s. 159.8083. The Department of ~~Commerce~~ **Economic Opportunity** may certify those projects *proposed by a business which qualify as a target industry business as defined in s. 288.005 meeting the criteria set forth in s. 288.106(4)(b) or any project providing a substantial economic benefit to this state. The department shall develop measurement protocols and performance measures to determine what competitive value a project by a target industry business will bring to the state pursuant to ss. 20.60(5)(a)3. and 288.061(2).*

Section 13. Section 189.033, Florida Statutes, is amended to read:

189.033 Independent special district services in disproportionately affected county; rate reduction for providers providing economic benefits.—If the governing body of an independent special district that provides water, wastewater, and sanitation services in a disproportionately affected county, ~~as defined in s. 288.106(8),~~ determines that a new user or the expansion of an existing user of one or more of its utility systems will provide a significant benefit to the community in terms of increased job opportunities, economies of scale, or economic development in the area, the governing body may authorize a reduction of its rates, fees, or charges for that user for a specified period of time. A governing body that exercises this power must do so by resolution that states the anticipated economic benefit justifying the reduction as well as the period of time that the reduction will remain in place. *As used in this section, the term “disproportionally affected county” means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.*

Section 14. Paragraph (a) of subsection (14) of section 196.012, Florida Statutes, is amended to read:

196.012 Definitions.—For the purpose of this chapter, the following terms are defined as follows, except where the context clearly indicates otherwise:

(14) “New business” means:

(a)1. A business or organization establishing 10 or more new jobs to employ 10 or more full-time employees in this state, paying an average wage for such new jobs that is above the average wage in the area, which principally engages in any one or more of the following operations:

a. Manufactures, processes, compounds, fabricates, or produces for sale items of tangible personal property at a fixed location and which comprises an industrial or manufacturing plant; or

b. Is a target industry business as defined in s. 288.005 ~~s. 288.106(2)(q);~~

2. A business or organization establishing 25 or more new jobs to employ 25 or more full-time employees in this state, the sales factor of which, as defined by s. 220.15(5), for the facility with respect to which it requests an economic development ad valorem tax exemption is less than 0.50 for each year the exemption is claimed; or

3. An office space in this state owned and used by a business or organization newly domiciled in this state; provided such office space houses 50 or more full-time employees of such business or organization; provided that such business or organization office first begins operation on a site clearly separate from any other commercial or industrial operation owned by the same business or organization.

Section 15. Paragraphs (j) and (q) of subsection (5) of section 212.08, Florida Statutes, are amended to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(j) *Machinery and equipment used in semiconductor, defense, or space technology production.—*

1.a. Industrial machinery and equipment used in semiconductor technology facilities certified under subparagraph 5. to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter. For purposes of this paragraph, industrial machinery and equipment includes molds, dies, machine tooling, other appurtenances or accessories to machinery and equipment, testing equipment, test beds, computers, and software, whether purchased or self-fabricated, and, if self-fabricated, includes materials and labor for design, fabrication, and assembly.

b. Industrial machinery and equipment used in defense or space technology facilities certified under subparagraph 5. to design, manu-

facture, assemble, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities are exempt from the tax imposed by this chapter.

2. Building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities are exempt from the tax imposed by this chapter.

3. In addition to meeting the criteria mandated by subparagraph 1. or subparagraph 2., a business must be certified by the Department of Commerce ~~Economic Opportunity~~ in order to qualify for exemption under this paragraph.

4. For items purchased tax-exempt pursuant to this paragraph, possession of a written certification from the purchaser, certifying the purchaser's entitlement to the exemption, relieves the seller of the responsibility of collecting the tax on the sale of such items, and the department shall look solely to the purchaser for recovery of the tax if it determines that the purchaser was not entitled to the exemption.

5.a. To be eligible to receive the exemption provided by subparagraph 1. or subparagraph 2., a qualifying business entity shall initially apply to the Department of Commerce ~~Enterprise Florida, Inc.~~ The original certification is valid for a period of 2 years. In lieu of submitting a new application, the original certification may be renewed biennially by submitting to the Department of Commerce ~~Economic Opportunity~~ a statement, certified under oath, that there has not been a material change in the conditions or circumstances entitling the business entity to the original certification. The initial application and the certification renewal statement shall be developed by the Department of Commerce ~~Economic Opportunity~~.

b. The Division of ~~Economic Strategic Business~~ Development of the Department of Commerce ~~Economic Opportunity~~ shall review each submitted initial application and determine whether or not the application is complete within 5 working days. Once complete, the division shall, within 10 working days, evaluate the application and recommend approval or disapproval to the Department of Commerce ~~Economic Opportunity~~.

c. Upon receipt of the initial application and recommendation from the division or upon receipt of a certification renewal statement, the Department of Commerce ~~Economic Opportunity~~ shall certify within 5 working days those applicants who are found to meet the requirements of this section and notify the applicant of the original certification or certification renewal. If the Department of Commerce ~~Economic Opportunity~~ finds that the applicant does not meet the requirements, it shall notify the applicant and ~~Enterprise Florida, Inc.~~, within 10 working days that the application for certification has been denied and the reasons for denial. The Department of Commerce ~~Economic Opportunity~~ has final approval authority for certification under this section.

d. The initial application and certification renewal statement must indicate, for program evaluation purposes only, the average number of full-time equivalent employees at the facility over the preceding calendar year, the average wage and benefits paid to those employees over the preceding calendar year, the total investment made in real and tangible personal property over the preceding calendar year, and the total value of tax-exempt purchases and taxes exempted during the previous year. The department shall assist the Department of Commerce ~~Economic Opportunity~~ in evaluating and verifying information provided in the application for exemption.

e. The Department of Commerce ~~Economic Opportunity~~ may use the information reported on the initial application and certification renewal statement for evaluation purposes only.

6. A business certified to receive this exemption may elect to designate one or more state universities or community colleges as recipients of up to 100 percent of the amount of the exemption. To receive these funds, the institution must agree to match the funds with equivalent cash, programs, services, or other in-kind support on a one-to-one basis for research and development projects requested by the certified business. The rights to any patents, royalties, or real or intellectual property must be vested in the business unless otherwise agreed to by the business and the university or community college.

7. As used in this paragraph, the term:

a. "Semiconductor technology products" means raw semiconductor wafers or semiconductor thin films that are transformed into semiconductor memory or logic wafers, including wafers containing mixed memory and logic circuits; related assembly and test operations; active-matrix flat panel displays; semiconductor chips; semiconductor lasers; optoelectronic elements; and related semiconductor technology products as determined by the Department of Commerce ~~Economic Opportunity~~.

b. "Clean rooms" means manufacturing facilities enclosed in a manner that meets the clean manufacturing requirements necessary for high-technology semiconductor-manufacturing environments.

c. "Defense technology products" means products that have a military application, including, but not limited to, weapons, weapons systems, guidance systems, surveillance systems, communications or information systems, munitions, aircraft, vessels, or boats, or components thereof, which are intended for military use and manufactured in performance of a contract with the United States Department of Defense or the military branch of a recognized foreign government or a subcontract thereunder which relates to matters of national defense.

d. "Space technology products" means products that are specifically designed or manufactured for application in space activities, including, but not limited to, space launch vehicles, space flight vehicles, missiles, satellites or research payloads, avionics, and associated control systems and processing systems and components of any of the foregoing. The term does not include products that are designed or manufactured for general commercial aviation or other uses even though those products may also serve an incidental use in space applications.

~~(q) Entertainment industry tax credit; authorization; eligibility for credits. The credits against the state sales tax authorized pursuant to s. 288.1254 shall be deducted from any sales and use tax remitted by the dealer to the department by electronic funds transfer and may only be deducted on a sales and use tax return initiated through electronic data interchange. The dealer shall separately state the credit on the electronic return. The net amount of tax due and payable must be remitted by electronic funds transfer. If the credit for the qualified expenditures is larger than the amount owed on the sales and use tax return that is eligible for the credit, the unused amount of the credit may be carried forward to a succeeding reporting period as provided in s. 288.1254(4)(c). A dealer may only obtain a credit using the method described in this subparagraph. A dealer is not authorized to obtain a credit by applying for a refund.~~

Section 16. Paragraph (a) of subsection (1) of section 212.098, Florida Statutes, is amended to read:

212.098 Rural Job Tax Credit Program.—

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

(a) "Eligible business" means any sole proprietorship, firm, partnership, or corporation that is located in a qualified county and is predominantly engaged in, or is headquarters for a business predominantly engaged in, activities usually provided for consideration by firms classified within the following standard industrial classifications: SIC 01-SIC 09 (agriculture, forestry, and fishing); SIC 20-SIC 39 (manufacturing); SIC 422 (public warehousing and storage); SIC 70 (hotels and other lodging places); SIC 7391 (research and development); SIC 781 (motion picture production and allied services); SIC 7992 (public golf courses); and SIC 7996 (amusement parks); ~~and a targeted industry eligible for the qualified target industry business tax refund under s. 288.106.~~ A call center or similar customer service operation that services a multistate market or an international market is also an eligible business. In addition, the Department of Commerce ~~Economic Opportunity~~ may, as part of its final budget request submitted pursuant to s. 216.023, recommend additions to or deletions from the list of standard industrial classifications used to determine an eligible business, and the Legislature may implement such recommendations. Excluded from eligible receipts are receipts from retail sales, except such receipts for hotels and other lodging places classified in SIC 70, public golf courses in SIC 7992, and amusement parks in SIC 7996. For purposes of this paragraph, the term "predominantly" means that more than 50 percent of the business's gross receipts from all sources is generated by those activities usually provided for consideration by firms in the specified

standard industrial classification. The determination of whether the business is located in a qualified county and the tier ranking of that county must be based on the date of application for the credit under this section. Commonly owned and controlled entities are to be considered a single business entity.

Section 17. Paragraph (d) of subsection (6) of section 212.20, Florida Statutes, is amended to read:

212.20 Funds collected, disposition; additional powers of department; operational expense; refund of taxes adjudicated unconstitutionally collected.—

(6) Distribution of all proceeds under this chapter and ss. 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

(d) The proceeds of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be distributed as follows:

1. In any fiscal year, the greater of \$500 million, minus an amount equal to 4.6 percent of the proceeds of the taxes collected pursuant to chapter 201, or 5.2 percent of all other taxes and fees imposed pursuant to this chapter or remitted pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in monthly installments into the General Revenue Fund.

2. After the distribution under subparagraph 1., 8.9744 percent of the amount remitted by a sales tax dealer located within a participating county pursuant to s. 218.61 shall be transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to be transferred shall be reduced by 0.1 percent, and the department shall distribute this amount to the Public Employees Relations Commission Trust Fund less \$5,000 each month, which shall be added to the amount calculated in subparagraph 3. and distributed accordingly.

3. After the distribution under subparagraphs 1. and 2., 0.0966 percent shall be transferred to the Local Government Half-cent Sales Tax Clearing Trust Fund and distributed pursuant to s. 218.65.

4. After the distributions under subparagraphs 1., 2., and 3., 2.0810 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215.

5. After the distributions under subparagraphs 1., 2., and 3., 1.3653 percent of the available proceeds shall be transferred monthly to the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215. If the total revenue to be distributed pursuant to this subparagraph is at least as great as the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, no municipality shall receive less than the amount due from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000. If the total proceeds to be distributed are less than the amount received in combination from the Revenue Sharing Trust Fund for Municipalities and the former Municipal Financial Assistance Trust Fund in state fiscal year 1999-2000, each municipality shall receive an amount proportionate to the amount it was due in state fiscal year 1999-2000.

6. Of the remaining proceeds:

a. In each fiscal year, the sum of \$29,915,500 shall be divided into as many equal parts as there are counties in the state, and one part shall be distributed to each county. The distribution among the several counties must begin each fiscal year on or before January 5th and continue monthly for a total of 4 months. If a local or special law required that any moneys accruing to a county in fiscal year 1999-2000 under the then-existing provisions of s. 550.135 be paid directly to the district school board, special district, or a municipal government, such payment must continue until the local or special law is amended or repealed. The state covenants with holders of bonds or other instruments of indebtedness issued by local governments, special districts, or district school boards before July 1, 2000, that it is not the intent of this subparagraph to adversely affect the rights of those holders or relieve local governments, special districts, or district school boards of the duty to meet their obligations as a result of previous pledges or assignments or trusts entered into which obligated funds received from the dis-

tribution to county governments under then-existing s. 550.135. This distribution specifically is in lieu of funds distributed under s. 550.135 before July 1, 2000.

b. The department shall distribute \$166,667 monthly to each applicant certified as a facility for a new or retained professional sports franchise pursuant to s. 288.1162. Up to \$41,667 shall be distributed monthly by the department to each certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. However, not more than \$416,670 may be distributed monthly in the aggregate to all certified applicants for facilities for spring training franchises. Distributions begin 60 days after such certification and continue for not more than 30 years, except as otherwise provided in s. 288.11621. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.1162(5) or s. 288.11621(3).

~~e. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that an applicant has been certified as the professional golf hall of fame pursuant to s. 288.1168 and is open to the public, \$166,667 shall be distributed monthly, for up to 300 months, to the applicant.~~

~~d. Beginning 30 days after notice by the Department of Economic Opportunity to the Department of Revenue that the applicant has been certified as the International Game Fish Association World Center facility pursuant to s. 288.1169, and the facility is open to the public, \$83,333 shall be distributed monthly, for up to 168 months, to the applicant. This distribution is subject to reduction pursuant to s. 288.1169.~~

c.e. The department shall distribute up to \$83,333 monthly to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise, or up to \$166,667 monthly to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. Monthly distributions begin 60 days after such certification or July 1, 2016, whichever is later, and continue for not more than 20 years to each certified applicant as defined in s. 288.11631 for a facility used by a single spring training franchise or not more than 25 years to each certified applicant as defined in s. 288.11631 for a facility used by more than one spring training franchise. A certified applicant identified in this sub-subparagraph may not receive more in distributions than expended by the applicant for the public purposes provided in s. 288.11631(3).

d.f. The Department shall distribute \$15,333 monthly to the State Transportation Trust Fund.

~~e.g.(I)~~ On or before July 25, 2021, August 25, 2021, and September 25, 2021, the department shall distribute \$324,533,334 in each of those months to the Unemployment Compensation Trust Fund, less an adjustment for refunds issued from the General Revenue Fund pursuant to s. 443.131(3)(e)3. before making the distribution. The adjustments made by the department to the total distributions shall be equal to the total refunds made pursuant to s. 443.131(3)(e)3. If the amount of refunds to be subtracted from any single distribution exceeds the distribution, the department may not make that distribution and must subtract the remaining balance from the next distribution.

(II) Beginning July 2022, and on or before the 25th day of each month, the department shall distribute \$90 million monthly to the Unemployment Compensation Trust Fund.

(III) If the ending balance of the Unemployment Compensation Trust Fund exceeds \$4,071,519,600 on the last day of any month, as determined from United States Department of the Treasury data, the Office of Economic and Demographic Research shall certify to the department that the ending balance of the trust fund exceeds such amount.

(IV) This sub-subparagraph is repealed, and the department shall end monthly distributions under sub-sub-subparagraph (II), on the date the department receives certification under sub-sub-subparagraph (III).

7. All other proceeds must remain in the General Revenue Fund.

Section 18. Section 212.205, Florida Statutes, is amended to read:

212.205 Sales tax distribution reporting.—By March 15 of each year, each person who received a distribution pursuant to s. 212.20(6)(d)

6.b. and c. ~~s. 212.20(6)(d)6.b.-c.~~ in the preceding calendar year shall report to the Office of Economic and Demographic Research the following information:

(1) An itemized accounting of all expenditures of the funds distributed in the preceding calendar year, including amounts spent on debt service.

(2) A statement indicating what portion of the distributed funds have been pledged for debt service.

(3) The original principal amount and current debt service schedule of any bonds or other borrowing for which the distributed funds have been pledged for debt service.

Section 19. Paragraph (aa) of subsection (8) of section 213.053, Florida Statutes, is amended to read:

213.053 Confidentiality and information sharing.—

(8) Notwithstanding any other provision of this section, the department may provide:

(aa) Information relating to tax credits taken under *former* s. 220.194 to Space Florida.

Disclosure of information under this subsection shall be pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 20. Subsection (3) of section 218.64, Florida Statutes, is amended to read:

218.64 Local government half-cent sales tax; uses; limitations.—

(3) Subject to ordinances enacted by the majority of the members of the county governing authority and by the majority of the members of the governing authorities of municipalities representing at least 50 percent of the municipal population of such county, counties may use up to \$3 million annually of the local government half-cent sales tax allocated to that county for any of the following purposes:

(a) Funding a certified applicant as a facility for a new or retained professional sports franchise under s. 288.1162 or a certified applicant as defined in s. 288.11621 for a facility for a spring training franchise. It is the Legislature's intent that the provisions of s. 288.1162, including, but not limited to, the evaluation process by the Department of ~~Commerce~~ **Economic Opportunity** except for the limitation on the number of certified applicants or facilities as provided in that section and the restrictions set forth in s. 288.1162(8), shall apply to an applicant's facility to be funded by local government as provided in this subsection.

(b) Funding ~~an a-certified~~ applicant *certified before July 1, 2023*, as a "motorsport entertainment complex," as provided for in *former* s. 288.1171. Funding for each franchise or motorsport complex shall begin 60 days after certification and shall continue for not more than 30 years.

Section 21. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.1876, those enumerated in s. 220.1877, those enumerated in s. 220.193, those enumerated in *former* s. 288.9916, those enumerated in *former* s. 220.1899, those enumerated in *former* s. 220.194, those enumerated in s. 220.196, those enumerated in s. 220.198, and those enumerated in s. 220.1915.

Section 22. Paragraphs (a) and (b) of subsection (1) of section 220.13, Florida Statutes, are amended to read:

220.13 "Adjusted federal income" defined.—

(1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) *Additions*.—There shall be added to such taxable income:

1.a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875, s. 220.1876, or s. 220.1877 is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875, s. 220.1876, or s. 220.1877 is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, or s. 220.1877. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit

against the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.193.

13. ~~Any portion of a qualified investment, as defined in s. 288.0013, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.0016.~~

14. ~~The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.~~

15. ~~The amount taken as a credit for the taxable year pursuant to s. 220.194.~~

16. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

14.17. The amount taken as a credit for the taxable year pursuant to s. 220.198.

15.18. The amount taken as a credit for the taxable year pursuant to s. 220.1915.

(b) *Subtractions.*—

1. There shall be subtracted from such taxable income:

a. The net operating loss deduction allowable for federal income tax purposes under s. 172 of the Internal Revenue Code for the taxable year, ~~except that any net operating loss that is transferred pursuant to s. 220.194(6) may not be deducted by the seller,~~

b. The net capital loss allowable for federal income tax purposes under s. 1212 of the Internal Revenue Code for the taxable year,

c. The excess charitable contribution deduction allowable for federal income tax purposes under s. 170(d)(2) of the Internal Revenue Code for the taxable year, and

d. The excess contributions deductions allowable for federal income tax purposes under s. 404 of the Internal Revenue Code for the taxable year.

However, a net operating loss and a capital loss shall never be carried back as a deduction to a prior taxable year, but all deductions attributable to such losses shall be deemed net operating loss carryovers and capital loss carryovers, respectively, and treated in the same manner, to the same extent, and for the same time periods as are prescribed for such carryovers in ss. 172 and 1212, respectively, of the Internal Revenue Code.

2. There shall be subtracted from such taxable income any amount to the extent included therein the following:

a. Dividends treated as received from sources without the United States, as determined under s. 862 of the Internal Revenue Code.

b. All amounts included in taxable income under s. 78, s. 951, or s. 951A of the Internal Revenue Code.

However, any amount subtracted under this subparagraph is allowed only to the extent such amount is not deductible in determining federal taxable income. As to any amount subtracted under this subparagraph, there shall be added to such taxable income all expenses deducted on the taxpayer's return for the taxable year which are attributable, directly or indirectly, to such subtracted amount. Further, no amount shall be subtracted with respect to dividends paid or deemed paid by a Domestic International Sales Corporation.

3. In computing "adjusted federal income" for taxable years beginning after December 31, 1976, there shall be allowed as a deduction the amount of wages and salaries paid or incurred within this state for the

taxable year for which no deduction is allowed pursuant to s. 280C(a) of the Internal Revenue Code (relating to credit for employment of certain new employees).

4. There shall be subtracted from such taxable income any amount of nonbusiness income included therein.

5. There shall be subtracted any amount of taxes of foreign countries allowable as credits for taxable years beginning on or after September 1, 1985, under s. 901 of the Internal Revenue Code to any corporation which derived less than 20 percent of its gross income or loss for its taxable year ended in 1984 from sources within the United States, as described in s. 861(a)(2)(A) of the Internal Revenue Code, not including credits allowed under ss. 902 and 960 of the Internal Revenue Code, withholding taxes on dividends within the meaning of sub-subparagraph 2.a., and withholding taxes on royalties, interest, technical service fees, and capital gains.

6. Notwithstanding any other provision of this code, except with respect to amounts subtracted pursuant to subparagraphs 1. and 3., any increment of any apportionment factor which is directly related to an increment of gross receipts or income which is deducted, subtracted, or otherwise excluded in determining adjusted federal income shall be excluded from both the numerator and denominator of such apportionment factor. Further, all valuations made for apportionment factor purposes shall be made on a basis consistent with the taxpayer's method of accounting for federal income tax purposes.

Section 23. Subsection (5) of section 220.16, Florida Statutes, is amended to read:

220.16 Allocation of nonbusiness income.—Nonbusiness income shall be allocated as follows:

~~(5) The amount of payments received in exchange for transferring a net operating loss authorized by s. 220.194 is allocable to the state.~~

Section 24. *Section 220.1899, Florida Statutes, is repealed.*

Section 25. Present paragraphs (a) through (g) of subsection (1) of section 220.191, Florida Statutes, are redesignated as paragraphs (b) through (h), respectively, a new paragraph (a) is added to that subsection, and present paragraph (g) of subsection (1), paragraph (a) of subsection (3), and subsections (5) and (6) of that section are amended, to read:

220.191 Capital investment tax credit.—

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

(a) "Average private sector wage in the area" means the statewide private sector average wage or the average of all private sector wages and salaries in the county or in the standard metropolitan area in which a business is located.

~~(h)(e)~~ "Qualifying project" means a facility in this state meeting one or more of the following criteria:

1. A new or expanding facility in this state which creates at least 100 new jobs in this state and is in one of the high-impact sectors identified and designated by Enterprise Florida, Inc., and certified by the Department of Commerce Economic Opportunity pursuant to s. 288.108(6), including, but not limited to, aviation, aerospace, automotive, and silicon technology industries. However, between July 1, 2011, and June 30, 2014, the requirement that a facility be in a high-impact sector is waived for any otherwise eligible business from another state which locates all or a portion of its business to a Disproportionally Affected County. For purposes of this section, the term "Disproportionally Affected County" means Bay County, Escambia County, Franklin County, Gulf County, Okaloosa County, Santa Rosa County, Walton County, or Wakulla County.

2. A new or expanded facility in this state which is engaged in a target industry designated pursuant to the procedure specified in s. 288.005(7) ~~s. 288.106(2)~~ and which is induced by this credit to create or retain at least 1,000 jobs in this state, provided that at least 100 of those jobs are new, pay an annual average wage of at least 130 percent of the average private sector wage in the area ~~as defined in s. 288.106(2)~~, and make a cumulative capital investment of at least \$100 million. Jobs may

be considered retained only if there is significant evidence that the loss of jobs is imminent. Notwithstanding subsection (2), annual credits against the tax imposed by this chapter may not exceed 50 percent of the increased annual corporate income tax liability or the premium tax liability generated by or arising out of a project qualifying under this subparagraph. A facility that qualifies under this subparagraph for an annual credit against the tax imposed by this chapter may take the tax credit for a period not to exceed 5 years.

3. A new or expanded headquarters facility in this state which locates in an enterprise zone and brownfield area and is induced by this credit to create at least 1,500 jobs which on average pay at least 200 percent of the statewide average annual private sector wage, as published by the Department of ~~Commerce Economic Opportunity~~, and which new or expanded headquarters facility makes a cumulative capital investment in this state of at least \$250 million.

(3)(a) Notwithstanding subsection (2), an annual credit against the tax imposed by this chapter shall be granted to a qualifying business which establishes a qualifying project pursuant to subparagraph (1)(h) 3. ~~(1)(g)2~~, in an amount equal to the lesser of \$15 million or 5 percent of the eligible capital costs made in connection with a qualifying project, for a period not to exceed 20 years beginning with the commencement of operations of the project. The tax credit shall be granted against the corporate income tax liability of the qualifying business and as further provided in paragraph (c). The total tax credit provided pursuant to this subsection shall be equal to no more than 100 percent of the eligible capital costs of the qualifying project.

(5) Applications shall be reviewed and certified pursuant to s. 288.061. The Department of ~~Commerce Economic Opportunity~~, ~~upon a recommendation by Enterprise Florida, Inc.~~, shall first certify a business as eligible to receive tax credits pursuant to this section prior to the commencement of operations of a qualifying project, and such certification shall be transmitted to the Department of Revenue. Upon receipt of the certification, the Department of Revenue shall enter into a written agreement with the qualifying business specifying, at a minimum, the method by which income generated by or arising out of the qualifying project will be determined.

(6) The Department of ~~Commerce Economic Opportunity~~, ~~in consultation with Enterprise Florida, Inc.~~, is authorized to develop the necessary guidelines and application materials for the certification process described in subsection (5).

Section 26. *Section 220.194, Florida Statutes, is repealed.*

Section 27. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 220.196, Florida Statutes, are amended to read:

220.196 Research and development tax credit.—

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

(b) “Business enterprise” means any corporation as defined in s. 220.03 which meets the definition of a target industry business as defined in s. 288.005 ~~s. 288.106~~.

(2) TAX CREDIT.—

(a) As provided in this section, a business enterprise is eligible for a credit against the tax imposed by this chapter if it:

1. Has qualified research expenses in this state in the taxable year exceeding the base amount;

2. Claims and is allowed a research credit for such qualified research expenses under 26 U.S.C. s. 41 for the same taxable year as subparagraph 1.; and

3. Is a qualified target industry business as defined in *former s. 288.106(2)(n), Florida Statutes 2022*. Only qualified target industry businesses in the manufacturing, life sciences, information technology, aviation and aerospace, homeland security and defense, cloud information technology, marine sciences, materials science, and nanotechnology industries may qualify for a tax credit under this section. A business applying for a credit pursuant to this section shall include a letter from the Department of ~~Commerce Economic Opportunity~~ certifying whether the business meets the requirements of this sub-

paragraph with its application for credit. The Department of ~~Commerce Economic Opportunity~~ shall provide such a letter upon receiving a request.

Section 28. Section 272.11, Florida Statutes, is amended to read:

272.11 Capitol information center.—*The Florida Tourism Industry Marketing Corporation Enterprise Florida, Inc.*, shall establish, maintain, and operate a Capitol information center somewhere within the area of the Capitol Center and employ personnel or enter into contracts to maintain same.

Section 29. Paragraph (f) of subsection (1) of section 287.0947, Florida Statutes, is amended to read:

287.0947 Florida Advisory Council on Small and Minority Business Development; creation; membership; duties.—

(1) The Secretary of Management Services may create the Florida Advisory Council on Small and Minority Business Development with the purpose of advising and assisting the secretary in carrying out the secretary’s duties with respect to minority businesses and economic and business development. It is the intent of the Legislature that the membership of such council include practitioners, laypersons, financiers, and others with business development experience who can provide invaluable insight and expertise for this state in the diversification of its markets and networking of business opportunities. The council shall initially consist of 19 persons, each of whom is or has been actively engaged in small and minority business development, either in private industry, in governmental service, or as a scholar of recognized achievement in the study of such matters. Initially, the council shall consist of members representing all regions of the state and shall include at least one member from each group identified within the definition of “minority person” in s. 288.703(4), considering also gender and nationality subgroups, and shall consist of the following:

(f) *The Secretary of Commerce or his or her designee* ~~A member from the board of directors of Enterprise Florida, Inc.~~

A candidate for appointment may be considered if eligible to be certified as an owner of a minority business enterprise, or if otherwise qualified under the criteria above. Vacancies may be filled by appointment of the secretary, in the manner of the original appointment.

Section 30. Paragraph (e) of subsection (1) of section 287.137, Florida Statutes, is amended to read:

287.137 Antitrust violations; denial or revocation of the right to transact business with public entities; denial of economic benefits.—

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

(e) “Economic incentives” means state grants, cash grants, tax exemptions, tax refunds, tax credits, state funds, and other state incentives under chapter 288 or administered by *the Department of Commerce Enterprise Florida, Inc.*

Section 31. Subsections (2) and (4) of section 288.0001, Florida Statutes, are amended to read:

288.0001 Economic Development Programs Evaluation.—The Office of Economic and Demographic Research and the Office of Program Policy Analysis and Government Accountability (OPPAGA) shall develop and present to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the legislative appropriations committees the Economic Development Programs Evaluation.

(2) The Office of Economic and Demographic Research and OPPAGA shall provide a detailed analysis of economic development programs as provided in the following schedule:

(a) By January 1, 2014, and every 3 years thereafter, an analysis of the following:

1. The capital investment tax credit established under s. 220.191.
2. *Space Florida established under s. 331.302.*

3. *The research and development tax credit established under 220.196.*

4. *The Urban High-Crime Area Job Tax Credit Program established under s. 212.097 and authorized under s. 220.1895.*

5. *The Rural Job Tax Credit Program established under s. 212.098 and authorized under s. 220.1895.*

6. *The Florida Job Growth Grant Fund established under s. 288.101*
~~The qualified target industry tax refund established under s. 288.106.~~

7.~~3.~~ ~~The brownfield redevelopment bonus refund established under s. 288.107.~~

4. ~~High impact business performance grants established under s. 288.108.~~

5. ~~The Quick Action Closing Fund established under s. 288.1088.~~

6. ~~The Innovation Incentive Program established under s. 288.1089.~~

7. ~~Enterprise Zone Program incentives established under ss. 212.08(5) and (15), 212.096, 220.181, and 220.182.~~

8. ~~The New Markets Development Program established under ss. 288.991-288.9922.~~

(b) By January 1, 2015, and every 3 years thereafter, an analysis of the following:

1. ~~The entertainment industry financial incentive program established under s. 288.1254.~~

2. ~~The entertainment industry sales tax exemption program established under s. 288.1258.~~

2.~~3.~~ ~~VISIT Florida and its programs established or funded under ss. 288.122, 288.1226, 288.12265, and 288.124.~~

3.~~4.~~ ~~The Florida Sports Foundation and related programs, including those established under ss. 288.1162, 288.11621, 288.1166, and 288.1167; 288.1168, 288.1169, and 288.1171.~~

(c) By January 1, 2016, and every 3 years thereafter, an analysis of the following:

1. ~~The qualified defense contractor and space flight business tax refund program established under s. 288.1045.~~

2. ~~The tax exemption for semiconductor, defense, or space technology sales established under s. 212.08(5)(j).~~

2.~~3.~~ ~~The Military Base Protection Program established under s. 288.980.~~

3.~~4.~~ ~~The Quick Response Training Program established under s. 288.047.~~

4.~~5.~~ ~~The Incumbent Worker Training Program established under s. 445.003.~~

5.~~6.~~ ~~The direct-support organization and international trade and business development programs established or funded under s. 288.012 or s. 288.826.~~

6.~~(d)~~ ~~By January 1, 2019, and every 3 years thereafter, an analysis of The grant and entrepreneur initiative programs established under s. 295.22(3)(d) and (e).~~

(4) Pursuant to the schedule established in subsection (2), OPPAGA shall evaluate each program over the previous 3 years for its effectiveness and value to the taxpayers of this state and include recommendations on each program for consideration by the Legislature. The analysis may include relevant economic development reports or analyses prepared by the department of Economic Opportunity, Enterprise Florida, Inc., or local or regional economic development organizations; interviews with the parties involved; or any other relevant data.

Section 32. Paragraph (b) of subsection (4) of section 288.001, Florida Statutes, is amended to read:

288.001 The Florida Small Business Development Center Network.—

(4) STATEWIDE ADVISORY BOARD.—

(b) The statewide advisory board shall consist of 19 members from across the state. At least 12 members must be representatives of the private sector who are knowledgeable of the needs and challenges of small businesses. The members must represent various segments and industries of the economy in this state and must bring knowledge and skills to the statewide advisory board which would enhance the board's collective knowledge of small business assistance needs and challenges. Minority and gender representation must be considered when making appointments to the board. The board must include the following members:

1. Three members appointed from the private sector by the President of the Senate.

2. Three members appointed from the private sector by the Speaker of the House of Representatives.

3. Three members appointed from the private sector by the Governor.

4. Three members appointed from the private sector by the network's statewide director.

5. One member appointed by the host institution.

6. ~~The Secretary of Commerce~~ ~~President of Enterprise Florida, Inc.,~~ or his or her designee.

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

8. The President of the Florida Chamber of Commerce or his or her designee.

9. The Small Business Development Center Project Officer from the U.S. Small Business Administration at the South Florida District Office or his or her designee.

10. The executive director of the National Federation of Independent Businesses, Florida, or his or her designee.

11. The executive director of the Florida United Business Association or his or her designee.

Section 33. Present subsections (1), (3), (4), and (5) of section 288.005, Florida Statutes, are redesignated as subsections (3), (4), (5), and (6), respectively, and a new subsection (1) and subsections (7), (8), and (9) are added to that section, to read:

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

(1) “County destination marketing organization” means a public or private agency that is funded by local option tourist development tax revenues under s. 125.0104, or local option convention development tax revenues under s. 212.0305, and is officially designated by a county commission to market and promote the area for tourism or convention business or, in any county that has not levied such taxes, a public or private agency that is officially designated by the county commission to market and promote the area for tourism or convention business.

(7) “Target industry business” means a corporate headquarters business or any business that is engaged in one of the target industries identified pursuant to the following criteria developed by the Department of Commerce:

(a) Future growth.—The industry forecast indicates strong expectation for future growth in employment and output, according to the most recent available data. Special consideration should be given to businesses that export goods to, or provide services in, international markets and businesses that onshore business operations to replace domestic and international imports of goods or services.

(b) *Stability.*—The industry is not subject to periodic layoffs, whether due to seasonality or sensitivity to volatile economic variables such as weather. The industry is also relatively resistant to recession, so that the demand for products of this industry is not typically subject to decline during an economic downturn.

(c) *High wage.*—The industry pays relatively high wages compared to statewide or area averages.

(d) *Market and resource independent.*—The industry business location is not dependent on markets or resources in the state as indicated by industry analysis, except for businesses in the renewable energy industry.

(e) *Industrial base diversification and strengthening.*—The industry contributes toward expanding or diversifying the state's or area's economic base, as indicated by analysis of employment and output shares compared to national and regional trends. Special consideration should be given to industries that strengthen regional economies by adding value to basic products or building regional industrial clusters as indicated by industry analysis. Special consideration should also be given to the development of strong industrial clusters that include defense and homeland security businesses.

(f) *Positive economic impact.*—The industry has strong positive economic impacts on or benefits to the state or regional economies. Special consideration should be given to industries that facilitate the development of the state as a hub for domestic and global trade and logistics.

The term does not include any business engaged in retail industry activities; any electrical utility company as defined in s. 366.02(4); any phosphate or other solid minerals severance, mining, or processing operation; any oil or gas exploration or production operation; or any business subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation. Any business within NAICS code 5611 or 5614, office administrative services and business support services, respectively, may be considered a target industry business only after the local governing body and the Department of Commerce determine that the community in which the business may locate has conditions affecting the fiscal and economic viability of the local community or area, including, but not limited to, low per capita income, high unemployment, high underemployment, and a lack of year-round stable employment opportunities, and such conditions may be improved by the business locating in such community. By January 1 of every 3rd year, beginning January 1, 2011, the Department of Commerce, in consultation with economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists, shall review and, as appropriate, revise the list of target industries and submit the list to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(8) “Tourism marketing” means any effort exercised to attract domestic and international visitors from outside the state to destinations in this state and to stimulate Florida resident tourism to areas within the state.

(9) “Tourist” means any person who participates in trade or recreation activities outside the county of his or her permanent residence or who rents or leases transient living quarters or accommodations as described in s. 125.0104(3)(a).

Section 34. Section 288.012, Florida Statutes, is amended to read:

288.012 State of Florida international offices; *direct-support organization.*—The Legislature finds that the expansion of international trade and tourism is vital to the overall health and growth of the economy of this state. This expansion is hampered by the lack of technical and business assistance, financial assistance, and information services for businesses in this state. The Legislature finds that these businesses could be assisted by providing these services at State of Florida international offices. The Legislature further finds that the accessibility and provision of services at these offices can be enhanced through cooperative agreements or strategic alliances between private businesses and state, local, and international governmental entities.

(1) The department is authorized to:

(a) Establish and operate offices in other countries for the purpose of promoting trade and economic development opportunities of the state, and promoting the gathering of trade data information and research on trade opportunities in specific countries.

(b) Enter into agreements with governmental and private sector entities to establish and operate offices in other countries which contain provisions that may conflict with the general laws of the state pertaining to the purchase of office space, employment of personnel, and contracts for services. When agreements pursuant to this section are made which set compensation in another country's currency, such agreements shall be subject to the requirements of s. 215.425, but the purchase of another country's currency by the department to meet such obligations shall be subject only to s. 216.311.

(2) Each international office shall have in place an operational plan approved by the participating boards or other governing authority, a copy of which shall be provided to the department. These operating plans shall be reviewed and updated each fiscal year and shall include, at a minimum, the following:

(a) Specific policies and procedures encompassing the entire scope of the operation and management of each office.

(b) A comprehensive, commercial strategic plan identifying marketing opportunities and industry sector priorities for the country in which an international office is located.

(c) Provisions for access to information for Florida businesses related to trade leads and inquiries.

(d) Identification of new and emerging market opportunities for Florida businesses. This information shall be provided either free of charge or on a fee basis with fees set only to recover the costs of providing the information.

(e) Provision of access for Florida businesses to international trade assistance services provided by state and local entities, seaport and airport information, and other services identified by the department.

(f) Qualitative and quantitative performance measures for each office, including, but not limited to, the number of businesses assisted, the number of trade leads and inquiries generated, the number of international buyers and importers contacted, and the amount and type of marketing conducted.

(3) Each international office shall annually submit to the department ~~Enterprise Florida, Inc.,~~ a complete and detailed report on its activities and accomplishments during the previous fiscal year. ~~for inclusion in the annual report required under s. 288.906. In the format and by the annual date prescribed by Enterprise Florida, Inc.,~~ The report must set forth information on:

(a) The number of Florida companies assisted.

(b) The number of inquiries received about investment opportunities in this state.

(c) The number of trade leads generated.

(d) The number of investment projects announced.

(e) The estimated U.S. dollar value of sales confirmations.

(f) The number of representation agreements.

(g) The number of company consultations.

(h) Barriers or other issues affecting the effective operation of the office.

(i) Changes in office operations which are planned for the current fiscal year.

(j) Marketing activities conducted.

(k) Strategic alliances formed with organizations in the country in which the office is located.

(l) Activities conducted with Florida's other international offices.

(m) Any other information that the office believes would contribute to an understanding of its activities.

(4) The Department of Commerce ~~Economic Opportunity~~, in connection with the establishment, operation, and management of any of its offices located in another country, is exempt from the provisions of ss. 255.21, 255.25, and 255.254 relating to leasing of buildings; ss. 283.33 and 283.35 relating to bids for printing; ss. 287.001-287.20 relating to purchasing and motor vehicles; and ss. 282.003-282.00515 and 282.702-282.7101 relating to communications, and from all statutory provisions relating to state employment.

(a) The department may exercise such exemptions only upon prior approval of the Governor.

(b) If approval for an exemption under this section is granted as an integral part of a plan of operation for a specified international office, such action shall constitute continuing authority for the department to exercise the exemption, but only in the context and upon the terms originally granted. Any modification of the approved plan of operation with respect to an exemption contained therein must be resubmitted to the Governor for his or her approval. An approval granted to exercise an exemption in any other context shall be restricted to the specific instance for which the exemption is to be exercised.

(c) As used in this subsection, the term "plan of operation" means the plan developed pursuant to subsection (2).

(d) Upon final action by the Governor with respect to a request to exercise the exemption authorized in this subsection, the department shall report such action, along with the original request and any modifications thereto, to the President of the Senate and the Speaker of the House of Representatives within 30 days.

(5) Where feasible and appropriate, international offices established and operated under this section may provide one-stop access to the economic development, trade, and tourism information, services, and programs of the state. Where feasible and appropriate, such offices may also be collocated with other international offices of the state.

(6)(a) *The department shall establish and contract with a direct-support organization, organized as a nonprofit under chapter 617 and recognized under s. 501(c)(3) of the Internal Revenue Code, to carry out the provisions of this section, assist with the coordination of international trade development efforts, and assist in development and planning related to foreign investment, international partnerships, and other international business and trade development. The organization is exempt from paying fees under s. 617.0122.*

(b) *The direct-support organization shall act as the international trade and travel mission organization for the state, utilizing private sector and public sector expertise in collaboration with the department. The direct-support organization shall provide assistance and promotional support for international offices, trade and promotion, development and planning related to foreign investment, international partnerships, and other international business and trade development in conjunction with the department. The direct-support organization may coordinate and plan international trade missions, including setting up travel, arranging for participation by Florida businesses, and tracking data related to outcomes of the trade missions on behalf of the department. The organization shall comply with the per diem and travel expense provisions of s. 112.061.*

(c)1. *The direct-support organization shall be governed by a board of directors. The Secretary of Commerce, or his or her designee, shall serve as the ex officio, nonvoting executive director of the board. The Secretary of Commerce, or his or her designee, shall appoint seven board members, including a chair of the board. Appointed members must represent and reflect the state's interest in international trade and development efforts and have experience or knowledge that will assist in development and planning related to foreign investment, international partnerships, and other international business and trade development. All appointments must be made by December 1, 2023.*

2. *Appointed members shall serve for a term of 4 years. A vacancy shall be filled for the remainder of the unexpired term in the same manner as the initial appointment. All members of the board are eligible for reappointment.*

3. *Members of the board of directors shall serve without compensation; however, the members may be reimbursed for reasonable, necessary, and actual travel expenses pursuant to s. 112.061.*

4. *The board of directors shall meet at least quarterly and at other times upon the call of the chair, and may use any method of telecommunications to conduct, or establish a quorum at, its meetings or the meetings of a subcommittee or other subdivision if the public is given proper notice of the telecommunications meeting and provided reasonable access to observe and, if appropriate, to participate. A majority of the total current membership of the board of directors constitutes a quorum of the board.*

(d) *The senior managers and members of the board of directors of the organization of the organization are subject to ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2). For purposes of applying ss. 112.313(1)-(8), (10), (12), and (15); 112.3135; and 112.3143(2) to activities of the president and staff, those persons shall be considered public officers or employees and the corporation shall be considered their agency. The exemption set forth in s. 112.313(12) for advisory boards applies to the members of board of directors. Further, each member of the board of directors who is not otherwise required to file financial disclosures pursuant to s. 8, Art. II of the State Constitution or s. 112.3144, shall file disclosure of financial interests pursuant to s. 112.3145.*

(e) *The Legislature determines it is in the public interest and reflects the state's public policy that the direct-support organization operate in the most open and accessible manner consistent with its public purposes. As such, its divisions, boards, and advisory councils, or similar entities created or managed by the organization are subject to the provisions of chapter 119 relating to public records and those provisions of chapter 286 relating to public meetings and records.*

(f) *The department and the direct-support organization must enter into a performance-based contract, pursuant to s. 20.60, that includes:*

1. *Specification of the approval of the department, the powers and duties of the direct-support organization, and rules with which the direct-support organization must comply. The department must approve the articles of incorporation and bylaws of the direct-support organization.*

2. *Authorization by the department, without charge, for appropriate use of property, facilities, and personnel of the department by the direct-support organization for approved purposes. The contract must prescribe the conditions with which the organization must comply in order to use property, facilities, or personnel of the department. Such conditions must provide for budget and audit review and oversight by the department. However, the department may not authorize the use of property, facilities, or personnel of the department by the direct-support organization that does not provide equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin.*

3. *Conditions for termination of the contract by the department, at any time, if the department determines that the direct-support organization no longer meets the objectives of this section.*

(g) *The direct-support organization may conduct programs and activities; raise funds; request and receive grants, gifts, and bequests of money; acquire, receive, hold, invest, and administer, in its own name, securities, funds, objects of value, or other property, real or personal; and make expenditures to or for the direct or indirect benefit of the organization if such furthers the duties and mission of the organization and is in the best interests of this state.*

(h) *The direct-support organization may accept grants or other donations in order to facilitate trade missions and conduct other related international activities. Funds of the organization must be held in a separate depository account in the name of the organization, subject to the provisions of the contract with the department, and must be used in a manner consistent with the goals of the organization. Any funds and property held by the organization shall revert to the department if the organization is no longer approved to operate by the department, fails to maintain its tax-exempt status, or ceases to exist.*

(i) *The department must determine and annually certify that the direct-support organization is complying with the terms of the contract and is doing so consistent with the goals and purposes of the organiza-*

tion and in the best interests of the state. The organization is required to annually submit to the department its federal Internal Revenue Service Application for Recognition of Exemption form (Form 1023) and federal Internal Revenue Service Return of Organization Exempt from Income Tax form (Form 990); an annual budget for approval by the department; an annual financial audit in accordance with s. 215.981; and an annual itemized accounting of the total amount of travel and entertainment expenses.

(j) The fiscal year of the direct-support organization begins on July 1 of each year and ends on June 30 of the following year. By August 15 of each fiscal year, the department shall submit a proposed operating budget for the direct-support organization, including amounts to be expended on international offices, trade missions, events, other operating capital outlay, salaries and benefits for each employee, and contributions and expenditures, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(k) This subsection is repealed October 1, 2028, unless reviewed and saved from repeal by the Legislature. ~~The department is authorized to make and to enter into contracts with Enterprise Florida, Inc., to carry out the provisions of this section. The authority, duties, and exemptions provided in this section apply to Enterprise Florida, Inc., to the same degree and subject to the same conditions as applied to the department. To the greatest extent possible, such contracts shall include provisions for cooperative agreements or strategic alliances between private businesses and state, international, and local governmental entities to operate international offices.~~

Section 35. Section 288.017, Florida Statutes, is amended to read:

288.017 Cooperative advertising matching grants program.—

(1) ~~The Florida Tourism Industry Marketing Corporation Enterprise Florida, Inc., is authorized to establish a cooperative advertising matching grants program and, pursuant thereto, to make expenditures and enter into contracts with local governments and nonprofit corporations for the purpose of publicizing the tourism advantages of the state. The department, based on recommendations from the corporation Enterprise Florida, Inc., shall have final approval of grants awarded through this program. Enterprise Florida, Inc., may contract with its direct support organization to administer the program.~~

(2) The total annual allocation of funds for this grant program may not exceed \$40,000. Each grant awarded under the program shall be limited to no more than \$2,500 and shall be matched by nonstate dollars. All grants shall be restricted to local governments and nonprofit corporations serving and located in municipalities having a population of 50,000 persons or less or in counties with an unincorporated area having a population of 200,000 persons or less.

(3) ~~The Florida Tourism Marketing Corporation Enterprise Florida, Inc., shall conduct an annual competitive selection process for the award of grants under the program. In determining its recommendations for the grant awards, the corporation commission shall consider the demonstrated need of the applicant for advertising assistance, the feasibility and projected benefit of the applicant's proposal, the amount of nonstate funds that will be leveraged, and such other criteria as the department commission deems appropriate. In evaluating grant applications, the department shall consider recommendations from the corporation Enterprise Florida, Inc. The department, however, has final approval authority for any grant under this section.~~

Section 36. Subsection (4) of section 288.018, Florida Statutes, is amended to read:

288.018 Regional Rural Development Grants Program.—

(4) The department may expend up to \$750,000 each fiscal year from funds appropriated to the Rural Community Development Revolving Loan Fund for the purposes outlined in this section. ~~The department may contract with Enterprise Florida, Inc., for the administration of the purposes specified in this section. Funds released to Enterprise Florida, Inc., for this purpose shall be released quarterly and shall be calculated based on the applications in process.~~

Section 37. Subsections (1), (9), and (10) of section 288.047, Florida Statutes, are amended to read:

288.047 Quick-response training for economic development.—

(1) The Quick-Response Training Program is created to meet the workforce-skill needs of existing, new, and expanding industries. The program shall be administered by CareerSource Florida, Inc., in conjunction with ~~Enterprise Florida, Inc., and the Department of Education. CareerSource Florida, Inc., shall adopt guidelines for the administration of this program, shall provide technical services, and shall identify businesses that seek services through the program. CareerSource Florida, Inc., may contract with Enterprise Florida, Inc., or administer this program directly, if it is determined that such an arrangement maximizes the amount of the Quick Response grant going to direct services.~~

~~(9) Notwithstanding any other provision of law, eligible matching contributions received under this section from the Quick Response Training Program may be counted toward the private sector support of Enterprise Florida, Inc., under s. 288.904.~~

~~(10) CareerSource Florida, Inc., and Enterprise Florida, Inc., shall coordinate and cooperate in administering this section so that any division of responsibility between the two organizations which relates to marketing or administering the Quick Response Training Program is not apparent to a business that inquires about or applies for funding under this section. A business shall be provided with a single point of contact for information and assistance.~~

Section 38. Subsections (1) and (4) of section 288.061, Florida Statutes, are amended to read:

288.061 Economic development incentive application process.—

(1) Upon receiving a submitted economic development incentive application, the Division of ~~Economic Strategic Business~~ Development of the department of ~~Economic Opportunity and designated staff of Enterprise Florida, Inc.,~~ shall review the application to ensure that the application is complete, whether and what type of state and local permits may be necessary for the applicant's project, whether it is possible to waive such permits, and what state incentives and amounts of such incentives may be available to the applicant. The department shall recommend to the Secretary of Commerce ~~Economic Opportunity~~ to approve or disapprove an applicant business. If review of the application demonstrates that the application is incomplete, the secretary shall notify the applicant business within the first 5 business days after receiving the application.

(4) The department shall validate contractor performance and report such validation in the annual incentives report required under s. ~~288.0065 s. 288.907.~~

Section 39. Paragraph (e) of subsection (2) and subsections (3) and (4) of section 288.0655, Florida Statutes, are amended to read:

288.0655 Rural Infrastructure Fund.—

(2)

(e) To enable local governments to access the resources available pursuant to s. ~~403.973(17) s. 403.973(18),~~ the department may award grants for surveys, feasibility studies, and other activities related to the identification and preclearance review of land which is suitable for preclearance review. Authorized grants under this paragraph may not exceed \$75,000 each, except in the case of a project in a rural area of opportunity, in which case the grant may not exceed \$300,000. Any funds awarded under this paragraph must be matched at a level of 50 percent with local funds, except that any funds awarded for a project in a rural area of opportunity must be matched at a level of 33 percent with local funds. If an application for funding is for a catalyst site, as defined in s. 288.0656, the requirement for local match may be waived pursuant to the process in s. 288.06561. In evaluating applications under this paragraph, the department shall consider the extent to which the application seeks to minimize administrative and consultant expenses.

(3) The department, in consultation with ~~Enterprise Florida, Inc.,~~ the Florida Tourism Industry Marketing Corporation, the Department of Environmental Protection, and the Florida Fish and Wildlife Conservation Commission, as appropriate, shall review and certify applications pursuant to s. 288.061. The review shall include an evaluation of

the economic benefit of the projects and their long-term viability. The department shall have final approval for any grant under this section.

~~(4) By September 1, 2021, the department shall, in consultation with the organizations listed in subsection (3), and other organizations, reevaluate existing guidelines and criteria governing submission of applications for funding, review and evaluation of such applications, and approval of funding under this section. The department shall consider factors including, but not limited to, the project's potential for enhanced job creation or increased capital investment, the demonstration and level of local public and private commitment, whether the project is located in a community development corporation service area, or in an urban high-crime area as designated under s. 212.097, the unemployment rate of the county in which the project would be located, and the poverty rate of the community.~~

Section 40. Paragraph (a) of subsection (6) and paragraphs (a) and (c) of subsection (7) of section 288.0656, Florida Statutes, are amended to read:

288.0656 Rural Economic Development Initiative.—

(6)(a) By August 1 of each year, the head of each of the following agencies and organizations shall designate a deputy secretary or higher-level staff person from within the agency or organization to serve as the REDI representative for the agency or organization:

1. The Department of Transportation.
2. The Department of Environmental Protection.
3. The Department of Agriculture and Consumer Services.
4. The Department of State.
5. The Department of Health.
6. The Department of Children and Families.
7. The Department of Corrections.
8. The Department of Education.
9. The Department of Juvenile Justice.
10. The Fish and Wildlife Conservation Commission.
11. Each water management district.
12. ~~Enterprise Florida, Inc.~~
- ~~13.~~ CareerSource Florida, Inc.
- ~~13.14.~~ VISIT Florida.
- ~~14.15.~~ The Florida Regional Planning Council Association.
- ~~15.16.~~ The Agency for Health Care Administration.
- ~~16.17.~~ The Institute of Food and Agricultural Sciences (IFAS).

An alternate for each designee shall also be chosen, and the names of the designees and alternates shall be sent to the Secretary of *Commerce Economic Opportunity*.

(7)

(a) REDI may recommend to the Governor up to three rural areas of opportunity. The Governor may by executive order designate up to three rural areas of opportunity which will establish these areas as priority assignments for REDI as well as to allow the Governor, acting through REDI, to waive criteria, requirements, or similar provisions of any economic development incentive. Such incentives shall include, but are not limited to, ~~the Qualified Target Industry Tax Refund Program under s. 288.106, the Quick Response Training Program under s. 288.047, the Quick Response Training Program for participants in the welfare transition program under s. 288.047(8), transportation projects under s. 339.2821, the brownfield redevelopment bonus refund under s. 288.107, and the rural job tax credit program under ss. 212.098 and 220.1895.~~

(c) Each rural area of opportunity may designate catalyst projects, provided that each catalyst project is specifically recommended by REDI, ~~identified as a catalyst project by Enterprise Florida, Inc.,~~ and confirmed as a catalyst project by the department. All state agencies and departments shall use all available tools and resources to the extent permissible by law to promote the creation and development of each catalyst project and the development of catalyst sites.

Section 41. Section 288.0658, Florida Statutes, is amended to read:

288.0658 Nature-based recreation; promotion and other assistance by Fish and Wildlife Conservation Commission.—The Florida Fish and Wildlife Conservation Commission is directed to assist ~~Enterprise Florida, Inc.,~~ the Florida Tourism Industry Marketing Corporation, doing business as VISIT Florida; convention and visitor bureaus; tourist development councils; economic development organizations; and local governments through the provision of marketing advice, technical expertise, promotional support, and product development related to nature-based recreation and sustainable use of natural resources. In carrying out this responsibility, the Florida Fish and Wildlife Conservation Commission shall focus its efforts on fostering nature-based recreation in rural communities and regions encompassing rural communities. As used in this section, the term “nature-based recreation” means leisure activities related to the state’s lands, waters, and fish and wildlife resources, including, but not limited to, wildlife viewing, fishing, hiking, canoeing, kayaking, camping, hunting, backpacking, and nature photography.

Section 42. Subsection (6) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(6) ECONOMIC INCENTIVE PROGRAMS.—

(a) The following information held by an economic development agency pursuant to the administration of an economic incentive program for qualified businesses is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution for a period not to exceed the duration of the incentive agreement, including an agreement authorizing a tax refund or tax credit, or upon termination of the incentive agreement:

1. The percentage of the business’s sales occurring outside this state ~~and, for businesses applying under s. 288.1045, the percentage of the business’s gross receipts derived from Department of Defense contracts during the 5 years immediately preceding the date the business’s application is submitted.~~

2. An individual employee’s personal identifying information that is held as evidence of the achievement or nonachievement of the wage requirements of the tax refund, tax credit, or incentive agreement programs or of the job creation requirements of such programs.

3. The amount of:

- a. Taxes on sales, use, and other transactions paid pursuant to chapter 212;
- b. Corporate income taxes paid pursuant to chapter 220;
- c. Intangible personal property taxes paid pursuant to chapter 199;
- d. Insurance premium taxes paid pursuant to chapter 624;
- e. Excise taxes paid on documents pursuant to chapter 201;
- f. Ad valorem taxes paid, as defined in s. 220.03(1); or
- g. State communications services taxes paid pursuant to chapter 202.

However, an economic development agency may disclose in the annual incentives report required under s. 288.0065 ~~s. 288.907~~ the aggregate amount of each tax identified in this subparagraph and paid by all businesses participating in each economic incentive program.

~~(b) The following information held by an economic development agency relating to a specific business participating in an economic in-~~

centive program is no longer confidential or exempt 180 days after a final project order for an economic incentive agreement is issued, until a date specified in the final project order, or if the information is otherwise disclosed, whichever occurs first:

- 1.~~a~~. The name of the qualified business.
- 2.~~b~~. The total number of jobs the business committed to create or retain.
- 3.~~c~~. The total number of jobs created or retained by the business.
- 4.~~d~~. Notwithstanding s. 213.053(2), the amount of tax refunds, tax credits, or incentives awarded to, claimed by, or, if applicable, refunded to the state by the business.
- 5.~~e~~. The anticipated total annual wages of employees the business committed to hire or retain.

~~2. For a business applying for certification under s. 288.1045 which is based on obtaining a new Department of Defense contract, the total number of jobs expected and the amount of tax refunds claimed may not be released until the new Department of Defense contract is awarded.~~

Section 43. Paragraphs (a) and (c) of subsection (1), paragraph (e) of subsection (3), and subsections (6), (7), and (8) of section 288.076, Florida Statutes, are amended to read:

288.076 Return on investment reporting for economic development programs.—

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

(a) “Jobs” means full-time equivalent positions, including, but not limited to, positions obtained from a temporary employment agency or employee leasing company or through a union agreement or coemployment under a professional employer organization agreement, that result directly from a project in this state. The term does not include temporary construction jobs involved with the construction of facilities for the project or any jobs previously included in any application for tax refunds ~~has the same meaning as provided in s. 288.106(2)(i).~~

(c) “Project” means the creation of a new business or expansion of an existing business ~~has the same meaning as provided in s. 288.106(2)(m).~~

(3) Within 48 hours after expiration of the period of confidentiality for project information deemed confidential and exempt pursuant to s. 288.075, the department shall publish the following information pertaining to each project:

(e) Project performance goals.—

1. The incremental direct jobs attributable to the project, identifying the number of jobs generated and the number of jobs retained.

2. The number of jobs generated and the number of jobs retained by the project, and ~~for projects commencing after October 1, 2013,~~ the average annual wage of persons holding such jobs.

3. The incremental direct capital investment in the state generated by the project.

(6) Annually, the department shall publish information relating to the progress of Quick Action Closing Fund projects, ~~awarded under former s. 288.1088, until all contracts are complete or terminated including the average number of days between the date the department receives a completed application and the date on which the application is approved.~~

~~(7)(a)~~ Within 48 hours after expiration of the period of confidentiality provided under s. 288.075, the department shall publish the contract or agreement described in s. 288.061, redacted to protect the participant business from disclosure of information that remains confidential or exempt by law.

~~(b) Within 48 hours after submitting any report of findings and recommendations made pursuant to s. 288.106(7)(d) concerning a business's failure to complete a tax refund agreement pursuant to the~~

~~tax refund program for qualified target industry businesses, the department shall publish such report.~~

~~(8) For projects completed before October 1, 2013, the department shall compile and, by October 1, 2014, shall publish the information described in subsections (3), (4), and (5), to the extent such information is available and applicable.~~

Section 44. Section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(1) The Economic Development Trust Fund is created within the department of ~~Economic Opportunity~~. Moneys deposited into the fund must be used only to support the authorized activities and operations of the department.

(2) There is created, within the Economic Development Trust Fund, the Economic Development Incentives Account. The Economic Development Incentives Account consists of moneys appropriated to the account for purposes of the tax incentives programs authorized under s. 288.107 and former s. 288.106 ~~ss. 288.1045 and 288.106~~, and local financial support provided under former s. 288.106 ~~ss. 288.1045 and 288.106~~. Moneys in the Economic Development Incentives Account shall be subject to the provisions of s. 216.301(1)(a).

(3)(a) ~~The department may approve applications for certification pursuant to ss. 288.1045(2) and 288.106. However,~~ The total state share of tax refund payments may not exceed \$35 million.

(b) The total amount of tax refund claims approved for payment by the department based on actual project performance may not exceed the amount appropriated to the Economic Development Incentives Account for such purposes for the fiscal year. Claims for tax refunds under s. 288.107 and former ss. 288.1045 and 288.106 shall be paid in the order the claims are approved by the department. In the event the Legislature does not appropriate an amount sufficient to satisfy the tax refunds under s. 288.107 and former s. 288.106 ~~ss. 288.1045 and 288.106~~ in a fiscal year, the department shall pay the tax refunds from the appropriation for the following fiscal year. By March 1 of each year, the department shall notify the legislative appropriations committees of the Senate and House of Representatives of any anticipated shortfall in the amount of funds needed to satisfy claims for tax refunds from the appropriation for the current fiscal year.

(c) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and make other payments authorized under ~~s. 288.1045, s. 288.106, or s. 288.107 or in agreements authorized under former s. 288.106. The department shall report within 10 days after the end of each quarter to the Office of Policy and Budget in the Executive Office of the Governor, the chair of the Senate Appropriations Committee or its successor, and the chair of the House of Representatives Appropriations Committee or its successor regarding the status of payments made for all economic development programs administered by the department under this chapter, including s. 288.107 and former ss. 288.106 and 288.108.~~

(d) The department may adopt rules necessary to carry out ~~the provisions of~~ this subsection, including rules providing for the use of moneys in the Economic Development Incentives Account and for the administration of the Economic Development Incentives Account.

(4) ~~The department shall create a separate account for funds transferred from the former Enterprise Florida, Inc., held for payments for agreements under the Quick Action Closing Fund under former s. 288.1088 or the Innovation Incentive Program under former s. 288.1089. The department shall report within 10 days after the end of each quarter to the Office of Policy and Budget in the Executive Office of the Governor, the chair of the Senate Appropriations Committee or its successor, and the chair of the House of Representatives Appropriations Committee or its successor regarding all escrow activity relating to both programs, including payments made pursuant to confirmed performance under the remaining contracts, payments returned to the state due to non-compliance, and contracts terminated due to noncompliance. The department must transfer to the General Revenue Fund any payments returned to the state, either returned by the recipient or through action by the department to administratively or otherwise legally obtain repayment of funds, and any funds associated with terminated contracts.~~

Section 45. Subsection (2) and paragraph (c) of subsection (3) of section 288.101, Florida Statutes, as amended by chapter 2023-17, Laws of Florida, are amended to read:

288.101 Florida Job Growth Grant Fund.—

(2) The department ~~and Enterprise Florida, Inc.,~~ may identify projects, solicit proposals, and make funding recommendations to the Governor, who is authorized to approve:

(a) State or local public infrastructure projects to promote:

1. Economic recovery in specific regions of this state;
2. Economic diversification; or
3. Economic enhancement in a targeted industry.

(b) State or local public infrastructure projects to facilitate the development or construction of affordable housing. This paragraph is repealed July 1, 2033.

~~(c) Infrastructure funding to accelerate the rehabilitation of the Herbert Hoover Dike. The department or the South Florida Water Management District may enter into agreements, as necessary, with the United States Army Corps of Engineers to implement this paragraph.~~

~~(d) Workforce training grants to support programs at state colleges and state technical centers that provide participants with transferable, sustainable workforce skills applicable to more than a single employer, and for equipment associated with these programs. The department shall work with CareerSource Florida, Inc., to ensure programs are offered to the public based on criteria established by the state college or state technical center and do not exclude applicants who are unemployed or underemployed.~~

(3) For purposes of this section:

(c) “Targeted industry” means any industry identified in the most recent list provided to the Governor, the President of the Senate, and the Speaker of the House of Representatives in accordance with s. 288.005 ~~s. 288.106(2)(g).~~

Section 46. *Section 288.1045, Florida Statutes, is repealed.*

Section 47. *Section 288.106, Florida Statutes, is repealed.*

Section 48. Paragraphs (d) and (f) of subsection (1), subsection (2), paragraph (b) of subsection (3), subsection (4), and paragraph (b) of subsection (5) of section 288.107, Florida Statutes, are amended, and paragraph (c) is added to subsection (5) of that section, to read:

288.107 Brownfield redevelopment bonus refunds.—

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

(d) “Eligible business” means:

- ~~1. A qualified target industry business as defined in s. 288.106(2); or~~
2. a business that can demonstrate a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas eligible for bonus refunds, and that provides benefits to its employees.

(f) “Project” means the creation of a new business or the expansion of an existing business ~~as defined in s. 288.106.~~

(2) BROWNFIELD REDEVELOPMENT BONUS REFUND.—Bonus refunds shall be approved by the department as specified in the final order and allowed from the account as follows:

~~(a) A bonus refund of \$2,500 shall be allowed to any qualified target industry business as defined in s. 288.106 for each new Florida job created in a brownfield area eligible for bonus refunds which is claimed on the qualified target industry business’s annual refund claim authorized in s. 288.106(6).~~

~~(b) a bonus refund of up to \$2,500 shall be allowed to any other eligible business as defined in subparagraph (1)(d)2. for each new Florida job created in a brownfield area eligible for bonus refunds which is claimed under an annual claim procedure similar to the annual refund claim authorized in former s. 288.106(6). The amount of the refund shall be equal to 20 percent of the average annual wage for the jobs created.~~

(3) CRITERIA.—The minimum criteria for participation in the brownfield redevelopment bonus refund are:

(b) The completion of a fixed capital investment of at least \$2 million in mixed-use business activities, including multiunit housing, commercial, retail, and industrial in brownfield areas eligible for bonus refunds, by an eligible business applying for a refund under subsection (2) ~~paragraph (2)(b)~~ which provides benefits to its employees.

(4) PAYMENT OF BROWNFIELD REDEVELOPMENT BONUS REFUNDS.—

(a) To be eligible to receive a bonus refund for new Florida jobs created in a brownfield area eligible for bonus refunds, a business must have been certified as ~~an a qualified target industry business under s. 288.106 or~~ eligible business as defined in paragraph (1)(d) and must have indicated on the ~~qualified target industry business~~ tax refund application form submitted to the department in accordance with ~~s. 288.106(4) or other similar agreement for other eligible business as defined in paragraph (1)(d)~~ that the project for which the application is submitted is or will be located in a brownfield area eligible for bonus refunds and that the business is applying for certification as a qualified brownfield business under this section, and must have signed a ~~qualified target industry business~~ tax refund agreement with the department that indicates that the business has been certified as ~~a qualified target industry business~~ located in a brownfield area eligible for bonus refunds and specifies the schedule of brownfield redevelopment bonus refunds that the business may be eligible to receive in each fiscal year.

(b) To be considered to receive an eligible brownfield redevelopment bonus refund payment, the business meeting the requirements of paragraph (a) must submit a claim once each fiscal year on a claim form approved by the department which indicates the location of the brownfield site for which a rehabilitation agreement with the Department of Environmental Protection or a local government delegated by the Department of Environmental Protection has been executed under s. 376.80, the address of the business facility’s brownfield location, the name of the brownfield in which it is located, the number of jobs created, and the average wage of the jobs created by the business within the brownfield ~~as defined in s. 288.106 or other eligible business as defined in paragraph (1)(d) and the administrative rules and policies for that section.~~

~~(c) The bonus refunds shall be available on the same schedule as the qualified target industry tax refund payments scheduled in the qualified target industry tax refund agreement authorized in s. 288.106 or other similar agreement for other eligible businesses as defined in paragraph (1)(e).~~

~~(d) After entering into a tax refund agreement as provided in s. 288.106 or other similar agreement for other eligible businesses as defined in paragraph (1)(e), an eligible business may receive brownfield redevelopment bonus refunds from the account:~~

1. *For both of the following taxes due and paid by that business beginning with the first taxable year of the business that begins after entering into the agreement:*

- a. *Corporate income taxes under chapter 220.*
- b. *Insurance premium tax under s. 624.509.*

2. *For all of the following taxes due and paid by that business after entering into the agreement:*

- a. *Taxes on sales, use, and other transactions under chapter 212.*
- b. *Intangible personal property taxes under chapter 199.*
- c. *Excise taxes on documents under chapter 201.*

d. *Ad valorem taxes paid, as defined in s. 220.03(1).*

e. *State communications services taxes administered under chapter 202. This provision does not apply to the gross receipts tax imposed under chapter 203 and administered under chapter 202 or the local communications services tax authorized under s. 202.19 pursuant to s. 288.106(3)(d).*

(d)(e) An eligible business that fraudulently claims a refund under this section:

1. Is liable for repayment of the amount of the refund to the account, plus a mandatory penalty in the amount of 200 percent of the tax refund, which shall be deposited into the General Revenue Fund.

2. Commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(e)(f) Applications shall be reviewed and certified pursuant to s. 288.061 *before the business has made a decision to locate or expand a facility in this state.* The department shall review all applications submitted under s. 288.106 *or other similar application forms for other eligible businesses as defined in paragraph (1)(d) which indicate that the proposed project will be located in a brownfield area eligible for bonus refunds and determine, with the assistance of the Department of Environmental Protection, that the project location is within a brownfield area eligible for bonus refunds as provided in this act.*

(f)(g) The department shall approve all claims for a brownfield redevelopment bonus refund payment that are found to meet the requirements of this section *paragraphs (b) and (d).*

(g)(h) The department, with such assistance as may be required from the Department of Environmental Protection, shall specify by written final order the amount of the brownfield redevelopment bonus refund that is authorized for the *qualified target industry* business for the fiscal year within 30 days after the date that the claim for the annual tax refund is received by the department.

(h)(i) The total amount of the bonus refunds approved by the department under this section in any fiscal year must not exceed the total amount appropriated to the Economic Development Incentives Account for this purpose for the fiscal year. In the event that the Legislature does not appropriate an amount sufficient to satisfy projections by the department for brownfield redevelopment bonus refunds under this section in a fiscal year, the department shall, not later than July 15 of such year, determine the proportion of each brownfield redevelopment bonus refund claim which shall be paid by dividing the amount appropriated for tax refunds for the fiscal year by the projected total of brownfield redevelopment bonus refund claims for the fiscal year. The amount of each claim for a brownfield redevelopment bonus tax refund shall be multiplied by the resulting quotient. If, after the payment of all such refund claims, funds remain in the Economic Development Incentives Account for brownfield redevelopment tax refunds, the department shall recalculate the proportion for each refund claim and adjust the amount of each claim accordingly.

(i)(j) Upon approval of the brownfield redevelopment bonus refund, payment shall be made for the amount specified in the final order. If the final order is appealed, payment may not be made for a refund to the *qualified target industry* business until the conclusion of all appeals of that order.

(5) ADMINISTRATION.—

(b) To facilitate the process of monitoring and auditing applications made under this program, the department may provide a list of *qualified target industry* businesses to the Department of Revenue, to the Department of Environmental Protection, or to any local government authority. The department may request the assistance of those entities with respect to monitoring the payment of the taxes listed in *paragraph (3)(c) s. 288.106(3).*

(c) *The department may adopt rules, including an application form, to administer this section.*

Section 49. Paragraph (c) of subsection (2) and subsection (6) of section 288.108, Florida Statutes, are amended to read:

288.108 High-impact business.—

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

(c) “Eligible ~~high impact~~ business” means a business in one of the ~~designated high-impact sectors identified by Enterprise Florida, Inc., and certified by the department~~ as provided in subsection (5), which is making a cumulative investment in the state of at least \$50 million and creating at least 50 new full-time equivalent jobs in the state or a research and development facility making a cumulative investment of at least \$25 million and creating at least 25 new full-time equivalent jobs. Such investment and employment must be achieved in a period not to exceed 3 years after the date the business is certified as a qualified high-impact business.

(6) SELECTION AND DESIGNATION OF HIGH-IMPACT SECTORS.—

(a) *The department Enterprise Florida, Inc.,* shall, by January 1, of every third year, beginning January 1, 2011, initiate the process of reviewing and, if appropriate, selecting a new high-impact sector for designation or recommending the deactivation of a designated high-impact sector. The process of reviewing designated high-impact sectors or recommending the deactivation of a designated high-impact sector shall be in consultation with ~~the department~~, economic development organizations, the State University System, local governments, employee and employer organizations, market analysts, and economists.

(b) The department has authority, after *meeting the requirements of this subsection recommendation from Enterprise Florida, Inc.,* to designate a high-impact sector or to deauthorize a designated high-impact sector.

(c) To begin the process of selecting and designating a new high-impact sector, *the department Enterprise Florida, Inc.,* shall undertake a thorough study of the proposed sector. This study must consider the definition of the sector, including the types of facilities which characterize the sector that might qualify for a high-impact performance grant and whether a powerful incentive like the high-impact performance grant is needed to induce major facilities in the sector to locate or grow in this state; the benefits that major facilities in the sector have or could have on the state's economy and the relative significance of those benefits; the needs of the sector and major sector facilities, including natural, public, and human resources and benefits and costs with regard to these resources; the sector's current and future markets; the current fiscal and potential fiscal impacts of the sector, to both the state and its communities; any geographic opportunities or limitations with regard to the sector, including areas of the state most likely to benefit from the sector and areas unlikely to benefit from the sector; the state's advantages or disadvantages with regard to the sector; and the long-term expectations for the industry on a global level and in the state. If *the department Enterprise Florida, Inc.,* finds favorable conditions for the designation of the sector as a high-impact sector, it shall include in the study recommendations for a complete and comprehensive sector strategy, including appropriate marketing and workforce strategies for the entire sector and any recommendations ~~that Enterprise Florida, Inc., may have~~ for statutory or policy changes needed to improve the state's business climate and to attract and grow Florida businesses, particularly small businesses, in the proposed sector. The study shall reflect the finding of the sector-business network specified in paragraph (d).

(d) In conjunction with the study required in paragraph (c), *the department Enterprise Florida, Inc.,* shall develop and consult with a network of sector businesses. While this network may include non-Florida businesses, it must include any businesses currently within the state. If the number of Florida businesses in the sector is large, a representative cross-section of Florida sector businesses may form the core of this network.

(e) The study and its findings and recommendations and the recommendations gathered from the sector-business network must be discussed and considered during at least one meeting per calendar year of leaders in business, government, education, workforce development, and economic development called by the Governor to address the business climate in the state, develop a common vision for the economic future of the state, and identify economic development efforts to fulfill that vision.

(f) If after consideration of the completed study required in paragraph (c) and the input derived from consultation with the sector-business network in paragraph (d) and the meeting as required in paragraph (e), the ~~department board of directors of Enterprise Florida, Inc.,~~ finds that the sector will have exceptionally large and widespread benefits to the state and its citizens, relative to any public costs; that the sector is characterized by the types of facilities that require exceptionally large investments and provide employment opportunities to a relatively large number of workers in high-quality, high-income jobs that might qualify for a high-impact performance grant; and that given the competition for such businesses it may be necessary for the state to be able to offer a large inducement, such as a high-impact performance grant, to attract such a business to the state or to encourage businesses to continue to grow in the state, ~~the board of directors of Enterprise Florida, Inc., may recommend that the department may designate consider the designation of the sector as a high-impact business sector or may:~~

~~(g) Upon receiving a recommendation from the board of directors of Enterprise Florida, Inc., together with the study required in paragraph (e) and a summary of the findings and recommendations of the sector-business network required in paragraph (d), including a list of all meetings of the sector network and participants in those meetings and the findings and recommendations from the meeting as required in paragraph (e), the department shall after a thorough evaluation of the study and accompanying materials report its findings and either concur in the recommendation of Enterprise Florida, Inc., and designate the sector as a high impact business sector or notify Enterprise Florida, Inc., that it does not concur and deny the board's request for designation or return the recommendation and study to Enterprise Florida, Inc., for further evaluation. In any case, the department's decision must be in writing and justify the reasons for the decision.~~

~~(g)(h) If the department designates the sector as a high-impact sector, it shall, within 30 days, notify the Governor, the President of the Senate, and the Speaker of the House of Representatives of its decision and provide a complete report on its decision, including copies of the material compiled in the evaluation, studies, and meetings required under this subsection provided by Enterprise Florida, Inc., and the department's evaluation and comment on any statutory or policy changes recommended by Enterprise Florida, Inc.~~

~~(h)(i) For the purposes of this subsection, a high-impact sector consists of the silicon technology sector that Enterprise Florida, Inc., has found to be focused around the type of high-impact businesses for which the incentive created in this subsection is required and will create the kinds of sector and economy wide benefits that justify the use of state resources to encourage these investments and require substantial inducements to compete with the incentive packages offered by other states and nations.~~

Section 50. *Section 288.1081, Florida Statutes, is repealed.*

Section 51. *Section 288.1082, Florida Statutes, is repealed.*

Section 52. *Section 288.1088, Florida Statutes, is repealed.*

Section 53. *Section 288.1089, Florida Statutes, is repealed.*

Section 54. Section 288.111, Florida Statutes, is amended to read:

288.111 Information concerning local manufacturing development programs.—The department shall develop materials that identify each local government that establishes a local manufacturing development program under s. 163.3252. The materials, which the department may elect to develop and maintain in electronic format or in any other format deemed by the department to provide public access, must be updated at least annually. ~~Enterprise Florida, Inc., shall, and other State agencies may, distribute the materials to prospective, new, expanding, and relocating businesses seeking to conduct business in this state.~~

Section 55. Subsection (7) of section 288.11621, Florida Statutes, is amended to read:

288.11621 Spring training baseball franchises.—

(7) STRATEGIC PLANNING.—The department shall request assistance from ~~Enterprise Florida, Inc., and~~ the Florida Grapefruit League Association to develop a comprehensive strategic plan to:

- (a) Finance spring training facilities.
- (b) Monitor and oversee the use of state funds awarded to applicants.
- (c) Identify the financial impact that spring training has on the state and ways in which to maintain or improve that impact.
- (d) Identify opportunities to develop public-private partnerships to engage in marketing activities and advertise spring training baseball.
- (e) Identify efforts made by other states to maintain or develop partnerships with baseball spring training teams.
- (f) Develop recommendations for the Legislature to sustain or improve this state's spring training tradition.

Section 56. Paragraph (c) of subsection (2) and paragraphs (a), (c), and (d) of subsection (3) of section 288.11631, Florida Statutes, are amended to read:

288.11631 Retention of Major League Baseball spring training baseball franchises.—

(2) CERTIFICATION PROCESS.—

(c) Each applicant certified on or after July 1, 2013, shall enter into an agreement with the department which:

1. Specifies the amount of the state incentive funding to be distributed. The amount of state incentive funding per certified applicant may not exceed \$20 million. However, if a certified applicant's facility is used by more than one spring training franchise, the maximum amount may not exceed \$50 million, and the Department of Revenue shall make distributions to the applicant pursuant to s. 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~
2. States the criteria that the certified applicant must meet in order to remain certified. These criteria must include a provision stating that the spring training franchise must reimburse the state for any funds received if the franchise does not comply with the terms of the contract. If bonds were issued to construct or renovate a facility for a spring training franchise, the required reimbursement must be equal to the total amount of state distributions expected to be paid from the date the franchise violates the agreement with the applicant through the final maturity of the bonds.
3. States that the certified applicant is subject to decertification if the certified applicant fails to comply with this section or the agreement.
4. States that the department may recover state incentive funds if the certified applicant is decertified.
5. Specifies the information that the certified applicant must report to the department.
6. Includes any provision deemed prudent by the department.

(3) USE OF FUNDS.—

(a) A certified applicant may use funds provided under s. 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ only to:

1. Serve the public purpose of constructing or renovating a facility for a spring training franchise.
2. Pay or pledge for the payment of debt service on, or to fund debt service reserve funds, arbitrage rebate obligations, or other amounts payable with respect thereto, bonds issued for the construction or renovation of such facility, or for the reimbursement of such costs or the refinancing of bonds issued for such purposes.

(c) The Department of Revenue may not distribute funds under s. 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ until July 1, 2016. Further, the Department of Revenue may not distribute funds to an applicant certified on or after July 1, 2013, until it receives notice from the department that:

1. The certified applicant has encumbered funds under either subparagraph (a)1. or subparagraph (a)2.; and

2. If applicable, any existing agreement with a spring training franchise for the use of a facility has expired.

(d)1. All certified applicants shall place unexpended state funds received pursuant to s. 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ in a trust fund or separate account for use only as authorized in this section.

2. A certified applicant may request that the department notify the Department of Revenue to suspend further distributions of state funds made available under s. 212.20(6)(d)6.c. ~~s. 212.20(6)(d)6.e.~~ for 12 months after expiration of an existing agreement with a spring training franchise to provide the certified applicant with an opportunity to enter into a new agreement with a spring training franchise, at which time the distributions shall resume.

3. The expenditure of state funds distributed to an applicant certified after July 1, 2013, must begin within 48 months after the initial receipt of the state funds. In addition, the construction or renovation of a spring training facility must be completed within 24 months after the project's commencement.

Section 57. *Section 288.1168, Florida Statutes, is repealed.*

Section 58. *Section 288.1169, Florida Statutes, is repealed.*

Section 59. *Section 288.1171, Florida Statutes, is repealed.*

Section 60. *Section 288.122, Florida Statutes, is amended to read:*

288.122 **Tourism Promotional Trust Fund.**—There is created within the department the Tourism Promotional Trust Fund. Moneys deposited in the Tourism Promotional Trust Fund shall only be used to support the authorized activities and operations and the tourism promotion and marketing activities, services, functions, and programs administered by the department ~~Enterprise Florida, Inc.~~, through a contract with the direct-support organization created under s. 288.1226.

Section 61. Present subsection (13) of section 288.1226, Florida Statutes, as amended by chapter 2023-20, Laws of Florida, is redesignated as subsection (15), a new subsection (13) and subsection (14) are added to that section, and subsections (2), (3), and (4), paragraphs (a), (c), (g), (h), (i), and (k) of subsection (5), and subsections (7) and (8) of that section are amended, to read:

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

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

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

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

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

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

a. Vote on the 4-year marketing plan required under *subsection (13)* ~~s. 288.923~~ or vote on any individual component of or amendment to the plan.

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

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

(3) **USE OF PROPERTY.**—*The department* ~~Enterprise Florida, Inc.~~:

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

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

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

(4) **BOARD OF DIRECTORS.**—The board of directors of the corporation shall be composed of 32 tourism-industry-related members, appointed by ~~Enterprise Florida, Inc.~~, in conjunction with the department. Board members shall serve without compensation, but are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061. Such expenses must be paid out of funds of the corporation. The board shall be composed of all of the following members:

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

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

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

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

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

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

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

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

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

(a) May make and enter into contracts and assume such other functions as are necessary to carry out the provisions of the 4-year marketing plan required by *subsection (13) s. 288.923*, and the corporation's contract with *the department Enterprise Florida, Inc.*, which are not inconsistent with this or any other provision of law. A proposed contract with a total cost of \$750,000 or more is subject to the notice and review procedures of s. 216.177. If the chair and vice chair of the Legislative Budget Commission, or the President of the Senate and the Speaker of the House of Representatives, timely advise the corporation in writing that such proposed contract is contrary to legislative policy and intent, the corporation may not execute such proposed contract. The corporation may not enter into multiple related contracts to avoid the requirements of this paragraph.

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

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

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

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

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

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

(8) REPORT.—The corporation shall provide *to the department a quarterly report that to Enterprise Florida, Inc., which shall:*

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

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

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

(d) ~~Reviews Review~~ all pertinent research findings.

(e) ~~Provides Provide~~ other measures of accountability as requested by *the department Enterprise Florida, Inc.*

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

(13) FOUR-YEAR MARKETING PLAN.—

(a) *The corporation shall, in collaboration with the department, develop a 4-year marketing plan. At a minimum, the marketing plan must discuss the following:*

1. Continuation of overall tourism growth in this state.
2. Expansion to new or under-represented tourist markets.
3. Maintenance of traditional and loyal tourist markets.
4. Coordination of efforts with county destination marketing organizations, other local government marketing groups, privately owned attractions and destinations, and other private sector partners to create a seamless, four-season advertising campaign for the state and its regions.
5. Development of innovative techniques or promotions to build repeat visitation by targeted segments of the tourist population.
6. Consideration of innovative sources of state funding for tourism marketing.
7. Promotion of nature-based tourism, including, but not limited to, promotion of the Florida Greenways and Trails System as described under s. 260.014 and the Florida Shared-Use Nonmotorized Trail Network as described under s. 339.81.
8. Coordination of efforts with the Office of Greenways and Trails of the Department of Environmental Protection and the department to promote and assist local communities, including, but not limited to, communities designated as trail towns by the Office of Greenways and Trails, to maximize use of nearby trails as economic assets, including specific promotion of trail-based tourism.
9. Promotion of heritage tourism.
10. Development of a component to address emergency response to natural and manmade disasters from a marketing standpoint.

(b) *The plan must be annual in construction and ongoing in nature. Any annual revisions of the plan must carry forward the concepts of the remaining 3-year portion of the plan and consider a continuum portion to preserve the 4-year timeframe of the plan. The plan also must include recommendations for specific performance standards and measurable outcomes for the corporation. The department shall base the actual performance metrics on these recommendations.*

(c) *The plan shall be annually reviewed and approved by the board of directors of the corporation.*

(14) ANNUAL REPORT.—The corporation shall draft and submit to the department, the Governor, the President of the Senate, and the

Speaker of the House of Representatives by December 1 of each year an annual report. The annual report must set forth for the corporation:

(a) *Operations and accomplishments during the fiscal year, including the economic benefit of the state's investment and effectiveness of the marketing plan.*

(b) *The 4-year marketing plan, including recommendations on methods for implementing and funding the plan.*

(c) *The assets and liabilities of the corporation at the end of its most recent fiscal year.*

(d) *A copy of the annual financial and compliance audit conducted under subsection (7).*

Section 62. Section 288.12265, Florida Statutes, is amended to read:

288.12265 Welcome centers.—

(1) Responsibility for the welcome centers is assigned to ~~Enterprise Florida, Inc., which shall contract with the Florida Tourism Industry Marketing Corporation to employ all welcome center staff.~~

(2) ~~The Florida Tourism Industry Marketing Corporation Enterprise Florida, Inc., shall administer and operate the welcome centers and, pursuant to a contract with the Department of Transportation, Enterprise Florida, Inc., shall be responsible for routine repair, replacement, or improvement and the day-to-day management of interior areas occupied by the welcome centers. All other repairs, replacements, or improvements to the welcome centers shall be the responsibility of the Department of Transportation. Enterprise Florida, Inc., may contract with the Florida Tourism Industry Marketing Corporation for the management and operation of the welcome centers.~~

Section 63. Notwithstanding the repeal of section 288.1229, Florida Statutes, in section 485 of chapter 2011-142, Laws of Florida, that section is revived, readopted, and amended to read:

288.1229 Promotion and development of sports-related industries and amateur athletics; direct-support organization *established*; powers and duties.—

(1) ~~The department shall establish a direct-support organization known as the Florida Sports Foundation. The foundation shall The Office of Tourism, Trade, and Economic Development may authorize a direct support organization to assist the department office in:~~

(a) The promotion and development of the sports industry and related industries for the purpose of improving the economic presence of these industries in Florida.

(b) The promotion of amateur athletic participation for the citizens of Florida and the promotion of Florida as a host for national and international amateur athletic competitions for the purpose of encouraging and increasing the direct and ancillary economic benefits of amateur athletic events and competitions.

(c) The retention of professional sports franchises, including the spring training operations of Major League Baseball.

(2) ~~The Florida Sports Foundation To be authorized as a direct support organization, an organization must:~~

(a) Be incorporated as a corporation not for profit pursuant to chapter 617.

(b) Be governed by a board of directors, which must consist of up to 15 members appointed by the Governor ~~and up to 15 members appointed by the existing board of directors.~~ In making appointments, the Governor board must consider a potential member's background in community service and sports activism in, and financial support of, the sports industry, professional sports, or organized amateur athletics. Members must be residents of the state and highly knowledgeable about or active in professional or organized amateur sports.

1. The board must contain representatives of all geographical regions of the state and must represent ethnic and gender diversity.

2. The terms of office of the members shall be 4 years. No member may serve more than two consecutive terms. The Governor may remove any member for cause and shall fill all vacancies that occur.

(c) Have as its purpose, as stated in its articles of incorporation, to receive, hold, invest, and administer property; to raise funds and receive gifts; and to promote and develop the sports industry and related industries for the purpose of increasing the economic presence of these industries in Florida.

(d) Have a prior determination by the ~~department Office of Tourism, Trade, and Economic Development~~ that the ~~foundation organization~~ will benefit the ~~department office~~ and act in the best interests of the state as a direct-support organization to the ~~department office~~.

(3) ~~The Florida Sports Foundation shall operate under contract with the department. The contract must provide Office of Tourism, Trade, and Economic Development shall contract with the organization and shall include in the contract that:~~

(a) The ~~department office~~ may review the ~~foundation's organization's~~ articles of incorporation.

(b) The ~~foundation organization~~ shall submit an annual budget proposal to the ~~department office~~, on a form provided by the ~~department office~~, in accordance with ~~department office~~ procedures for filing budget proposals based upon the recommendation of the ~~department office~~.

(c) Any funds that the ~~foundation organization~~ holds in trust will revert to the state upon the expiration or cancellation of the contract.

(d) The ~~foundation organization~~ is subject to an annual financial and performance review by the ~~department office~~ to determine whether the ~~foundation organization~~ is complying with the terms of the contract and whether it is acting in a manner consistent with the goals of the ~~department office~~ and in the best interests of the state.

(e) The fiscal year of the ~~foundation begins organization will begin~~ July 1 of each year and ~~ends end~~ June 30 of the next ensuing year.

(4) The ~~department Office of Tourism, Trade, and Economic Development~~ may allow the ~~foundation organization~~ to use the property, facilities, personnel, and services of the ~~department office~~ if the ~~foundation organization~~ provides equal employment opportunities to all persons regardless of race, color, religion, sex, age, or national origin, subject to the approval of the ~~executive director of the department office~~.

(5) The ~~foundation organization~~ shall provide for an annual financial audit in accordance with s. 215.981.

(6) The ~~foundation organization~~ is not granted any taxing power.

(7) ~~In exercising the power provided in this section, the Office of Tourism, Trade, and Economic Development may authorize and contract with the direct support organization existing on June 30, 1996, and authorized by the former Florida Department of Commerce to promote sports related industries. An appointed member of the board of directors of such direct support organization as of June 30, 1996, may serve the remainder of his or her unexpired term.~~

(8) To promote amateur sports and physical fitness, the ~~foundation direct support organization~~ shall:

(a) Develop, foster, and coordinate services and programs for amateur sports for the people of Florida.

(b) Sponsor amateur sports workshops, clinics, conferences, and other similar activities.

(c) Give recognition to outstanding developments and achievements in, and contributions to, amateur sports.

(d) Encourage, support, and assist local governments and communities in the development of or hosting of local amateur athletic events and competitions.

(e) Promote Florida as a host for national and international amateur athletic competitions.

(f) Develop a statewide ~~programs program~~ of amateur athletic competition to be known as the “Florida Senior Games” and the “Sunshine State Games.”

(g) Continue the successful amateur sports programs previously conducted by the Florida Governor’s Council on Physical Fitness and Amateur Sports created under former s. 14.22.

(h) Encourage and continue the use of volunteers in its amateur sports programs to the maximum extent possible.

(i) Develop, foster, and coordinate services and programs designed to encourage the participation of Florida’s youth in Olympic sports activities and competitions.

(j) Foster and coordinate services and programs designed to contribute to the physical fitness of the citizens of Florida.

~~(8)(9)(a) The Sunshine State Games and Florida Senior Games shall both be patterned after the Summer Olympics with variations as necessitated by availability of facilities, equipment, and expertise. The games shall be designed to encourage the participation of athletes representing a broad range of age groups, skill levels, and Florida communities. Participants shall be residents of this state. Regional competitions shall be held throughout the state, and the top qualifiers in each sport shall proceed to the final competitions to be held at a site in the state with the necessary facilities and equipment for conducting the competitions.~~

(b) The ~~department Executive Office of the Governor~~ is authorized to permit the use of property, facilities, and personal services of or at any State University System facility or institution by the direct-support organization operating the Sunshine State Games and Florida Senior Games. For the purposes of this paragraph, personal services includes full-time or part-time personnel as well as payroll processing.

Section 64. Section 288.125, Florida Statutes, is amended to read:

288.125 Definition of “entertainment industry.”—For the purposes of s. 288.1258 ~~ss. 288.1251-288.1258~~, the term “entertainment industry” means those persons or entities engaged in the operation of motion picture or television studios or recording studios; those persons or entities engaged in the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings; and those persons or entities providing products or services directly related to the preproduction, production, or postproduction of motion pictures, made-for-television movies, television programming, digital media projects, commercial advertising, music videos, or sound recordings, including, but not limited to, the broadcast industry.

Section 65. *Section 288.1251, Florida Statutes, is repealed.*

Section 66. *Section 288.1252, Florida Statutes, is repealed.*

Section 67. *Section 288.1253, Florida Statutes, is repealed.*

Section 68. *Section 288.1254, Florida Statutes, is repealed.*

Section 69. Section 288.1258, Florida Statutes, is amended to read:

288.1258 Entertainment industry qualified production companies; application procedure; categories; duties of the Department of Revenue; records and reports.—

(1) PRODUCTION COMPANIES AUTHORIZED TO APPLY.—

(a) Any production company engaged in this state in the production of motion pictures, made-for-TV motion pictures, television series, commercial advertising, music videos, or sound recordings may submit an application to the Department of Revenue to be approved by the ~~department Office of Film and Entertainment~~ as a qualified production company for the purpose of receiving a sales and use tax certificate of exemption from the Department of Revenue.

(b) For the purposes of this section, “qualified production company” means any production company that has submitted a properly completed application to the Department of Revenue and that is subsequently qualified by the ~~department Office of Film and Entertainment~~.

(2) APPLICATION PROCEDURE.—

(a) The Department of Revenue will review all submitted applications for the required information. Within 10 working days after the receipt of a properly completed application, the Department of Revenue will forward the completed application to the ~~department Office of Film and Entertainment~~ for approval.

(b)1. The ~~department Office of Film and Entertainment~~ shall establish a process by which an entertainment industry production company may be approved by the ~~department office~~ as a qualified production company and may receive a certificate of exemption from the Department of Revenue for the sales and use tax exemptions under ss. 212.031, 212.06, and 212.08.

2. Upon determination by the ~~department Office of Film and Entertainment~~ that a production company meets the established approval criteria and qualifies for exemption, the ~~department Office of Film and Entertainment~~ shall return the approved application or application renewal or extension to the Department of Revenue, which shall issue a certificate of exemption.

3. The ~~department Office of Film and Entertainment~~ shall deny an application or application for renewal or extension from a production company if it determines that the production company does not meet the established approval criteria.

(c) The ~~department Office of Film and Entertainment~~ shall develop, with the cooperation of the Department of Revenue and local government entertainment industry promotion agencies, a standardized application form for use in approving qualified production companies.

1. The application form shall include, but not be limited to, production-related information on employment, proposed budgets, planned purchases of items exempted from sales and use taxes under ss. 212.031, 212.06, and 212.08, a signed affirmation from the applicant that any items purchased for which the applicant is seeking a tax exemption are intended for use exclusively as an integral part of entertainment industry preproduction, production, or postproduction activities engaged in primarily in this state, and a signed affirmation from the ~~department Office of Film and Entertainment~~ that the information on the application form has been verified and is correct. In lieu of information on projected employment, proposed budgets, or planned purchases of exempted items, a production company seeking a 1-year certificate of exemption may submit summary historical data on employment, production budgets, and purchases of exempted items related to production activities in this state. Any information gathered from production companies for the purposes of this section shall be considered confidential taxpayer information and shall be disclosed only as provided in s. 213.053.

2. The application form may be distributed to applicants by the ~~department Office of Film and Entertainment~~ or local film commissions.

(d) All applications, renewals, and extensions for designation as a qualified production company shall be processed by the ~~department Office of Film and Entertainment~~.

(e) In the event that the Department of Revenue determines that a production company no longer qualifies for a certificate of exemption, or has used a certificate of exemption for purposes other than those authorized by this section and chapter 212, the Department of Revenue shall revoke the certificate of exemption of that production company, and any sales or use taxes exempted on items purchased or leased by the production company during the time such company did not qualify for a certificate of exemption or improperly used a certificate of exemption shall become immediately due to the Department of Revenue, along with interest and penalty as provided by s. 212.12. In addition to the other penalties imposed by law, any person who knowingly and willfully falsifies an application, or uses a certificate of exemption for purposes other than those authorized by this section and chapter 212, commits a felony of the third degree, punishable as provided in ss. 775.082, 775.083, and 775.084.

(3) CATEGORIES.—

(a)1. A production company may be qualified for designation as a qualified production company for a period of 1 year if the company has

operated a business in Florida at a permanent address for a period of 12 consecutive months. Such a qualified production company shall receive a single 1-year certificate of exemption from the Department of Revenue for the sales and use tax exemptions under ss. 212.031, 212.06, and 212.08, which certificate shall expire 1 year after issuance or upon the cessation of business operations in the state, at which time the certificate shall be surrendered to the Department of Revenue.

2. The ~~department Office of Film and Entertainment~~ shall develop a method by which a qualified production company may annually renew a 1-year certificate of exemption for a period of up to 5 years without requiring the production company to resubmit a new application during that 5-year period.

3. Any qualified production company may submit a new application for a 1-year certificate of exemption upon the expiration of that company's certificate of exemption.

(b)1. A production company may be qualified for designation as a qualified production company for a period of 90 days. Such production company shall receive a single 90-day certificate of exemption from the Department of Revenue for the sales and use tax exemptions under ss. 212.031, 212.06, and 212.08, which certificate shall expire 90 days after issuance, with extensions contingent upon approval of the ~~department Office of Film and Entertainment~~. The certificate shall be surrendered to the Department of Revenue upon its expiration.

2. Any production company may submit a new application for a 90-day certificate of exemption upon the expiration of that company's certificate of exemption.

(4) DUTIES OF THE DEPARTMENT OF REVENUE.—

(a) The Department of Revenue shall review the initial application and notify the applicant of any omissions and request additional information if needed. An application shall be complete upon receipt of all requested information. The Department of Revenue shall forward all complete applications to the ~~department Office of Film and Entertainment~~ within 10 working days.

(b) The Department of Revenue shall issue a numbered certificate of exemption to a qualified production company within 5 working days of the receipt of an approved application, application renewal, or application extension from the ~~department Office of Film and Entertainment~~.

(c) The Department of Revenue may promulgate such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section or any of the sales tax exemptions which are reasonably related to the provisions of this section.

(d) The Department of Revenue is authorized to establish audit procedures in accordance with the provisions of ss. 212.12, 212.13, and 213.34 which relate to the sales tax exemption provisions of this section.

(5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The ~~department Office of Film and Entertainment~~ shall keep annual records from the information provided on taxpayer applications for tax exemption certificates. These records also must reflect a ratio of the annual amount of sales and use tax exemptions under this section, ~~plus the incentives awarded pursuant to s. 288.1254~~ to the estimated amount of funds expended by certified productions. In addition, the ~~department office~~ shall maintain data showing annual growth in Florida-based entertainment industry companies and entertainment industry employment and wages. ~~The employment information must include an estimate of the full time equivalent positions created by each production that received tax credits pursuant to s. 288.1254. The department Office of Film and Entertainment shall annually report include this information in the annual report required under s. 20.60 for the entertainment industry financial incentive program required under s. 288.1254(10).~~

Section 70. Section 288.7015, Florida Statutes, is amended to read:

288.7015 Appointment of rules ombudsman; duties.—The Governor shall appoint a rules ombudsman, as defined in s. 288.703, in the Executive Office of the Governor, for considering the impact of agency rules on the state's citizens and businesses. ~~In carrying out duties as provided by law, the ombudsman shall consult with Enterprise Florida,~~

~~Inc., at which point the department may recommend to improve the regulatory environment of this state.~~ The duties of the rules ombudsman are to:

(1) Carry out the responsibility provided in s. 120.54(3)(b), with respect to small businesses.

(2) Review state agency rules that adversely or disproportionately impact businesses, particularly those relating to small and minority businesses.

(3) Make recommendations on any existing or proposed rules to alleviate unnecessary or disproportionate adverse effects to businesses.

(4) Each state agency shall cooperate fully with the rules ombudsman in identifying such rules. Further, each agency shall take the necessary steps to waive, modify, or otherwise minimize such adverse effects of any such rules. However, nothing in this section authorizes any state agency to waive, modify, provide exceptions to, or otherwise alter any rule that is:

(a) Expressly required to implement or enforce any statutory provision or the express legislative intent thereof;

(b) Designed to protect persons against discrimination on the basis of race, color, national origin, religion, sex, age, handicap, or marital status; or

(c) Likely to prevent a significant risk or danger to the public health, the public safety, or the environment of the state.

(5) The modification or waiver of any such rule pursuant to this section must be accomplished in accordance with the provisions of chapter 120.

Section 71. Subsection (11) of section 288.706, Florida Statutes, is amended to read:

288.706 Florida Minority Business Loan Mobilization Program.—

(11) The Department of Management Services shall collaborate with ~~Enterprise Florida, Inc., and~~ the department to assist in the development and enhancement of black business enterprises.

Section 72. Subsection (1) of section 288.773, Florida Statutes, is amended to read:

288.773 Florida Export Finance Corporation.—The Florida Export Finance Corporation is hereby created as a corporation not for profit, to be incorporated under the provisions of chapter 617 and approved by the Department of State. The corporation is organized on a nonstock basis. The purpose of the corporation is to expand employment and income opportunities for residents of this state through increased exports of goods and services, by providing businesses domiciled in this state information and technical assistance on export opportunities, exporting techniques, and financial assistance through guarantees and direct loan originations for sale in support of export transactions. The corporation shall have the power and authority to carry out the following functions:

(1) To coordinate the efforts of the corporation with programs and goals of the United States Export-Import Bank, the International Trade Administration of the United States Department of Commerce, the Foreign Credit Insurance Association, ~~the department Enterprise Florida, Inc., and~~ other private and public programs and organizations, domestic and foreign, designed to provide export assistance and export-related financing.

Section 73. Paragraph (a) of subsection (1) and paragraphs (a), (c), and (g) of subsection (3) of section 288.776, Florida Statutes, are amended to read:

288.776 Board of directors; powers and duties.—

(1)(a) The corporation shall have a board of directors consisting of 15 members representing all geographic areas of the state. Minority and gender representation must be considered when making appointments to the board. The board membership must include:

1. A representative of the following businesses, all of which must be registered to do business in this state: a foreign bank, a state bank, a federal bank, an insurance company involved in covering trade financing risks, and a small or medium-sized exporter.

2. The following persons or their designee: *the Secretary of Commerce* ~~the President of Enterprise Florida, Inc.~~, the Chief Financial Officer, the Secretary of State, and a senior official of the United States Department of Commerce.

(3) The board shall:

(a) Prior to the expenditure of funds from the export finance account, adopt bylaws and policies which are necessary to carry out the responsibilities under this part, particularly with respect to the implementation of the corporation's programs to insure, coinsure, lend, provide loan guarantees, and make direct, guaranteed, or collateralized loans by the corporation to support export transactions. The corporation's bylaws and policies shall be reviewed and approved by *the department* ~~Enterprise Florida, Inc.~~, prior to final adoption by the board.

(c) Issue an annual report to *the department* ~~Enterprise Florida, Inc.~~, on the activities of the corporation, including an evaluation of activities and recommendations for change. The evaluation shall include the corporation's impact on the following:

1. Participation of private banks and other private organizations and individuals in the corporation's export financing programs.

2. Access of small and medium-sized businesses in this state to federal export financing programs.

3. Export volume of the small and medium-sized businesses in this state accessing the corporation's programs.

4. Other economic and social benefits to international programs in this state.

(g) Consult with *the department* ~~Enterprise Florida, Inc.~~, or any state or federal agency, to ensure that the respective loan guarantee or working capital loan origination programs are not duplicative and that each program makes full use of, to the extent practicable, the resources of the other.

Section 74. Section 288.7771, Florida Statutes, is amended to read:

288.7771 Annual report of Florida Export Finance Corporation.—The corporation shall annually prepare and submit to *the department* ~~Enterprise Florida, Inc.~~, for inclusion in its annual report required under s. 20.60 ~~s. 288.906~~, a complete and detailed report setting forth:

(1) The report required in s. 288.776(3).

(2) Its assets and liabilities at the end of its most recent fiscal year.

Section 75. Subsections (4) and (6) of section 288.816, Florida Statutes, are amended to read:

288.816 Intergovernmental relations.—

(4) The state protocol officer shall serve as a contact for the state with the Florida Washington Office, the Florida Congressional Delegation, and United States Government agencies with respect to laws or policies which may affect the interests of the state in the area of international relations. All inquiries received regarding international economic trade development or reverse investment opportunities shall be referred to *the department* ~~Enterprise Florida, Inc.~~. In addition, the state protocol officer shall serve as liaison with other states with respect to international programs of interest to Florida. The state protocol officer shall also investigate and make suggestions regarding possible areas of joint action or regional cooperation with these states.

(6) The department ~~and Enterprise Florida, Inc.~~, shall help to contribute an international perspective to the state's development efforts.

Section 76. Section 288.826, Florida Statutes, is amended to read:

288.826 Florida International Trade and Promotion Trust Fund.—There is hereby established in the State Treasury the Florida Inter-

national Trade and Promotion Trust Fund. The moneys deposited into this trust fund shall be administered by the department for the operation of *the direct-support organization created pursuant to s. 288.012 Enterprise Florida, Inc.*, and for the operation of Florida international offices under s. 288.012.

Section 77. *Section 288.901, Florida Statutes, is repealed.*

Section 78. *Section 288.9015, Florida Statutes, is repealed.*

Section 79. *Section 288.903, Florida Statutes, is repealed.*

Section 80. *Section 288.904, Florida Statutes, is repealed.*

Section 81. *Section 288.905, Florida Statutes, is repealed.*

Section 82. *Section 288.906, Florida Statutes, is repealed.*

Section 83. Section 288.907, Florida Statutes, is renumbered as section 288.0065, Florida Statutes, and amended to read:

288.0065 ~~288.907~~ Annual incentives report.—By December 30 of each year, ~~Enterprise Florida, Inc., in conjunction with the department,~~ shall provide the Governor, the President of the Senate, and the Speaker of the House of Representatives a detailed incentives report quantifying the economic benefits for all of the economic development incentive programs *administered by the department and its public-private partnerships* ~~marketed by Enterprise Florida, Inc.~~ The annual incentives report must include:

(1) For each incentive program:

(a) A brief description of the incentive program.

(b) The amount of awards granted, by year, since inception and the annual amount actually transferred from the state treasury to businesses or for the benefit of businesses for each of the previous 3 years.

~~(c) The actual amount of private capital invested, actual number of jobs created, and actual wages paid for incentive agreements completed during the previous 3 years for each target industry sector.~~

(2) For projects completed during the previous state fiscal year:

(a) The number of economic development incentive applications received.

~~(b) The number of recommendations made to the department by Enterprise Florida, Inc., including the number recommended for approval and the number recommended for denial.~~

~~(c)~~ (e) The number of final decisions issued by the department for approval and for denial.

~~(c)(d)~~ (f) The projects for which a tax refund, tax credit, or cash grant agreement was executed, identifying for each project:

1. The number of jobs committed to be created.

2. The amount of capital investments committed to be made.

3. The annual average wage committed to be paid.

4. The amount of state economic development incentives committed to the project from each incentive program under the project's terms of agreement with the Department of Commerce ~~Economic Opportunity~~.

5. The amount and type of local matching funds committed to the project.

~~(d)(e)~~ (g) Tax refunds paid or other payments made funded out of the Economic Development Incentives Account for each project.

~~(e)(f)~~ (h) The types of projects supported.

(3) For economic development projects that received tax refunds, tax credits, or cash grants under the terms of an agreement for incentives:

(a) The number of jobs actually created.

- (b) The amount of capital investments actually made.
- (c) The annual average wage paid.
- (4) For a project receiving economic development incentives approved by the department and receiving federal or local incentives, a description of the federal or local incentives, if available.
- (5) The number of withdrawn or terminated projects that did not fulfill the terms of their agreements with the department and, consequently, are not receiving incentives.
- (6) ~~For any agreements signed after July 1, 2010, findings and recommendations on the efforts of the department to ascertain the causes of any business's inability to complete its agreement made under s. 288.106.~~
- (7) The amount of tax refunds, tax credits, or other payments made to projects locating or expanding in state enterprise zones, rural communities, brownfield areas, or distressed urban communities. The report must include a separate analysis of the impact of such tax refunds on state enterprise zones designated under s. 290.0065, rural communities, brownfield areas, and distressed urban communities.
- (8) ~~The name of and tax refund amount for each business that has received a tax refund under s. 288.1045 or s. 288.106 during the preceding fiscal year.~~
- (7)(9) An identification of the target industry businesses and high-impact businesses.
- (8)(10) A description of the trends relating to business interest in, and usage of, the various incentives, and the number of minority-owned or woman-owned businesses receiving incentives.
- (9)(11) An identification of incentive programs not used and recommendations for program changes or program elimination.
- (10)(12) Information related to the validation of contractor performance required under s. 288.061.
- (13) ~~Beginning in 2014, A summation of the activities related to the Florida Space Business Incentives Act.~~

Section 84. *Section 288.911, Florida Statutes, is repealed.*

Section 85. Section 288.912, Florida Statutes, is renumbered as section 288.007, Florida Statutes, and amended to read:

~~288.007 288.912~~ Inventory of communities seeking to recruit businesses.—By September 30 of each year, a county or municipality that has a population of at least 25,000 or its local economic development organization must submit to *the department Enterprise Florida, Inc.*, a brief overview of the strengths, services, and economic development incentives that its community offers. The local government or its local economic development organization also must identify any industries that it is encouraging to locate or relocate to its area. A county or municipality having a population of 25,000 or fewer or its local economic development organization seeking to recruit businesses may submit information as required in this section and may participate in any activity or initiative resulting from the collection, analysis, and reporting of the information to *the department Enterprise Florida, Inc.*, pursuant to this section.

Section 86. *Section 288.92, Florida Statutes, is repealed.*

Section 87. *Section 288.923, Florida Statutes, is repealed.*

Section 88. *Section 288.95155, Florida Statutes, is repealed.*

Section 89. *Section 288.9519, Florida Statutes, is repealed.*

Section 90. Section 288.9520, Florida Statutes, is renumbered as section 288.002, Florida Statutes, and amended to read:

~~288.002 288.9520~~ Public records exemption for certain materials held by the former Enterprise Florida, Inc.—Materials that relate to methods of manufacture or production, potential trade secrets, potentially patentable material, actual trade secrets, business transactions,

financial and proprietary information, and agreements or proposals to receive funding that are received, generated, ascertained, or discovered by *the former Enterprise Florida, Inc.*, including its affiliates or subsidiaries and partnership participants, such as private enterprises, educational institutions, and other organizations, are confidential and exempt from the provisions of s. 119.07(1) and s. 24(a), Art. I of the State Constitution, except that a recipient of *the former Enterprise Florida, Inc.*, research funds shall make available, upon request, the title and description of the research project, the name of the researcher, and the amount and source of funding provided for the project. *Effective July 1, 2023, the Department of Commerce is the custodian of any public records made confidential and exempt under this section.*

Section 91. *Section 288.955, Florida Statutes, is repealed.*

Section 92. Subsection (10) of section 288.9603, Florida Statutes, is amended to read:

288.9603 Definitions.—

(10) “Partnership” means *the department Enterprise Florida, Inc.*

Section 93. Subsection (5) of section 288.9604, Florida Statutes, is amended to read:

288.9604 Creation of the corporation.—

~~(5) This section is repealed July 1, 2023, and July 1 of every fourth year thereafter, unless reviewed and saved from repeal by the Legislature.~~

Section 94. Paragraph (v) of subsection (2) of section 288.9605, Florida Statutes, is amended to read:

288.9605 Corporation powers.—

(2) The corporation is authorized and empowered to:

(v) Enter into investment agreements with *the department Enterprise Florida, Inc.*, concerning the issuance of bonds and other forms of indebtedness and capital.

Section 95. Section 288.9614, Florida Statutes, is amended to read:

288.9614 Authorized programs.—~~The department Enterprise Florida, Inc.~~, may take any action that it deems necessary to achieve the purposes of this act in partnership with private enterprises, public agencies, and other organizations, including, but not limited to, efforts to address the long-term debt needs of small-sized and medium-sized firms, to address the needs of microenterprises, to expand availability of venture capital, and to increase international trade and export finance opportunities for firms critical to achieving the purposes of this act.

Section 96. Paragraphs (a) and (b) of subsection (1) of section 288.9624, Florida Statutes, are amended to read:

288.9624 Florida Opportunity Fund; creation; duties.—

(1)(a) ~~Enterprise Florida, Inc., shall facilitate the creation of The Florida Opportunity Fund is;~~ a private, not-for-profit corporation organized and operated under chapter 617. ~~Enterprise Florida, Inc., shall be the fund's sole shareholder or member.~~ The fund is not a public corporation or instrumentality of the state. The fund shall manage its business affairs and conduct business consistent with its organizational documents and the purposes set forth in this section *and under contract with the department.* Notwithstanding the powers granted under chapter 617, the corporation may not amend, modify, or repeal a bylaw or article of incorporation without the express written consent of *the department Enterprise Florida, Inc.*

(b) The board of directors of the Florida Opportunity Fund shall have five members, appointed by *the Governor* ~~vote of the board of directors of Enterprise Florida, Inc.~~ Board members shall serve terms as provided in the fund's organizational documents. Within 90 days before an anticipated vacancy by expiration of the term of a board member, the board of directors of the fund shall submit a list of three eligible nominees, which may include the incumbent, to the Governor. ~~The Governor board of directors of Enterprise Florida, Inc. The board of directors of Enterprise Florida, Inc., may appoint a board member from the~~

nominee list or may request and appoint from a new list of three nominees not included on the previous list.

Section 97. Subsection (2) and paragraph (a) of subsection (9) of section 288.9625, Florida Statutes, are amended to read:

288.9625 Institute for Commercialization of Florida Technology.—

(2) The purpose of the institute is to assist, without any financial support or specific appropriations from the state, in the commercialization of products developed by the research and development activities of an innovation business, including, but not limited to, those defined in *former s. 288.1089*. The institute shall fulfill its purpose in the best interests of the state. The institute:

(a) Is a corporation primarily acting as an instrumentality of the state pursuant to s. 768.28(2), for the purposes of sovereign immunity;

(b) Is not an agency within the meaning of s. 20.03(11);

(c) Is subject to the open records and meetings requirements of s. 24, Art. I of the State Constitution, chapter 119, and s. 286.011;

(d) Is not subject to chapter 287;

(e) Is governed by the code of ethics for public officers and employees as set forth in part III of chapter 112;

(f) May create corporate subsidiaries; and

(g) May not receive any financial support or specific appropriations from the state.

(9) By December 1 of each year, the institute shall issue an annual report concerning its activities to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The annual report shall be considered a public record, as provided in paragraph (3)(b), subject to any appropriate exemptions under s. 288.9627. The annual report must include the following:

(a) Information on any assistance provided by the institute to an innovation business, as defined in *former s. 288.1089*.

Section 98. Subsection (4) of section 288.96255, Florida Statutes, is amended to read:

288.96255 Florida Technology Seed Capital Fund; creation; duties.—

(4) The private fund manager shall use a thorough and detailed process that is modeled after investment industry practices to evaluate a proposal. In order to approve a company for investment, the private fund manager, on behalf of the institute, must consider if:

(a) The company has a strong intellectual property position, a capable management team, readily identifiable paths to market or commercialization, significant job-growth potential, the ability to provide other sources of capital to leverage the state's investment, and the potential to attract additional funding;

(b) The private fund manager has had an opportunity to complete due diligence to its satisfaction;

(c) The company is a target industry business as defined in s. 288.005 ~~s. 288.106(2)~~; and

(d) An approved private-sector lead investor who has demonstrated due diligence typical of start-up investments in evaluating the potential of the company has identified the company.

Section 99. Paragraph (b) of subsection (1) of section 288.980, Florida Statutes, is amended to read:

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

(1)

(b) The Florida Defense Alliance, an organization within *the department Enterprise Florida, Inc.*, is designated as the organization to

ensure that Florida, its resident military bases and missions, and its military host communities are in competitive positions as the United States continues its defense realignment and downsizing. The defense alliance shall serve as an overall advisory body for defense-related activity of *the department Enterprise Florida, Inc.* The Florida Defense Alliance may receive funding from appropriations made for that purpose administered by the department.

Section 100. Subsection (7) of section 288.987, Florida Statutes, is amended to read:

288.987 Florida Defense Support Task Force.—

(7) The department shall *support the task force and* contract with the task force for expenditure of appropriated funds, which may be used by the task force for economic and product research and development, joint planning with host communities to accommodate military missions and prevent base encroachment, advocacy on the state's behalf with federal civilian and military officials, assistance to school districts in providing a smooth transition for large numbers of additional military-related students, job training and placement for military spouses in communities with high proportions of active duty military personnel, and promotion of the state to military and related contractors and employers. The task force may annually spend up to \$250,000 of funds appropriated to the department for the task force for staffing and administrative expenses of the task force, including travel and per diem costs incurred by task force members who are not otherwise eligible for state reimbursement.

Section 101. *Section 288.991, Florida Statutes, is repealed.*

Section 102. *Section 288.9912, Florida Statutes, is repealed.*

Section 103. *Section 288.9913, Florida Statutes, is repealed.*

Section 104. *Section 288.9914, Florida Statutes, is repealed.*

Section 105. *Section 288.9915, Florida Statutes, is repealed.*

Section 106. *Section 288.9916, Florida Statutes, is repealed.*

Section 107. *Section 288.9917, Florida Statutes, is repealed.*

Section 108. *Section 288.9918, Florida Statutes, is repealed.*

Section 109. *Section 288.9919, Florida Statutes, is repealed.*

Section 110. *Section 288.9920, Florida Statutes, is repealed.*

Section 111. *Section 288.9921, Florida Statutes, is repealed.*

Section 112. *Section 288.9922, Florida Statutes, is repealed.*

Section 113. Subsection (2) of section 288.9932, Florida Statutes, is amended to read:

288.9932 Definitions.—As used in this part, the term:

(2) ~~“Domiciled in this state” means authorized to do business in this state and located in this state.~~

Section 114. *Section 288.9934, Florida Statutes, is repealed.*

Section 115. Subsections (3) through (9) of section 288.9935, Florida Statutes, are amended to read:

288.9935 Microfinance Guarantee Program.—

(3) The department ~~must enter into a contract with Enterprise Florida, Inc., to administer the Microfinance Guarantee Program. In administering the program, Enterprise Florida, Inc., must, at a minimum:~~

(a) Establish lender and borrower eligibility requirements in addition to those provided in this section;

(b) Determine a reasonable leverage ratio of loan amounts guaranteed to state funds; however, the leverage ratio may not exceed 3 to 1;

(c) Establish reasonable fees and interest;

(d) Promote the program to financial institutions that provide loans to entrepreneurs and small businesses in order to maximize the number of lenders throughout the state which participate in the program;

(e) Enter into a memorandum of understanding with the network to promote the program to underserved entrepreneurs and small businesses;

(f) Establish limits on the total amount of loan guarantees a single lender can receive;

(g) Establish an average loan guarantee amount for loans guaranteed under this section;

(h) Establish a risk-sharing strategy to be employed in the event of a loan failure; and

(i) Establish financial performance measures and objectives for the program in order to maximize the state funds.

(4) ~~The department Enterprise Florida, Inc.,~~ is limited to providing loan guarantees for loans with total loan amounts of at least \$50,000 and not more than \$250,000. A loan guarantee may not exceed 50 percent of the total loan amount.

(5) ~~The department Enterprise Florida, Inc.,~~ may not guarantee a loan if the direct or indirect purpose or result of the loan would be to:

(a) Pay off any creditors of the applicant, including the refund of a debt owed to a small business investment company organized pursuant to 15 U.S.C. s. 681;

(b) Provide funds, directly or indirectly, for payment, distribution, or as a loan to owners, partners, or shareholders of the applicant's business, except as ordinary compensation for services rendered;

(c) Finance the acquisition, construction, improvement, or operation of real property which is, or will be, held primarily for sale or investment;

(d) Pay for lobbying activities; or

(e) Replenish funds used for any of the purposes specified in paragraphs (a)-(d).

(6) ~~The department Enterprise Florida, Inc.,~~ may not use funds appropriated from the state for costs associated with administering the guarantee program.

(7) To be eligible to receive a loan guarantee under the Microfinance Guarantee Program, a borrower must, at a minimum:

(a) Be an entrepreneur or small business located in this state;

(b) Employ 25 or fewer people;

(c) Generate average annual gross revenues of \$1.5 million or less per year for the last 2 years; and

(d) Meet any additional requirements established by ~~the department Enterprise Florida, Inc.~~

(8) ~~The department must, By October 1 of each year, Enterprise Florida, Inc., shall submit a complete and detailed annual report to the department for inclusion in the department's report required under s. 20.60(10), include an annual report on the program.~~ The report must, at a minimum, provide:

(a) A comprehensive description of the program, including an evaluation of its application and guarantee activities, recommendations for change, and identification of any other state programs that overlap with the program;

(b) An assessment of the current availability of and access to credit for entrepreneurs and small businesses in this state;

(c) A summary of the financial and employment results of the entrepreneurs and small businesses receiving loan guarantees, including the number of full-time equivalent jobs created as a result of the

guaranteed loans and the amount of wages paid to employees in the newly created jobs;

(d) Industry data about the borrowers, including the six-digit North American Industry Classification System (NAICS) code;

(e) The name and location of lenders that receive loan guarantees;

(f) ~~The amount of state funds received by Enterprise Florida, Inc.,~~

~~(g)~~ The number of loan guarantee applications received;

~~(g)(h)~~ The number, duration, location, and amount of guarantees made;

~~(h)(i)~~ The number and amount of guaranteed loans outstanding, if any;

~~(i)(j)~~ The number and amount of guaranteed loans with payments overdue, if any;

~~(j)(k)~~ The number and amount of guaranteed loans in default, if any;

~~(k)(l)~~ The repayment history of the guaranteed loans made; and

~~(l)(m)~~ An evaluation of the program's ability to meet the financial performance measures and objectives specified in subsection (3).

(9) The credit of the state ~~or Enterprise Florida, Inc.,~~ may not be pledged except for funds appropriated by law to the Microfinance Guarantee Program. The state is not liable or obligated in any way for claims on the program or against ~~Enterprise Florida, Inc., or the department.~~

Section 116. *Section 288.9936, Florida Statutes, is repealed.*

Section 117. *Section 288.9937, Florida Statutes, is repealed.*

Section 118. Subsection (3) of section 288.9961, Florida Statutes, is amended to read:

288.9961 Promotion of broadband adoption; Florida Office of Broadband.—

(3) STATE AGENCY.—The department is designated as the lead state agency to facilitate the expansion of broadband Internet service in this state. The department shall work collaboratively with private businesses and receive staffing support and other resources from ~~Enterprise Florida, Inc.,~~ state agencies, local governments, and community organizations.

Section 119. Paragraph (h) of subsection (8) of section 290.0056, Florida Statutes, is amended to read:

290.0056 Enterprise zone development agency.—

(8) The enterprise zone development agency shall have the following powers and responsibilities:

(h) To work with the department ~~and Enterprise Florida, Inc.,~~ to ensure that the enterprise zone coordinator receives training on an annual basis.

Section 120. Paragraph (b) of subsection (4) and subsection (7) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State designation of enterprise zones.—

(4)

(b) ~~In consultation with Enterprise Florida, Inc.,~~ The department shall, based on the enterprise zone profile and the grounds for redesignation expressed in the resolution, determine whether the enterprise zone merits redesignation. The department may also examine and consider the following:

1. Progress made, if any, in the enterprise zone's strategic plan.

2. Use of enterprise zone incentives during the life of the enterprise zone.

If the department determines that the enterprise zone merits redesignation, the department shall notify the governing body in writing of its approval of redesignation.

(7) Upon approval by the department of a resolution authorizing an area to be an enterprise zone pursuant to this section, the department shall assign a unique identifying number to that resolution. The department shall provide the Department of Revenue ~~and Enterprise Florida, Inc.~~, with a copy of each resolution approved, together with its identifying number.

Section 121. Section 290.00677, Florida Statutes, is amended to read:

290.00677 Rural enterprise zones; special qualifications.—

(1) Notwithstanding the enterprise zone residency requirements set out in s. 212.096(1)(c), eligible businesses as defined in s. 212.096(1)(a) located in rural enterprise zones as defined in s. 290.004 may receive the basic minimum credit provided under s. 212.096 for creating a new job and hiring a person residing within the jurisdiction of a rural community as defined in *former* s. 288.106(2). All other provisions of s. 212.096, including, but not limited to, those relating to the award of enhanced credits, apply to such businesses.

(2) Notwithstanding the enterprise zone residency requirements set out in s. 220.03(1)(q), businesses as defined in s. 220.03(1)(c) located in rural enterprise zones as defined in s. 290.004 may receive the basic minimum credit provided under s. 220.181 for creating a new job and hiring a person residing within the jurisdiction of a rural community as defined in *former* s. 288.106(2). All other provisions of s. 220.181, including, but not limited to, those relating to the award of enhanced credits, apply to such businesses.

Section 122. Subsections (3) and (4) of section 290.053, Florida Statutes, are amended to read:

290.053 Response to economic emergencies in small communities.—

(3) A local government entity shall notify the Governor ~~and~~, the Department of ~~Commerce Economic Opportunity, and Enterprise Florida, Inc.~~, when one or more of the conditions specified in subsection (2) have occurred or will occur if action is not taken to assist the local governmental entity or the affected community.

(4) Upon notification that one or more of the conditions described in subsection (2) exist, the Governor or his or her designee shall contact the local governmental entity to determine what actions have been taken by the local governmental entity or the affected community to resolve the economic emergency. The Governor may waive the eligibility criteria of any program or activity administered by the Department of ~~Commerce Economic Opportunity or Enterprise Florida, Inc.~~, to provide economic relief to the affected community by granting participation in such programs or activities. The Governor shall consult with the President of the Senate and the Speaker of the House of Representatives and shall take other action, as necessary, to resolve the economic emergency in the most expedient manner possible. All actions taken pursuant to this section shall be within current appropriations and shall have no annualized impact beyond normal growth.

Section 123. Paragraph (d) of subsection (3) and subsection (4) of section 295.22, Florida Statutes, are amended to read:

295.22 Veterans Employment and Training Services Program.—

(3) ADMINISTRATION.—Florida Is For Veterans, Inc., shall administer the Veterans Employment and Training Services Program and perform all of the following functions:

(d) Create a grant program to provide funding to assist veterans in meeting the workforce-skill needs of businesses seeking to hire, promote, or generally improve specialized skills of veterans, establish criteria for approval of requests for funding, and maximize the use of funding for this program. Grant funds may be used only in the absence of available veteran-specific federally funded programs. Grants may fund specialized training specific to a particular business.

1. If grant funds are used to provide a technical certificate, a licensure, or a degree, funds may be allocated only upon a review that

includes, but is not limited to, documentation of accreditation and licensure. Instruction funded through the program terminates when participants demonstrate competence at the level specified in the request but may not exceed 12 months. Preference shall be given to target industry businesses, as defined in s. 288.005 ~~s. 288.106~~, and to businesses in the defense supply, cloud virtualization, or commercial aviation manufacturing industries.

2. Costs and expenditures shall be limited to \$8,000 per veteran trainee. Qualified businesses must cover the entire cost for all of the training provided before receiving reimbursement from the corporation equal to 50 percent of the cost to train a veteran who is a permanent, full-time employee. Eligible costs and expenditures include:

- a. Tuition and fees.
- b. Books and classroom materials.
- c. Rental fees for facilities.

3. Before funds are allocated for a request pursuant to this section, the corporation shall prepare a grant agreement between the business requesting funds and the corporation. Such agreement must include, but need not be limited to:

- a. Identification of the personnel necessary to conduct the instructional program, instructional program description, and any vendors used to conduct the instructional program.
- b. Identification of the estimated duration of the instructional program.
- c. Identification of all direct, training-related costs.
- d. Identification of special program requirements that are not otherwise addressed in the agreement.

e. Permission to access aggregate information specific to the wages and performance of participants upon the completion of instruction for evaluation purposes. The agreement must specify that any evaluation published subsequent to the instruction may not identify the employer or any individual participant.

4. A business may receive a grant under the Quick-Response Training Program created under s. 288.047 and a grant under this section for the same veteran trainee. If a business receives funds under both programs, one grant agreement may be entered into with CareerSource Florida, Inc., as the grant administrator.

~~(4) DUTIES OF ENTERPRISE FLORIDA, INC. Enterprise Florida, Inc., shall provide information about the corporation and its services to prospective, new, expanding, and relocating businesses seeking to conduct business in this state. Enterprise Florida, Inc., shall, to the greatest extent possible, collaborate with the corporation to meet the employment needs, including meeting the job creation requirements, of any business receiving assistance or services from Enterprise Florida, Inc.~~

Section 124. Paragraph (a) of subsection (6), paragraph (b) of subsection (9), paragraph (a) of subsection (34), subsection (57), and paragraph (b) of subsection (61) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(6) FLORIDA UNITED STATES OLYMPIC COMMITTEE LICENSE PLATES.—

(a) Because the United States Olympic Committee has selected this state to participate in a combined fundraising program that provides for one-half of all money raised through volunteer giving to stay in this state and be administered by ~~the Florida Sports Foundation Enterprise Florida, Inc.~~, to support amateur sports, and because the United States Olympic Committee and ~~the Florida Sports Foundation Enterprise Florida, Inc.~~, are nonprofit organizations dedicated to providing athletes with support and training and preparing athletes of all ages and skill levels for sports competition, and because ~~the Florida Sports Foundation Enterprise Florida, Inc.~~, assists in the bidding for sports competitions that provide significant impact to the economy of this

state, and the Legislature supports the efforts of the United States Olympic Committee and ~~the Florida Sports Foundation Enterprise Florida, Inc.~~, the Legislature establishes a Florida United States Olympic Committee license plate for the purpose of providing a continuous funding source to support this worthwhile effort. Florida United States Olympic Committee license plates must contain the official United States Olympic Committee logo and must bear a design and colors that are approved by the department. The word "Florida" must be centered at the top of the plate.

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. Fifty-five percent of the proceeds from the Florida Professional Sports Team plate must be deposited into the Professional Sports Development Trust Fund within the Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity~~. These funds must be used solely to attract and support major sports events in this state. As used in this subparagraph, the term "major sports events" means, but is not limited to, championship or all-star contests of Major League Baseball, the National Basketball Association, the National Football League, the National Hockey League, Major League Soccer, the men's and women's National Collegiate Athletic Association Final Four basketball championship, or a horse-racing or dogracing Breeders' Cup. All funds must be used to support and promote major sporting events, and the uses must be approved by the Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity~~.

2. The remaining proceeds of the Florida Professional Sports Team license plate must be allocated to ~~the Florida Sports Foundation Enterprise Florida, Inc.~~ These funds must be deposited into the Professional Sports Development Trust Fund within the Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity~~. These funds must be used by ~~the Florida Sports Foundation Enterprise Florida, Inc.~~ to promote the economic development of the sports industry; to distribute licensing and royalty fees to participating professional sports teams; to promote education programs in Florida schools that provide an awareness of the benefits of physical activity and nutrition standards; to partner with the Department of Education and the Department of Health to develop a program that recognizes schools whose students demonstrate excellent physical fitness or fitness improvement; to institute a grant program for communities bidding on minor sporting events that create an economic impact for the state; to distribute funds to Florida-based charities designated by ~~the Florida Sports Foundation Enterprise Florida, Inc.~~ and the participating professional sports teams; and to fulfill the sports promotion responsibilities of the Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity~~.

3. ~~The Florida Sports Foundation Enterprise Florida, Inc.~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Department of ~~Commerce as specified in s. 288.1229(5) Economic Opportunity~~. The auditor shall submit the audit report to the Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity~~ for review and approval. If the audit report is approved, the Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity~~ shall certify the audit report to the Auditor General for review.

4. Notwithstanding the provisions of subparagraphs 1. and 2., proceeds from the Professional Sports Development Trust Fund may also be used for operational expenses of ~~the Florida Sports Foundation Enterprise Florida, Inc.~~ and financial support of the Sunshine State Games.

(34) FLORIDA GOLF LICENSE PLATES.—

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida Golf license plate as provided in this section. The word "Florida" must appear at the bottom of the plate. The Dade Amateur Golf Association, following consultation with ~~the Florida Sports Foundation, the PGA TOUR, Enterprise Florida, Inc., the LPGA, and the PGA of America~~, may submit a revised sample plate for consideration by the department.

(57) FLORIDA NASCAR LICENSE PLATES.—

(a) The department shall develop a Florida NASCAR license plate as provided in this section. Florida NASCAR license plates must bear the colors and design approved by the department. The word "Florida" must appear at the top of the plate, and the term "NASCAR" must appear at the bottom of the plate. The National Association for Stock Car Auto Racing, following consultation with ~~the Florida Sports Foundation Enterprise Florida, Inc.~~, may submit a sample plate for consideration by the department.

(b) The license plate annual use fees shall be distributed to ~~the Florida Sports Foundation Enterprise Florida, Inc.~~ The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by ~~the Florida Sports Foundation Enterprise Florida, Inc.~~ for the administration of the NASCAR license plate program.

2. The National Association for Stock Car Auto Racing shall receive up to \$60,000 in proceeds from the annual use fees to be used to pay startup costs, including costs incurred in developing and issuing the plates. Thereafter, 10 percent of the proceeds from the annual use fees shall be provided to the association for the royalty rights for the use of its marks.

3. The remaining proceeds from the annual use fees shall be distributed to ~~the Florida Sports Foundation Enterprise Florida, Inc.~~ ~~The Florida Sports Foundation Enterprise Florida, Inc.~~ will retain 15 percent to support its regional grant program, attracting sporting events to Florida; 20 percent to support the marketing of motorsports-related tourism in the state; and 50 percent to be paid to the NASCAR Foundation, a s. 501(c)(3) charitable organization, to support Florida-based charitable organizations.

(c) ~~The Florida Sports Foundation Enterprise Florida, Inc.~~ shall provide an annual financial audit in accordance with s. 215.981 of its financial accounts and records by an independent certified public accountant pursuant to the contract established by the Department of ~~Commerce as specified in s. 288.1229(5) Economic Opportunity~~. The auditor shall submit the audit report to the Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity~~ for review and approval. If the audit report is approved, the Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity~~ shall certify the audit report to the Auditor General for review.

(61) FLORIDA TENNIS LICENSE PLATES.—

(b) The department shall distribute the annual use fees to ~~the Florida Sports Foundation Enterprise Florida, Inc.~~ The license plate annual use fees shall be annually allocated as follows:

1. Up to 5 percent of the proceeds from the annual use fees may be used by ~~the Florida Sports Foundation Enterprise Florida, Inc.~~ to administer the license plate program.

2. The United States Tennis Association Florida Section Foundation shall receive the first \$60,000 in proceeds from the annual use fees to reimburse it for startup costs, administrative costs, and other costs it incurs in the development and approval process.

3. Up to 5 percent of the proceeds from the annual use fees may be used for promoting and marketing the license plates. The remaining proceeds shall be available for grants by the United States Tennis Association Florida Section Foundation to nonprofit organizations to operate youth tennis programs and adaptive tennis programs for special populations of all ages, and for building, renovating, and maintaining public tennis courts.

Section 125. Paragraph (a) of subsection (1) of section 339.2821, Florida Statutes, is amended to read:

339.2821 Economic development transportation projects.—

(1)(a) The department, in consultation with the Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity and Enterprise Florida, Inc.~~, may make and approve expenditures and contract with the appropriate governmental body for the direct costs of transportation projects. The Department of ~~Commerce Enterprise Florida, Inc.~~ ~~Economic Opportunity~~ and the Department of Environmental Protection may formally review and comment on recommended transportation projects, although the department has final approval authority for any project authorized under this section.

Section 126. Paragraph (h) of subsection (2) of section 377.703, Florida Statutes, is amended to read:

377.703 Additional functions of the Department of Agriculture and Consumer Services.—

(2) DUTIES.—The department shall perform the following functions, unless as otherwise provided, consistent with the development of a state energy policy:

(h) The department shall promote the development and use of renewable energy resources, in conformance with chapter 187 and s. 377.601, by:

1. Establishing goals and strategies for increasing the use of renewable energy in this state.

2. Aiding and promoting the commercialization of renewable energy resources, in cooperation with the Florida Energy Systems Consortium, the Florida Solar Energy Center, ~~Enterprise Florida, Inc.~~, and any other federal, state, or local governmental agency that may seek to promote research, development, and the demonstration of renewable energy equipment and technology.

3. Identifying barriers to greater use of renewable energy resources in this state, and developing specific recommendations for overcoming identified barriers, with findings and recommendations to be submitted annually in the report to the Governor and Legislature required under paragraph (f).

4. In cooperation with the Department of Environmental Protection, the Department of Transportation, the Department of ~~Commerce Economic Opportunity, Enterprise Florida, Inc.~~, the Florida Energy Systems Consortium, the Florida Solar Energy Center, and the Florida Solar Energy Industries Association, investigating opportunities, pursuant to the national Energy Policy Act of 1992, the Housing and Community Development Act of 1992, and any subsequent federal legislation, for renewable energy resources, electric vehicles, and other renewable energy manufacturing, distribution, installation, and financing efforts that enhance this state's position as the leader in renewable energy research, development, and use.

5. Undertaking other initiatives to advance the development and use of renewable energy resources in this state.

In the exercise of its responsibilities under this paragraph, the department shall seek the assistance of the renewable energy industry in this state and other interested parties and may enter into contracts, retain professional consulting services, and expend funds appropriated by the Legislature for such purposes.

Section 127. Subsection (5) of section 377.804, Florida Statutes, is amended to read:

377.804 Renewable Energy and Energy-Efficient Technologies Grants Program.—

(5) The department shall solicit the expertise of state agencies, ~~Enterprise Florida, Inc.~~, and state universities, and may solicit the expertise of other public and private entities it deems appropriate, in evaluating project proposals. State agencies shall cooperate with the department and provide such assistance as requested.

Section 128. Paragraph (a) of subsection (4) of section 377.809, Florida Statutes, is amended to read:

377.809 Energy Economic Zone Pilot Program.—

(4)(a) Beginning July 1, 2012, all the incentives and benefits provided for enterprise zones pursuant to state law shall be available to the energy economic zones designated pursuant to this section on or before July 1, 2010. In order to provide incentives, by March 1, 2012, each local governing body that has jurisdiction over an energy economic zone must, by local ordinance, establish the boundary of the energy economic zone, specify applicable energy-efficiency standards, and determine eligibility criteria for the application of state and local incentives and benefits in the energy economic zone. ~~However, in order to receive benefits provided under s. 288.106, a business must be a qualified target industry business under s. 288.106 for state purposes.~~ An energy eco-

nomie zone's boundary may be revised by local ordinance. Such incentives and benefits include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183, ~~288.106~~, and 624.5105 and the public utility discounts provided in s. 290.007(8). The exemption provided in s. 212.08(5)(c) shall be for renewable energy as defined in s. 377.803. For purposes of this section, any applicable requirements for employee residency for higher refund or credit thresholds must be based on employee residency in the energy economic zone or an enterprise zone. A business in an energy economic zone may also be eligible for funding under ss. 288.047 and 445.003, and a transportation project in an energy economic zone shall be provided priority in funding under s. 339.2821. Other projects shall be given priority ranking to the extent practicable for grants administered under state energy programs.

Section 129. Subsections (1) and (5) of section 380.0657, Florida Statutes, are amended to read:

380.0657 Expedited permitting process for economic development projects.—

(1) The Department of Environmental Protection and, as appropriate, the water management districts created under chapter 373 shall adopt programs to expedite the processing of wetland resource and environmental resource permits for economic development projects that have been identified by a municipality or county as meeting the definition of target industry businesses under s. 288.005 ~~s. 288.106~~, or any intermodal logistics center receiving or sending cargo to or from Florida ports, with the exception of those projects requiring approval by the Board of Trustees of the Internal Improvement Trust Fund.

(5) Notwithstanding the provisions of this section, permit applications for projects to be located in a charter county that has a population of 1.2 million or more and has entered into a delegation agreement with the Department of Environmental Protection or the applicable water management district to process environmental resource permits, wetland resource management permits, or surface water management permits pursuant to chapter 373 are eligible for expedited permitting under this section only upon designation by resolution of the charter county's governing board. Before the governing board decides that a project is eligible for expedited permitting, it may require the county's economic development agency, or such other agency that provides advice to the governing board on economic matters, to review and recommend whether the project meets the definition of a target industry business as defined in s. 288.005 ~~s. 288.106~~ and to identify the tangible benefits and impacts of the project. The governing board's decision shall be made without consideration of the project's geographic location within the charter county. If the governing board designates the project as a target industry business, the permit application for the project shall be approved or denied within the timeframe provided in subsection (4).

Section 130. Subsection (5) of section 403.7032, Florida Statutes, is amended to read:

403.7032 Recycling.—

(5) The Department of Environmental Protection shall create the Recycling Business Assistance Center by December 1, 2010. In carrying out its duties under this subsection, the department shall consult with state agency personnel appointed to serve as economic development liaisons under s. 288.021 ~~and seek technical assistance from Enterprise Florida, Inc.~~, to ensure the Recycling Business Assistance Center is positioned to succeed. The purpose of the center shall be to serve as the mechanism for coordination among state agencies and the private sector in order to coordinate policy and overall strategic planning for developing new markets and expanding and enhancing existing markets for recyclable materials in this state, other states, and foreign countries. The duties of the center must include, at a minimum:

(a) Identifying and developing new markets and expanding and enhancing existing markets for recyclable materials.

(b) Pursuing expanded end uses for recycled materials.

(c) Targeting materials for concentrated market development efforts.

(d) Developing proposals for new incentives for market development, particularly focusing on targeted materials.

(e) Providing guidance on issues such as permitting, finance options for recycling market development, site location, research and development, grant program criteria for recycled materials markets, recycling markets education and information, and minimum content.

(f) Coordinating the efforts of various governmental entities having market development responsibilities in order to optimize supply and demand for recyclable materials.

(g) Evaluating source-reduced products as they relate to state procurement policy. The evaluation shall include, but is not limited to, the environmental and economic impact of source-reduced product purchases to the state. For the purposes of this paragraph, the term "source-reduced" means any method, process, product, or technology that significantly or substantially reduces the volume or weight of a product while providing, at a minimum, equivalent or generally similar performance and service to and for the users of such materials.

(h) Providing evaluation of solid waste management grants, pursuant to s. 403.7095, to reduce the flow of solid waste to disposal facilities and encourage the sustainable recovery of materials from Florida's waste stream.

(i) Providing below-market financing for companies that manufacture products from recycled materials or convert recyclable materials into raw materials for use in manufacturing pursuant to the Florida Recycling Loan Program as administered by the Florida First Capital Finance Corporation.

(j) Maintaining a continuously updated online directory listing the public and private entities that collect, transport, broker, process, or remanufacture recyclable materials in the state.

(k) Providing information on the availability and benefits of using recycled materials to private entities and industries in the state.

(l) Distributing any materials prepared in implementing this subsection to the public, private entities, industries, governmental entities, or other organizations upon request.

(m) Coordinating with the Department of Commerce ~~Economic Opportunity~~ and its partners to provide job placement and job training services to job seekers through the state's workforce services programs.

Section 131. Paragraphs (f) through (h) of subsection (3) and subsections (16) through (19) of section 403.973, Florida Statutes, are redesignated as paragraphs (e) through (g) of subsection (3) and subsections (15) through (18), respectively, and present paragraph (e) of subsection (3), paragraph (b) of subsection (14), and present subsections (15) and (17) of that section are amended, to read:

403.973 Expedited permitting; amendments to comprehensive plans.—

(3)

~~(c) Projects that are part of the state-of-the-art biomedical research institution and campus to be established in this state by the grantee under s. 288.955 are eligible for the expedited permitting process, if the projects are designated as part of the institution or campus by the board of county commissioners of the county in which the institution and campus are established.~~

(14)

~~(b) Projects identified in paragraphs (3)(e), (f), and (g) (3)(f) (h) or challenges to state agency action in the expedited permitting process for establishment of a state-of-the-art biomedical research institution and campus in this state by the grantee under s. 288.955 are subject to the same requirements as challenges brought under paragraph (a), except that, notwithstanding s. 120.574, summary proceedings must be conducted within 30 days after a party files the motion for summary hearing, regardless of whether the parties agree to the summary proceeding.~~

~~(15) The Department of Economic Opportunity, working with the agencies providing cooperative assistance and input regarding the memoranda of agreement, shall review sites proposed for the location of facilities that the Department of Economic Opportunity has certified to be eligible for the Innovation Incentive Program under s. 288.1089. Within 20 days after the request for the review by the Department of Economic Opportunity, the agencies shall provide to the Department of Economic Opportunity a statement as to each site's necessary permits under local, state, and federal law and an identification of significant permitting issues, which if unresolved, may result in the denial of an agency permit or approval or any significant delay caused by the permitting process.~~

~~(16)(17) The Department of Commerce Economic Opportunity shall be responsible for certifying a business as eligible for undergoing expedited review under this section. Enterprise Florida, Inc., A county or municipal government, or the Rural Economic Development Initiative may recommend to the Department of Commerce Economic Opportunity that a project meeting the minimum job creation threshold undergo expedited review.~~

Section 132. Paragraph (c) of subsection (1) of section 443.091, Florida Statutes, is amended to read:

443.091 Benefit eligibility conditions.—

(1) An unemployed individual is eligible to receive benefits for any week only if the Department of Commerce ~~Economic Opportunity~~ finds that:

(c) To make continued claims for benefits, she or he is reporting to the department in accordance with this paragraph and department rules. Department rules may not conflict with s. 443.111(1)(b), which requires that each claimant continue to report regardless of any pending appeal relating to her or his eligibility or disqualification for benefits.

1. For each week of unemployment claimed, each report must, at a minimum, include the name and address of each prospective employer contacted, or the date the claimant reported to a one-stop career center, pursuant to paragraph (d). For the purposes of this subparagraph, the term "address" means a website address, a physical address, or an e-mail address.

2. The department shall offer an online assessment aimed at identifying an individual's skills, abilities, and career aptitude. The skills assessment must be voluntary, and the department shall allow a claimant to choose whether to take the skills assessment. The online assessment shall be made available to any person seeking services from a local workforce development board or a one-stop career center.

a. If the claimant chooses to take the online assessment, the outcome of the assessment shall be made available to the claimant, local workforce development board, and one-stop career center. The department, local workforce development board, or one-stop career center shall use the assessment to develop a plan for referring individuals to training and employment opportunities. Aggregate data on assessment outcomes may be made available to CareerSource Florida, Inc., and Enterprise Florida, Inc., for use in the development of policies related to education and training programs that will ensure that businesses in this state have access to a skilled and competent workforce.

b. Individuals shall be informed of and offered services through the one-stop delivery system, including career counseling, the provision of skill match and job market information, and skills upgrade and other training opportunities, and shall be encouraged to participate in such services at no cost to the individuals. The department shall coordinate with CareerSource Florida, Inc., the local workforce development boards, and the one-stop career centers to identify, develop, and use best practices for improving the skills of individuals who choose to participate in skills upgrade and other training opportunities. The department may contract with an entity to create the online assessment in accordance with the competitive bidding requirements in s. 287.057. The online assessment must work seamlessly with the Reemployment Assistance Claims and Benefits Information System.

Section 133. Paragraph (h) of subsection (1) of section 443.191, Florida Statutes, is amended to read:

443.191 Unemployment Compensation Trust Fund; establishment and control.—

(1) There is established, as a separate trust fund apart from all other public funds of this state, an Unemployment Compensation Trust Fund, which shall be administered by the Department of *Commerce Economic Opportunity* exclusively for the purposes of this chapter. The fund must consist of:

(h) All money deposited in this account as a distribution pursuant to s. 212.20(6)(d)6.e. ~~s. 212.20(6)(d)6.g.~~

Except as otherwise provided in s. 443.1313(4), all moneys in the fund must be mingled and undivided.

Section 134. Paragraph (d) of subsection (3), paragraph (b) of subsection (5), and paragraph (a) of subsection (6) of section 445.004, Florida Statutes, are amended to read:

445.004 CareerSource Florida, Inc., and the state board; creation; purpose; membership; duties and powers.—

(3)

(d) The state board must include the Secretary of *Commerce Economic Opportunity* or his or her designee, ~~the vice chairperson of the board of directors of Enterprise Florida, Inc.,~~ and one member representing each of the Workforce Innovation and Opportunity Act partners, including the Division of Career and Adult Education, the Division of Vocational Rehabilitation, the Division of Blind Services, the Department of Children and Families, and other entities representing programs identified in the Workforce Innovation and Opportunity Act, as determined necessary.

(5) The state board has all the powers and authority not explicitly prohibited by statute which are necessary or convenient to carry out and effectuate its purposes as determined by statute, Pub. L. No. 113-128, and the Governor, as well as its functions, duties, and responsibilities, including, but not limited to, the following:

(b) Providing policy direction to ensure that the following programs are administered by the department consistent with approved plans:

1. Programs authorized under Title I of the Workforce Innovation and Opportunity Act, Pub. L. No. 113-128, with the exception of programs funded directly by the United States Department of Labor under Title I, s. 167.

2. Programs authorized under the Wagner-Peyser Act of 1933, as amended, 29 U.S.C. ss. 49 et seq.

3. Activities authorized under Title II of the Trade Act of 2002, as amended, 19 U.S.C. ss. 2272 et seq., and the Trade Adjustment Assistance Program.

4. Activities authorized under 38 U.S.C. chapter 41, including job counseling, training, and placement for veterans.

5. Employment and training activities carried out under funds awarded to this state by the United States Department of Housing and Urban Development.

6. Welfare transition services funded by the Temporary Assistance for Needy Families Program, created under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, Pub. L. No. 104-193, and Title IV, s. 403, of the Social Security Act, as amended.

7. The Florida Bonding Program, provided under Pub. L. No. 97-300, s. 164(a)(1).

8. The Food Assistance Employment and Training Program, provided under the Food and Nutrition Act of 2008, 7 U.S.C. ss. 2011-2032; the Food Security Act of 1988, Pub. L. No. 99-198; the Hunger Prevention Act, Pub. L. No. 100-435; and the Agriculture Improvement Act of 2018, Pub. L. No. 115-334.

9. The Quick-Response Training Program, provided under ss. 288.046-288.047. ~~Matching funds and in-kind contributions that are provided by clients of the Quick Response Training Program count to-~~

~~ward the requirements of s. 288.904, pertaining to the return on investment from activities of Enterprise Florida, Inc.~~

10. The Work Opportunity Tax Credit, provided under the Tax and Trade Relief Extension Act of 1998, Pub. L. No. 105-277, and the Taxpayer Relief Act of 1997, Pub. L. No. 105-34.

11. Offender placement services, provided under ss. 944.707-944.708.

(6) The state board shall achieve the purposes of this section by:

(a) Creating a state employment, education, and training policy that ensures workforce related programs are responsive to present and future business and industry needs ~~and complement the initiatives of Enterprise Florida, Inc.~~

Section 135. Subsection (5) of section 445.045, Florida Statutes, is amended to read:

445.045 Development of an Internet-based system for information technology industry promotion and workforce recruitment.—

(5) In furtherance of the requirements of this section that the website promote and market the information technology industry by communicating information on the scope of the industry in this state, CareerSource Florida, Inc., shall ~~coordinate its efforts with the high technology industry marketing efforts of Enterprise Florida, Inc., under s. 288.911. Through links or actual content, the website developed under this section shall serve as a forum for distributing the marketing campaign developed by Enterprise Florida, Inc., under s. 288.911. In addition, CareerSource Florida, Inc., shall solicit input from the not-for-profit corporation created to advocate on behalf of the information technology industry as an outgrowth of the Information Service Technology Development Task Force created under chapter 99-354, Laws of Florida.~~

Section 136. Subsections (2) and (5) of section 446.44, Florida Statutes, are amended to read:

446.44 Duties of Rural Workforce Services Program.—It shall be the direct responsibility of the Rural Workforce Services Program to promote and deliver employment and workforce services and resources to the rural undeveloped and underdeveloped counties of the state in an effort to:

~~(2) Assist Enterprise Florida, Inc., in attracting light, pollution free industry to the rural counties.~~

~~(4)(5)~~ Develop rural workforce programs that will be evaluated, planned, and implemented through communications and planning with appropriate:

(a) Departments of state and federal governments.

~~(b) Units of Enterprise Florida, Inc.~~

~~(b)(c)~~ Agencies and organizations of the public and private sectors at the state, regional, and local levels.

Section 137. Subsection (5) of section 477.0135, Florida Statutes, is amended to read:

477.0135 Exemptions.—

(5) A license is not required of any individual providing makeup, special effects, or cosmetology services to an actor, stunt person, musician, extra, or other talent during a *theatrical, film, or other entertainment* production ~~recognized by the Office of Film and Entertainment as a qualified production as defined in s. 288.1254(1).~~ Such services are not required to be performed in a licensed salon. Individuals exempt under this subsection may not provide such services to the general public.

Section 138. Subsection (1) of section 570.81, Florida Statutes, is amended to read:

570.81 Agricultural Economic Development Project Review Committee; powers and duties.—

(1) There is created an Agricultural Economic Development Project Review Committee consisting of five members appointed by the commissioner. The members shall be appointed based upon the recommendations submitted by each entity represented on the committee and shall include:

- (a) The commissioner or the commissioner's designee.
- (b) One representative from the Farm Credit Service.
- (c) One representative from *the Department of Commerce* ~~Enterprise Florida, Inc.~~
- (d) One representative from the Florida Farm Bureau Federation.
- (e) One agricultural economist from the Institute of Food and Agricultural Sciences or from Florida Agricultural and Mechanical University.

Section 139. Subsection (2) of section 570.85, Florida Statutes, is amended to read:

570.85 Agritourism.—

(2) The Department of Agriculture and Consumer Services may provide marketing advice, technical expertise, promotional support, and product development related to agritourism to assist the following in their agritourism initiatives: *Florida Tourism Industry Marketing Corporation*, ~~Enterprise Florida, Inc.~~, convention and visitor bureaus, tourist development councils, economic development organizations, and local governments. In carrying out this responsibility, the department shall focus its agritourism efforts on rural and urban communities.

Section 140. Section 625.3255, Florida Statutes, is amended to read:

625.3255 Capital participation instrument.—An insurer may invest in any capital participation instrument or evidence of indebtedness issued by *the Department of Commerce* ~~Enterprise Florida, Inc.~~, pursuant to the Florida Small and Minority Business Assistance Act.

Section 141. Paragraph (b) of subsection (4) of section 657.042, Florida Statutes, is amended to read:

657.042 Investment powers and limitations.—A credit union may invest its funds subject to the following definitions, restrictions, and limitations:

(4) INVESTMENT SUBJECT TO LIMITATION OF ONE PERCENT OF CAPITAL OF THE CREDIT UNION.—Up to 1 percent of the capital of the credit union may be invested in any of the following:

(b) Any capital participation instrument or evidence of indebtedness issued by *the Department of Commerce* ~~Enterprise Florida, Inc.~~, pursuant to the Florida Small and Minority Business Assistance Act.

Section 142. Paragraph (f) of subsection (4) of section 658.67, Florida Statutes, is amended to read:

658.67 Investment powers and limitations.—A bank may invest its funds, and a trust company may invest its corporate funds, subject to the following definitions, restrictions, and limitations:

(4) INVESTMENTS SUBJECT TO LIMITATION OF TEN PERCENT OR LESS OF CAPITAL ACCOUNTS.—

(f) Up to 10 percent of the capital accounts of a bank or trust company may be invested in any capital participation instrument or evidence of indebtedness issued by *the Department of Commerce* ~~Enterprise Florida, Inc.~~, pursuant to the Florida Small and Minority Business Assistance Act.

Section 143. Paragraph (e) of subsection (2) of section 1004.015, Florida Statutes, is amended to read:

1004.015 Florida Talent Development Council.—

(2) Members of the council shall include:

(c) ~~The president of Enterprise Florida, Inc.~~

Section 144. Paragraph (d) of subsection (5) of section 1004.65, Florida Statutes, is amended to read:

1004.65 Florida College System institutions; governance, mission, and responsibilities.—

(5) The primary mission and responsibility of Florida College System institutions is responding to community needs for postsecondary academic education and career degree education. This mission and responsibility includes being responsible for:

(d) Promoting economic development for the state within each Florida College System institution district through the provision of special programs, including, but not limited to, the:

1. ~~Enterprise Florida related programs.~~

~~2. Technology transfer centers.~~

~~2.3. Economic development centers.~~

~~3.4. Workforce literacy programs.~~

Section 145. Paragraph (b) of subsection (10) of section 1004.78, Florida Statutes, is amended to read:

1004.78 Technology transfer centers at Florida College System institutions.—

(10) The State Board of Education may award grants to Florida College System institutions, or consortia of public and private colleges and universities and other public and private entities, for the purpose of supporting the objectives of this section. Grants awarded pursuant to this subsection shall be in accordance with rules of the State Board of Education. Such rules shall include the following provisions:

(b) Grants to centers funded with state revenues appropriated specifically for technology transfer activities shall be reviewed and approved by the State Board of Education using proposal solicitation, evaluation, and selection procedures established by the state board in consultation with *the Department of Commerce* ~~Enterprise Florida, Inc.~~. Such procedures may include designation of specific areas or applications of technology as priorities for the receipt of funding.

Section 146. Subsection (4) of section 1011.76, Florida Statutes, is amended to read:

1011.76 Small School District Stabilization Program.—

(4) The Department of Education may award the school district a stabilization grant intended to protect the district from continued financial reductions. The amount of the grant will be determined by the Department of Education and may be equivalent to the amount of the decline in revenues projected for the next fiscal year. In addition, the Department of ~~Commerce~~ *Economic Opportunity* may implement a rural economic development initiative to identify the economic factors that are negatively impacting the community to *develop* ~~and may consult with Enterprise Florida, Inc., in developing~~ a plan to assist the county with its economic transition. The grant will be available to the school district for a period of up to 5 years to the extent that funding is provided for such purpose in the General Appropriations Act.

Section 147. (1) *The Division of Law Revision is directed to prepare a reviser's bill for the 2024 Regular Session of the Legislature to change the terms "Department of Economic Opportunity" and "Secretary of Economic Opportunity" to "Department of Commerce" and "Secretary of Commerce," respectively, wherever the terms appear in the Florida Statutes and to make such further changes as are necessary to conform the Florida Statutes to the organizational changes effected by this act.*

(2) *It is the intent of the Legislature that, until the reviser's bill prepared pursuant to subsection (1) becomes a law, the terms "Department of Economic Opportunity" and "Secretary of Economic Opportunity" shall be interpreted to mean "Department of Commerce" and "Secretary of Commerce," respectively, wherever the terms appear in the Florida Statutes.*

Section 148. This act shall take effect July 1, 2023.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to economic programs; providing for a type two transfer of the duties and functions of Enterprise Florida, Inc., to the Department of Commerce; providing legislative intent; providing for a transition period; requiring the department and Enterprise Florida, Inc., to coordinate the development and implementation of a transition plan; providing requirements for the transition plan; specifying that certain binding contracts remain binding; requiring the transfer of specified funds; requiring the department to submit specified amendments and information to the Federal Government and seek specified waivers; requiring the Division of Law Revision to provide assistance to specified committees for certain purposes; prohibiting certain actions from being taken relating to specified programs and corporations; specifying that certain certifications are rescinded; specifying that existing contracts or agreements authorized under or by such programs or corporations continue in full force and effect; providing appropriations; amending ss. 11.45, 14.32, 15.18, 15.182, and 20.435, F.S.; conforming provisions to changes made by the act; amending s. 20.60, F.S.; renaming the Department of Economic Opportunity as the Department of Commerce; designating the head of the department as the Secretary of Commerce; requiring the secretary to serve as the Governor's chief negotiator for certain purposes; renaming the Division of Strategic Business Development as the Division of Economic Development; revising the duties and purposes of the department; revising the duties of the Division of Workforce Services; conforming provisions to changes made by the act; repealing s. 20.601, F.S., relating to review of the Department of Economic Opportunity; amending s. 159.803, F.S.; requiring the department to develop certain protocols and measures; conforming provisions to changes made by the act; amending ss. 189.033, 196.012, 212.08, 212.098, 212.20, 212.205, 213.053, 218.64, 220.02, 220.13, and 220.16, F.S.; conforming provisions to changes made by the act; repealing s. 220.1899, F.S., relating to an entertainment industry tax credit; amending s. 220.191, F.S.; defining the term "average private sector wage in the area"; conforming provisions to changes made by the act; repealing s. 220.194, F.S., relating to corporate income tax credits for spaceflight projects; amending ss. 220.196, 272.11, 287.0947, and 287.137, F.S.; conforming provisions to changes made by the act; amending s. 288.0001, F.S.; revising required analyses provided by the Office of Economic and Demographic Research and Office of Program Policy Analysis and Government Accountability; conforming provisions to changes made by the act; amending ss. 288.001 and 288.005, F.S.; conforming provisions to changes made by the act; amending s. 288.012, F.S.; requiring the department to establish and contract with a direct-support organization for a specified purpose; providing requirements and authorizations relating to the direct-support organization; requiring the Secretary of Commerce to appoint board members for the direct-support organization; providing requirements for senior managers and members of the board; subjecting the direct-support organization to public records and meetings requirements; providing requirements for the contract between the department and the direct-support organization; requiring the department to make a specified annual determination relating to the direct-support organization; requiring the department to submit a proposed operating budget for the direct-support organization to the Governor and the Legislature; providing for a future repeal; conforming provisions to changes made by the act; amending s. 288.017, F.S.; providing authority to the Florida Tourism Industry Marketing Corporation, rather than Enterprise Florida, Inc., to establish and administer a cooperative advertising matching grants program; conforming provisions to changes made by the act; amending ss. 288.018, 288.047, 288.061, 288.0655, 288.0656, 288.0658, 288.075, and 288.076, F.S.; conforming provisions to changes made by the act; amending s. 288.095, F.S.; requiring the department to issue quarterly reports relating to the status of certain payments and escrow activity to specified entities; requiring the department to create a separate account for specified transferred funds; requiring the department to transfer payments to the General Revenue Fund; conforming provisions to changes made by the act; amending s. 288.101, F.S.; revising authorizations relating to the Florida Job Growth Grant Fund; conforming provisions to changes made by the act; repealing ss. 288.1045 and 288.106, F.S., relating to the qualified defense contractor and space flight business tax refund program and a tax refund program for qualified target industry businesses, respectively; amending 288.107, F.S.; revising requirements relating to brownfield redevelopment bonus refunds; authorizing the department to adopt rules; conforming provisions to changes made by

the act; amending s. 288.108, F.S.; conforming provisions to changes made by the act; repealing ss. 288.1081, 288.1082, 288.1088, and 288.1089, F.S., relating to the Economic Gardening Business Loan Pilot Program, the Economic Gardening Technical Assistance Pilot Program, the Quick Action Closing Fund, and the Innovation Incentive Program, respectively; amending ss. 288.111, 288.11621, and 288.11631, F.S.; conforming provisions to changes made by the act; repealing ss. 288.1168, 288.1169, and 288.1171, F.S., relating to the professional golf hall of fame facility, the International Game Fish Association World Center facility, and motorsports entertainment complexes, respectively; amending s. 288.122, F.S.; conforming a provision to changes made by the act; amending s. 288.1226, F.S.; relocating provisions relating to a specified 4-year marketing plan and an annual report; conforming provisions to changes made by the act; amending s. 288.12265, F.S.; transferring responsibility for administering and operating welcome centers from Enterprise Florida, Inc., to the Florida Tourism Industry Marketing Corporation; reviving, readopting, and amending s. 288.1229, F.S., relating to promotion and development of sports-related industries and amateur athletics; requiring the department to establish the Florida Sports Foundation direct-support organization; providing requirements for the foundation, including development of the Florida Senior Games; providing and revising requirements for the Florida Senior Games and the Sunshine State Games, respectively; conforming provisions to changes made by the act; amending s. 288.125, F.S.; conforming a provision to changes made by the act; repealing ss. 288.1251, 288.1252, 288.1253, and 288.1254, F.S., relating to the promotion and development of the entertainment industry by the Office of Film and Entertainment, the Florida Film and Entertainment Advisory Council, certain travel and entertainment expenses, and an entertainment industry financial incentive program, respectively; amending ss. 288.1258, 288.7015, 288.706, 288.773, 288.776, 288.7771, 288.816, and 288.826, F.S.; conforming provisions to changes made by the act; repealing ss. 288.901, 288.9015, 288.903, 288.904, 288.905, and 288.906, F.S., relating to Enterprise Florida, Inc., powers of board of directors of Enterprise Florida, Inc., duties of Enterprise Florida, Inc., funding for Enterprise Florida, Inc., the president and employees of Enterprise Florida, Inc., and the annual report and audits of Enterprise Florida, Inc., and its divisions, respectively; renumbering and amending s. 288.907, F.S.; revising requirements for annual incentives reports; conforming provisions to changes made by the act; repealing s. 288.911, F.S., relating to the creation and implementation of a marketing and image campaign; renumbering and amending s. 288.912, F.S.; conforming provisions to changes made by the act; repealing ss. 288.92, 288.923, 288.95155, and 288.9519, F.S., relating to the divisions of Enterprise Florida, Inc., the Division of Tourism Marketing, the Florida Small Business Technology Growth Program, and a not-for-profit corporation intended to promote the competitiveness and profitability of high-technology business and industry, respectively; renumbering and amending s. 288.9520, F.S.; specifying that the department is the custodian of certain public records; conforming provisions to changes made by the act; repealing s. 288.955, F.S., relating to Scripps Florida Funding Corporation; amending s. 288.9603, F.S.; conforming a provision to changes made by the act; amending s. 288.9604, F.S.; removing the future repeal of the Florida Development Finance Corporation; amending ss. 288.9605, 288.9614, 288.9624, 288.9625, 288.96255, 288.980, and 288.987, F.S.; conforming provisions to changes made by the act; repealing ss. 288.991, 288.9912, 288.9913, 288.9914, 288.9915, 288.9916, 288.9917, 288.9918, 288.9919, 288.9920, 288.9921, and 288.9922, F.S., relating to the New Markets Development Program Act; amending s. 288.9932, F.S.; deleting the definition of the term "domiciled in this state"; repealing s. 288.9934, F.S., relating to the Microfinance Loan Program; amending s. 288.9935, F.S.; conforming provisions to changes made by the act; repealing ss. 288.9936 and 288.9937, F.S., relating to the annual report of the Microfinance Loan Program and the evaluation of certain programs, respectively; amending ss. 288.9961, 290.0056, 290.0065, 290.00677, 290.053, 295.22, 320.08058, 339.2821, 377.703, 377.804, 377.809, 380.0657, 403.7032, 403.973, 443.091, 443.191, 445.004, 445.045, 446.44, 477.0135, 570.81, 570.85, 625.3255, 657.042, 658.67, 1004.015, 1004.65, 1004.78, and 1011.76, F.S.; conforming provisions to changes made by the act; directing the Division of Law Revision to prepare a reviser's bill for a specified purpose; providing legislative intent; providing an effective date.

Pursuant to Rule 4.19, **CS for CS for HB 5**, as amended, was placed on the calendar of Bills on Third Reading.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 154, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 154—A bill to be entitled An act relating to condominium and cooperative associations; amending s. 468.4334, F.S.; revising the circumstances under which community association managers or management firms must comply with a specified provision; amending s. 553.899, F.S.; revising legislative findings; revising the definition of the terms "milestone inspection" and "substantial structural deterioration"; revising who must have milestone inspections performed for buildings; revising the deadline for milestone inspections of certain buildings; authorizing local enforcement agencies to make certain determinations relating to milestone inspections after a building reaches a specified age; authorizing local enforcement agencies to extend deadlines for milestone inspections under certain circumstances; authorizing local enforcement agencies to accept certain inspection reports under certain circumstances; deeming the inspections relating to such inspection reports a milestone inspection for certain purposes; revising costs that condominium and cooperative associations are responsible for; revising requirements relating to written notice of required inspections; requiring architects or engineers performing milestone inspections to submit a specified progress report to a local enforcement agency within a specified timeframe under certain circumstances; specifying that associations must distribute copies of certain inspection reports within a specified timeframe and in a specified manner; authorizing municipal governing bodies to adopt certain ordinances relating to association repairs; requiring the Florida Building Commission to adopt rules by a specified date; providing requirements for such rules; conforming provisions; amending s. 627.351, F.S.; revising requirements relating to the purchase of flood insurance as a condition for maintaining certain policies issued by the Citizens Property Insurance Corporation; amending s. 718.103, F.S.; defining the term "alternative funding method"; revising the definition of the term "structural integrity reserve study"; amending s. 718.111, F.S.; making a technical change; amending s. 718.112, F.S.; revising requirements relating to budget meetings; revising condominium association reserve account requirements; revising requirements relating to waiving reserve requirements or providing less reserves than required by law; revising requirements relating to using reserve funds or interest accrued on reserve funds for certain purposes; revising requirements for structural integrity reserve studies and mandatory milestone inspections; providing applicability; conforming provisions to changes made by the act; amending s. 718.1255, F.S.; revising the definition of the term "dispute"; specifying that certain disputes are not subject to nonbinding arbitration and must be submitted to presuit mediation; amending s. 718.113, F.S.; revising requirements relating to maintenance, repair, and replacement of common elements and condominium property; amending s. 718.301, F.S.; revising items that developers are required to deliver to an association upon relinquishing control of the association; amending s. 718.503, F.S.; revising the documents developers are required to provide to prospective buyers or lessees; revising the documents that prospective purchasers are entitled to when purchasing a condominium unit from a unit owner; requiring specified disclosures relating to milestone inspections, turnover inspection reports, and structural integrity reserve studies for certain contracts entered into after a specified date; amending s. 718.504, F.S.; revising requirements for prospectuses and offering circulars; amending s. 719.103, F.S.; revising the definition of the term "structural integrity reserve study"; amending s. 719.104, F.S.; revising rights relating to the official records of a cooperative association; providing maintenance requirements for cooperative associations; amending s. 719.106, F.S.; revising requirements relating to budget procedures; revising cooperative association reserve account requirements; revising requirements relating to waiving reserve requirements or providing less reserves than required by law; revising a prohibition on using reserve funds or interest accrued on reserve funds for certain purposes; revising requirements for structural integrity reserve studies and mandatory milestone inspections; providing applicability; conforming provisions to changes made by the act; amending s. 719.301, F.S.; revising items that developers are required

to deliver to an association upon relinquishing control of the association; amending s. 719.503, F.S.; revising the types of documents developers are required to provide to prospective buyers and lessees; revising the documents that a prospective purchaser is entitled to when purchasing an interest in cooperative from a unit owner; requiring specified disclosures relating to milestone inspections, turnover inspection reports, and structural integrity reserve studies for certain contracts entered into after a specified date; amending s. 719.504, F.S.; revising requirements for prospectuses and offering circulars; amending ss. 558.002, 718.116, and 720.3085, F.S.; conforming cross-references; reenacting s. 719.1255, F.S., relating to alternative resolution of disputes, to incorporate amendments made to s. 718.1255, F.S., in a reference thereto; reenacting ss. 718.501(1)(f) and 719.501(1)(f), F.S., relating to the rulemaking authority of the Division of Florida Condominiums, Timeshares, and Mobile Homes of the Department of Business and Professional Regulation; providing appropriations; providing effective dates.

House Amendment 1 (342313)—Remove lines 776-1736 and insert: *a turnover inspection report in compliance with s. 718.301(4)(p) and (q) structural integrity reserve study completed* for each building on the condominium property that is three stories or higher in height.

6.3. Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the condominium property that is three stories or higher in height. *An association that is required to complete a milestone inspection in accordance with s. 553.899 on or before December 31, 2026, may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.*

7. *If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.*

8.4. *If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 718.111(1).*

(h) Mandatory milestone inspections.—If an association is required to have a milestone inspection performed pursuant to s. 553.899, the association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of s. 553.899. The association is responsible for all costs associated with the milestone inspection attributable to the portions of the building which the association is responsible for maintaining under the governing documents of the association. If the officers or directors of an association willfully and knowingly fail to have a milestone inspection performed pursuant to s. 553.899, such failure is a breach of the officers' and directors' fiduciary relationship to the unit owners under s. 718.111(1)(a). *Within 14 days after receipt of a written notice from the local enforcement agency that a milestone inspection is required, the association must notify the unit owners of the required milestone inspection and provide the date by which the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website. Within 45 days after receiving* ~~Upon completion of a phase one or phase two milestone inspection and receipt of the inspector-prepared summary of the inspection report~~ *from the architect or engineer who performed the inspection, the association must distribute a copy of the inspector-prepared summary of the inspection report to each unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the condominium property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.*

Section 7. Effective July 1, 2027, subsection (5) of section 718.1255, Florida Statutes, is amended, and paragraph (d) is added to subsection (1) of that section, to read:

718.1255 Alternative dispute resolution; mediation; nonbinding arbitration; applicability.—

(1) DEFINITIONS.—As used in this section, the term "dispute" means any disagreement between two or more parties that involves:

(d) *The failure of a board of administration, when required by this chapter or an association document, to:*

1. *Obtain the milestone inspection required under s. 553.899.*
2. *Obtain a structural integrity reserve study required under s. 718.112(2)(g).*
3. *Fund reserves as required for an item identified in s. 718.112(2)(g).*
4. *Make or provide necessary maintenance or repairs of condominium property recommended by a milestone inspection or a structural integrity reserve study.*

"Dispute" does not include any disagreement that primarily involves: title to any unit or common element; the interpretation or enforcement of any warranty; the levy of a fee or assessment, or the collection of an assessment levied against a party; the eviction or other removal of a tenant from a unit; alleged breaches of fiduciary duty by one or more directors; or claims for damages to a unit based upon the alleged failure of the association to maintain the common elements or condominium property.

(5) PRESUIT MEDIATION.—In lieu of the initiation of nonbinding arbitration as provided in subsections (1)-(4), a party may submit a dispute to presuit mediation in accordance with s. 720.311; however, election and recall disputes are not eligible for mediation and such disputes must be arbitrated by the division or filed in a court of competent jurisdiction. *Disputes identified in paragraph (1)(d) are not subject to nonbinding arbitration under subsection (4) and must be submitted to presuit mediation in accordance with s. 720.311.*

Section 8. Subsection (1) of section 718.113, Florida Statutes, is amended to read:

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

(1) Maintenance of the common elements is the responsibility of the association, *except for any maintenance responsibility for limited common elements assigned to the unit owner by the declaration. The association shall provide for the maintenance, repair, and replacement of the condominium property for which it bears responsibility pursuant to the declaration of condominium. After turnover of control of the association to the unit owners, the association must perform any required maintenance identified by the developer pursuant to s. 718.301(4)(p) and (q) until the association obtains new maintenance protocols from a licensed professional engineer or architect or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.* The declaration may provide that certain limited common elements shall be maintained by those entitled to use the limited common elements or that the association shall provide the maintenance, either as a common expense or with the cost shared only by those entitled to use the limited common elements. If the maintenance is to be by the association at the expense of only those entitled to use the limited common elements, the declaration shall describe in detail the method of apportioning such costs among those entitled to use the limited common elements, and the association may use the provisions of s. 718.116 to enforce payment of the shares of such costs by the unit owners entitled to use the limited common elements.

Section 9. Present paragraphs (q) and (r) of subsection (4) of section 718.301, Florida Statutes, are redesignated as paragraphs (r) and (s), respectively, a new paragraph (q) is added to that subsection, and paragraph (p) of that subsection is amended, to read:

718.301 Transfer of association control; claims of defect by association.—

(4) At the time that unit owners other than the developer elect a majority of the members of the board of administration of an association, the developer shall relinquish control of the association, and the unit owners shall accept control. Simultaneously, or for the purposes of paragraph (c) not more than 90 days thereafter, the developer shall deliver to the association, at the developer's expense, all property of the unit owners and of the association which is held or controlled by the developer, including, but not limited to, the following items, if applicable, as to each condominium operated by the association:

(p) Notwithstanding when the certificate of occupancy was issued or the height of the building, a turnover inspection report ~~a milestone inspection report in compliance with s. 553.899~~ included in the official records, under seal of an architect or engineer authorized to practice in this state or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts, and attesting to required maintenance, condition, useful life, and replacement costs of the following applicable condominium property ~~comprising a turnover inspection report:~~

1. Roof.
2. Structure, including load-bearing walls and primary structural members and primary structural systems as those terms are defined in s. 627.706.
3. Fireproofing and fire protection systems.
4. ~~Plumbing~~ Elevators.
5. ~~Electrical systems~~ Heating and cooling systems.
6. ~~Waterproofing and exterior painting~~ Plumbing.
7. ~~Windows and exterior doors~~ Electrical systems.
8. ~~Swimming pool or spa and equipment.~~
9. ~~Seawalls.~~
10. ~~Pavement and parking areas.~~
11. ~~Drainage systems.~~
12. ~~Painting.~~
13. ~~Irrigation systems.~~
14. ~~Waterproofing.~~

(q) Notwithstanding when the certificate of occupancy was issued or the height of the building, a turnover inspection report included in the official records, under seal of an architect or engineer authorized to practice in this state or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts, and attesting to required maintenance, condition, useful life, and replacement costs of the following applicable condominium property comprising a turnover inspection report:

1. Elevators.
2. Heating and cooling systems.
3. Swimming pool or spa and equipment.
4. Seawalls.
5. Pavement and parking areas.
6. Drainage systems.
7. Irrigation systems.

Section 10. Paragraph (b) of subsection (1) and paragraph (a) of subsection (2) of section 718.503, Florida Statutes, are amended, and

paragraph (d) is added to subsection (1) and paragraph (e) is added to subsection (2) of that section, to read:

718.503 Developer disclosure prior to sale; nondeveloper unit owner disclosure prior to sale; voidability.—

(1) DEVELOPER DISCLOSURE.—

(b) *Copies of documents to be furnished to prospective buyer or lessee.*—Until such time as the developer has furnished the documents listed below to a person who has entered into a contract to purchase a residential unit or lease it for more than 5 years, the contract may be voided by that person, entitling the person to a refund of any deposit together with interest thereon as provided in s. 718.202. The contract may be terminated by written notice from the proposed buyer or lessee delivered to the developer within 15 days after the buyer or lessee receives all of the documents required by this section. The developer may not close for 15 days after the execution of the agreement and delivery of the documents to the buyer as evidenced by a signed receipt for documents unless the buyer is informed in the 15-day voidability period and agrees to close before the expiration of the 15 days. The developer shall retain in his or her records a separate agreement signed by the buyer as proof of the buyer's agreement to close before the expiration of the voidability period. The developer must retain such proof for a period of 5 years after the date of the closing of the transaction. The documents to be delivered to the prospective buyer are the prospectus or disclosure statement with all exhibits, if the development is subject to s. 718.504, or, if not, then copies of the following which are applicable:

1. The question and answer sheet described in s. 718.504, and declaration of condominium, or the proposed declaration if the declaration has not been recorded, which shall include the certificate of a surveyor approximately representing the locations required by s. 718.104.
2. The documents creating the association.
3. The bylaws.
4. The ground lease or other underlying lease of the condominium.
5. The management contract, maintenance contract, and other contracts for management of the association and operation of the condominium and facilities used by the unit owners having a service term in excess of 1 year, and any management contracts that are renewable.
6. The estimated operating budget for the condominium and a schedule of expenses for each type of unit, including fees assessed pursuant to s. 718.113(1) for the maintenance of limited common elements where such costs are shared only by those entitled to use the limited common elements.
7. The lease of recreational and other facilities that will be used only by unit owners of the subject condominium.
8. The lease of recreational and other common facilities that will be used by unit owners in common with unit owners of other condominiums.
9. The form of unit lease if the offer is of a leasehold.
10. Any declaration of servitude of properties serving the condominium but not owned by unit owners or leased to them or the association.
11. If the development is to be built in phases or if the association is to manage more than one condominium, a description of the plan of phase development or the arrangements for the association to manage two or more condominiums.
12. If the condominium is a conversion of existing improvements, the statements and disclosure required by s. 718.616.
13. The form of agreement for sale or lease of units.
14. A copy of the floor plan of the unit and the plot plan showing the location of the residential buildings and the recreation and other common areas.

15. A copy of all covenants and restrictions that will affect the use of the property and are not contained in the foregoing.

16. If the developer is required by state or local authorities to obtain acceptance or approval of any dock or marina facilities intended to serve the condominium, a copy of any such acceptance or approval acquired by the time of filing with the division under s. 718.502(1), or a statement that such acceptance or approval has not been acquired or received.

17. Evidence demonstrating that the developer has an ownership, leasehold, or contractual interest in the land upon which the condominium is to be developed.

18. A copy of the inspector-prepared summary of the milestone inspection report as described in s. 553.899, or a statement in conspicuous type indicating that the required milestone inspection described in s. 553.899 has not been completed or that a milestone inspection is not required, as applicable ~~ss. 553.899 and 718.301(4)(p).~~

19. A copy of the association's most recent structural integrity reserve study, or a statement in conspicuous type indicating that ~~the association has not completed~~ a required structural integrity reserve study has not been completed or that a structural integrity reserve study is not required, as applicable.

20. A copy of the turnover inspection report described in s. 718.301(4)(p) and (q) or a statement in conspicuous type indicating that a turnover inspection report has not been completed, as applicable.

(d) *Milestone inspection, turnover inspection report, or structural integrity reserve study.*—If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type:

1. A clause which states: **THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; and**

2. A clause which states: **THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURNOVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE**

STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 15 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURN-OVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

(2) NONDEVELOPER DISCLOSURE.—

(a) Each unit owner who is not a developer as defined by this chapter must comply with this subsection before the sale of his or her unit. Each prospective purchaser who has entered into a contract for the purchase of a condominium unit is entitled, at the seller's expense, to a current copy of all of the following:

1. The declaration of condominium.
2. Articles of incorporation of the association.
3. Bylaws and rules of the association.
4. Financial information required by s. 718.111.
5. A copy of the inspector-prepared summary of the milestone inspection report as described in s. 553.899 ~~ss. 553.899 and 718.301(4)(p)~~, if applicable.
6. The association's most recent structural integrity reserve study or a statement that the association has not completed a structural integrity reserve study.
7. *A copy of the inspection report described in s. 718.301(4)(p) and (q) for a turnover inspection performed on or after July 1, 2023.*
8. The document entitled "Frequently Asked Questions and Answers" required by s. 718.504.

(e) *If the association is required to have completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, and the association has not completed the milestone inspection, the turnover inspection report, or the structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is required to have a milestone inspection, a turnover inspection report, or a structural integrity reserve study and has not completed such inspection, report, or study, as appropriate. If the association is not required to have a milestone inspection as described in s. 553.899 or a structural integrity reserve study, each contract entered into after December 31, 2024, for the sale of a residential unit shall contain in conspicuous type a statement indicating that the association is not required to have a milestone inspection or a structural integrity reserve study, as appropriate. If the association has completed a milestone inspection as described in s. 553.899, a turnover inspection report for a turnover inspection performed on or after July 1, 2023, or a structural integrity reserve study, each contract entered into after December 31, 2024, for the resale of a residential unit shall contain in conspicuous type:*

1. *A clause which states: THE BUYER HEREBY ACKNOWLEDGES THAT BUYER HAS BEEN PROVIDED A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURN-OVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND*

A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE, MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, PRIOR TO EXECUTION OF THIS CONTRACT; and

2. *A clause which states: THIS AGREEMENT IS VOIDABLE BY BUYER BY DELIVERING WRITTEN NOTICE OF THE BUYER'S INTENTION TO CANCEL WITHIN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE DATE OF EXECUTION OF THIS AGREEMENT BY THE BUYER AND RECEIPT BY BUYER OF A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES, IF APPLICABLE; A COPY OF THE TURN-OVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES, IF APPLICABLE; AND A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF APPLICABLE. ANY PURPORTED WAIVER OF THESE VOIDABILITY RIGHTS SHALL BE OF NO EFFECT. BUYER MAY EXTEND THE TIME FOR CLOSING FOR A PERIOD OF NOT MORE THAN 3 DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND LEGAL HOLIDAYS, AFTER THE BUYER RECEIVES A CURRENT COPY OF THE INSPECTOR-PREPARED SUMMARY OF THE MILESTONE INSPECTION REPORT AS DESCRIBED IN SECTION 553.899, FLORIDA STATUTES; A COPY OF THE TURN-OVER INSPECTION REPORT DESCRIBED IN SECTION 718.301(4)(p) AND (q), FLORIDA STATUTES; OR A COPY OF THE ASSOCIATION'S MOST RECENT STRUCTURAL INTEGRITY RESERVE STUDY DESCRIBED IN SECTIONS 718.103(26) AND 718.112(2)(g), FLORIDA STATUTES, IF REQUESTED IN WRITING. BUYER'S RIGHT TO VOID THIS AGREEMENT SHALL TERMINATE AT CLOSING.*

A contract that does not conform to the requirements of this paragraph is voidable at the option of the purchaser prior to closing.

Section 11. Paragraph (a) of subsection (7) and paragraph (c) of subsection (21) of section 718.504, Florida Statutes, are amended to read:

718.504 Prospectus or offering circular.—Every developer of a residential condominium which contains more than 20 residential units, or which is part of a group of residential condominiums which will be served by property to be used in common by unit owners of more than 20 residential units, shall prepare a prospectus or offering circular and file it with the Division of Florida Condominiums, Timeshares, and Mobile Homes prior to entering into an enforceable contract of purchase and sale of any unit or lease of a unit for more than 5 years and shall furnish a copy of the prospectus or offering circular to each buyer. In addition to the prospectus or offering circular, each buyer shall be furnished a separate page entitled "Frequently Asked Questions and Answers," which shall be in accordance with a format approved by the division and a copy of the financial information required by s. 718.111. This page shall, in readable language, inform prospective purchasers regarding their voting rights and unit use restrictions, including restrictions on the leasing of a unit; shall indicate whether and in what amount the unit owners or the association is obligated to pay rent or land use fees for recreational or other commonly used facilities; shall contain a statement identifying that amount of assessment which, pursuant to the budget, would be levied upon each unit type, exclusive of any special assessments, and which shall further identify the basis upon which assessments are levied, whether monthly, quarterly, or otherwise; shall state and identify any court cases in which the association is currently a party of record in which the association may face liability in excess of \$100,000; and which shall further state whether membership in a recreational facilities association is mandatory, and if so, shall identify the fees currently charged per unit type. The division shall by rule require such other disclosure as in its judgment will assist prospective purchasers. The prospectus or offering circular may include more than one condominium, although not all such units are being offered for sale as of the date of the prospectus or offering circular. The prospectus or offering circular must contain the following information:

(7) A description of the recreational and other facilities that will be used in common with other condominiums, community associations, or

planned developments which require the payment of the maintenance and expenses of such facilities, directly or indirectly, by the unit owners. The description shall include, but not be limited to, the following:

(a) Each building and facility committed to be built *and a summary description of the structural integrity of each building for which reserves are required pursuant to s. 718.112(2)(g).*

Descriptions shall include location, areas, capacities, numbers, volumes, or sizes and may be stated as approximations or minimums.

(21) An estimated operating budget for the condominium and the association, and a schedule of the unit owner's expenses shall be attached as an exhibit and shall contain the following information:

(c) The estimated items of expenses of the condominium and the association, except as excluded under paragraph (b), including, but not limited to, the following items, which shall be stated as an association expense collectible by assessments or as unit owners' expenses payable to persons other than the association:

1. Expenses for the association and condominium:
 - a. Administration of the association.
 - b. Management fees.
 - c. Maintenance.
 - d. Rent for recreational and other commonly used facilities.
 - e. Taxes upon association property.
 - f. Taxes upon leased areas.
 - g. Insurance.
 - h. Security provisions.
 - i. Other expenses.
 - j. Operating capital.
 - k. Reserves *for all applicable items referenced in s. 718.112(2)(g).*
1. Fees payable to the division.
2. Expenses for a unit owner:
 - a. Rent for the unit, if subject to a lease.
 - b. Rent payable by the unit owner directly to the lessor or agent under any recreational lease or lease for the use of commonly used facilities, which use and payment is a mandatory condition of ownership and is not included in the common expense or assessments for common maintenance paid by the unit owners to the association.

Section 12. Subsection (24) of section 719.103, Florida Statutes, is amended to read:

719.103 Definitions.—As used in this chapter:

(24) "Structural integrity reserve study" means a study of the reserve funds required for future major repairs and replacement of the *cooperative property performed as required under s. 719.106(1)(k) common areas based on a visual inspection of the common areas. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed by an engineer licensed under chapter 471 or an architect licensed under chapter 481. At a minimum, a structural integrity reserve study must identify the common areas being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of the common areas being visually inspected, and provide a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each common area being visually inspected by the end of the estimated remaining useful life of each common area.*

Section 13. Present subsections (5) through (11) of section 719.104, Florida Statutes, are redesignated as subsections (6) through (12), respectively, a new subsection (5) is added to that section, and paragraph (c) of subsection (2) of that section is amended, to read:

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

(2) OFFICIAL RECORDS.—

(c) The official records of the association are open to inspection by any association member *and any person authorized by an association member as a* ~~or the authorized~~ representative of such member at all reasonable times. The right to inspect the records includes the right to make or obtain copies, at the reasonable expense, if any, of the association member *and of the person authorized by the association member as a representative of such member.* A renter of a unit has a right to inspect and copy only the association's bylaws and rules and the inspection reports described in ss. 553.899 and 719.301(4)(p). The association may adopt reasonable rules regarding the frequency, time, location, notice, and manner of record inspections and copying, but may not require a member to demonstrate any purpose or state any reason for the inspection. The failure of an association to provide the records within 10 working days after receipt of a written request creates a rebuttable presumption that the association willfully failed to comply with this paragraph. A member who is denied access to official records is entitled to the actual damages or minimum damages for the association's willful failure to comply. The minimum damages are \$50 per calendar day for up to 10 days, beginning on the 11th working day after receipt of the written request. The failure to permit inspection entitles any person prevailing in an enforcement action to recover reasonable attorney fees from the person in control of the records who, directly or indirectly, knowingly denied access to the records. Any person who knowingly or intentionally defaces or destroys accounting records that are required by this chapter to be maintained during the period for which such records are required to be maintained, or who knowingly or intentionally fails to create or maintain accounting records that are required to be created or maintained, with the intent of causing harm to the association or one or more of its members, is personally subject to a civil penalty under s. 719.501(1)(d). The association shall maintain an adequate number of copies of the declaration, articles of incorporation, bylaws, and rules, and all amendments to each of the foregoing, as well as the question and answer sheet as described in s. 719.504 and year-end financial information required by the department, on the co-operative property to ensure their availability to members and prospective purchasers, and may charge its actual costs for preparing and furnishing these documents to those requesting the same. An association shall allow a member or his or her authorized representative to use a portable device, including a smartphone, tablet, portable scanner, or any other technology capable of scanning or taking photographs, to make an electronic copy of the official records in lieu of the association providing the member or his or her authorized representative with a copy of such records. The association may not charge a member or his or her authorized representative for the use of a portable device. Notwithstanding this paragraph, the following records shall not be accessible to members:

1. Any record protected by the lawyer-client privilege as described in s. 90.502 and any record protected by the work-product privilege, including any record prepared by an association attorney or prepared at the attorney's express direction which reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the association, and which was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or which was prepared in anticipation of such litigation or proceedings until the conclusion of the litigation or proceedings.

2. Information obtained by an association in connection with the approval of the lease, sale, or other transfer of a unit.

3. Personnel records of association or management company employees, including, but not limited to, disciplinary, payroll, health, and insurance records. For purposes of this subparagraph, the term "personnel records" does not include written employment agreements with an association employee or management company, or budgetary or financial records that indicate the compensation paid to an association employee.

4. Medical records of unit owners.

5. Social security numbers, driver license numbers, credit card numbers, e-mail addresses, telephone numbers, facsimile numbers, emergency contact information, addresses of a unit owner other than as provided to fulfill the association's notice requirements, and other personal identifying information of any person, excluding the person's name, unit designation, mailing address, property address, and any address, e-mail address, or facsimile number provided to the association to fulfill the association's notice requirements. Notwithstanding the restrictions in this subparagraph, an association may print and distribute to unit owners a directory containing the name, unit address, and all telephone numbers of each unit owner. However, an owner may exclude his or her telephone numbers from the directory by so requesting in writing to the association. An owner may consent in writing to the disclosure of other contact information described in this subparagraph. The association is not liable for the inadvertent disclosure of information that is protected under this subparagraph if the information is included in an official record of the association and is voluntarily provided by an owner and not requested by the association.

6. Electronic security measures that are used by the association to safeguard data, including passwords.

7. The software and operating system used by the association which allow the manipulation of data, even if the owner owns a copy of the same software used by the association. The data is part of the official records of the association.

8. All affirmative acknowledgments made pursuant to s. 719.108(3)(b)3.

(5) **MAINTENANCE.**—*Maintenance of the common elements is the responsibility of the association, except for any maintenance responsibility for limited common elements assigned to the unit owner by the declaration. The association shall provide for the maintenance, repair, and replacement of the cooperative property for which it bears responsibility pursuant to the declaration of cooperative. After turnover of control of the association to the unit owners, the association must perform any required maintenance identified by the developer pursuant to s. 719.301(4)(p) and (q) until the association obtains new maintenance protocols from a licensed professional engineer or architect or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts. The declaration may provide that certain limited common elements shall be maintained by those entitled to use the limited common elements or that the association shall provide the maintenance, either as a common expense or with the cost shared only by those entitled to use the limited common elements. If the maintenance is to be by the association at the expense of only those entitled to use the limited common elements, the declaration shall describe in detail the method of apportioning such costs among those entitled to use the limited common elements, and the association may use the provisions of s. 719.108 to enforce payment of the shares of such costs by the unit owners entitled to use the limited common elements.*

Section 14. Paragraphs (e), (j), (k), and (l) of subsection (1) of section 719.106, Florida Statutes, are amended to read:

719.106 Bylaws; cooperative ownership.—

(1) **MANDATORY PROVISIONS.**—The bylaws or other cooperative documents shall provide for the following, and if they do not, they shall be deemed to include the following:

(e) *Budget procedures.*—

1. The board of administration shall mail, hand deliver, or electronically transmit to each unit owner at the address last furnished to the association, a meeting notice and copies of the proposed annual budget of common expenses to the unit owners not less than 14 days prior to the meeting at which the budget will be considered. Evidence of compliance with this 14-day notice must be made by an affidavit executed by an officer of the association or the manager or other person providing notice of the meeting and filed among the official records of the association. The meeting must be open to the unit owners.

2. If an adopted budget requires assessment against the unit owners in any fiscal or calendar year which exceeds 115 percent of the assessments for the preceding year, the board upon written application of 10 percent of the voting interests to the board, shall call a special meeting of the unit owners within 30 days, upon not less than 10 days' written notice to each unit owner. At the special meeting, unit owners shall consider and enact a budget. Unless the bylaws require a larger vote, the adoption of the budget requires a vote of not less than a majority of all the voting interests.

3. The board of administration may, in any event, propose a budget to the unit owners at a meeting of members or by writing, and if the budget or proposed budget is approved by the unit owners at the meeting or by a majority of all voting interests in writing, the budget is adopted. If a meeting of the unit owners has been called and a quorum is not attained or a substitute budget is not adopted by the unit owners, the budget adopted by the board of directors goes into effect as scheduled.

4. In determining whether assessments exceed 115 percent of similar assessments for prior years, any authorized provisions for reasonable reserves for repair or replacement of cooperative property, anticipated expenses by the association which are not anticipated to be incurred on a regular or annual basis, *insurance premiums*, or assessments for betterments to the cooperative property must be excluded from computation. However, as long as the developer is in control of the board of administration, the board may not impose an assessment for any year greater than 115 percent of the prior fiscal or calendar year's assessment without approval of a majority of all voting interests.

(j) *Annual budget.*—

1. The proposed annual budget of common expenses must be detailed and must show the amounts budgeted by accounts and expense classifications, including, if applicable, but not limited to, those expenses listed in s. 719.504(20). The board of administration shall adopt the annual budget at least 14 days before the start of the association's fiscal year. In the event that the board fails to timely adopt the annual budget a second time, it is deemed a minor violation and the prior year's budget shall continue in effect until a new budget is adopted.

2. In addition to annual operating expenses, the budget must include reserve accounts for capital expenditures and deferred maintenance. These accounts must include, but not be limited to, roof replacement, building painting, and pavement resurfacing, regardless of the amount of deferred maintenance expense or replacement cost, and for any other items for which the deferred maintenance expense or replacement cost exceeds \$10,000. The amount to be reserved for an item is determined by the association's most recent structural integrity reserve study that must be completed by December 31, 2024. If the amount to be reserved for an item is not in the association's initial or most recent structural integrity reserve study or the association has not completed a structural integrity reserve study, the amount must be computed by means of a formula which is based upon estimated remaining useful life and estimated replacement cost or deferred maintenance expense of the reserve item. In a budget adopted by an association that is required to obtain a structural integrity reserve study, reserves must be maintained for the items identified in paragraph (k) for which the association is responsible pursuant to the declaration, and the reserve amount for such items must be based on the findings and recommendations of the association's most recent structural integrity reserve study. With respect to items for which an estimate of useful life is not readily ascertainable or with an estimated remaining useful life of greater than 25 years, an association is not required to reserve replacement costs for such items, but an association must reserve the amount of deferred maintenance expense, if any, which is recommended by the structural integrity reserve study for such items. The association may adjust replacement reserve assessments annually to take into account an inflation adjustment and any changes in estimates or extension of the useful life of a reserve item caused by deferred maintenance. The members of a unit-owner-controlled association may determine, by a majority vote of the total voting interests at a duly called meeting of the association, for a fiscal year to provide no reserves or reserves less adequate than required by this subsection. Before turnover of control of an association by a developer to unit owners other than a developer under s. 719.301, the developer-controlled association may not vote to waive the reserves or reduce funding of the reserves. For a budget adopted on or after ~~Effective~~ December 31, 2024, a unit-owner-con-

trolled association *that must obtain a structural integrity reserve study* may not determine to provide no reserves or reserves less adequate than required by this paragraph for items listed in paragraph (k). If a meeting of the unit owners has been called to determine to provide no reserves, or reserves less adequate than required, and such result is not attained or a quorum is not attained, the reserves as included in the budget shall go into effect.

3. Reserve funds and any interest accruing thereon shall remain in the reserve account or accounts, and shall be used only for authorized reserve expenditures unless their use for other purposes is approved in advance by a vote of the majority of the *total* voting interests, ~~voting in person or by limited proxy at a duly called meeting~~ of the association. Before turnover of control of an association by a developer to unit owners other than the developer under s. 719.301, the developer may not vote to use reserves for purposes other than that for which they were intended. *For a budget adopted on or after Effective December 31, 2024, members of a unit-owner-controlled association that must obtain a structural integrity reserve study may not vote to use reserve funds, or any interest accruing thereon, that are reserved for items listed in paragraph (k) for purposes other than the replacement or deferred maintenance costs of the components listed in paragraph (k) their intended purpose.*

(k) *Structural integrity reserve study.—*

1. A residential cooperative ~~An~~ association must have a structural integrity reserve study completed at least every 10 years for each building on the cooperative property that is three stories or higher in height *as determined by the Florida Building Code* that includes, at a minimum, a study of the following items as related to the structural integrity and safety of the building:

- a. Roof.
- b. *Structure, including load-bearing walls and ~~or~~ other primary structural members and primary structural systems as those terms are defined in s. 627.706.*
- c. ~~Floor.~~
- d. ~~Foundation.~~
- e. Fireproofing and fire protection systems.
- d.f. Plumbing.
- e.g. Electrical systems.
- f.h. Waterproofing and exterior painting.
- g.i. Windows and exterior doors.

h.j. Any other item that has a deferred maintenance expense or replacement cost that exceeds \$10,000 and the failure to replace or maintain such item negatively affects the items listed in *sub-subparagraphs a.-g. sub-subparagraphs a.-i.*, as determined by the ~~licensed engineer or architect performing the~~ visual inspection portion of the structural integrity reserve study.

2. A structural integrity reserve study is based on a visual inspection of the cooperative property. A structural integrity reserve study may be performed by any person qualified to perform such study. However, the visual inspection portion of the structural integrity reserve study must be performed or verified by an engineer licensed under chapter 471, an architect licensed under chapter 481, or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts.

3. At a minimum, a structural integrity reserve study must identify each item of the cooperative property being visually inspected, state the estimated remaining useful life and the estimated replacement cost or deferred maintenance expense of each item of the cooperative property being visually inspected, and provide a reserve funding schedule with a recommended annual reserve amount that achieves the estimated replacement cost or deferred maintenance expense of each item of cooperative property being visually inspected by the end of the estimated remaining useful life of the item. The structural integrity reserve study may recommend that reserves do not need to be maintained for any item

for which an estimate of useful life and an estimate of replacement cost cannot be determined, or the study may recommend a deferred maintenance expense amount for such item. The structural integrity reserve study may recommend that reserves for replacement costs do not need to be maintained for any item with an estimated remaining useful life of greater than 25 years, but the study may recommend a deferred maintenance expense amount for such item.

4. *This paragraph does not apply to buildings less than three stories in height; single-family, two-family, or three-family dwellings with three or fewer habitable stories above ground; any portion or component of a building that has not been submitted to the cooperative form of ownership; or any portion or component of a building that is maintained by a party other than the association.*

5. Before a developer turns over control of an association to unit owners other than the developer, the developer must have a turnover inspection report in compliance with s. 719.301(4)(p) and (q) ~~structural integrity reserve study completed~~ for each building on the cooperative property that is three stories or higher in height.

6. ~~Associations existing on or before July 1, 2022, which are controlled by unit owners other than the developer, must have a structural integrity reserve study completed by December 31, 2024, for each building on the cooperative property that is three stories or higher in height. An association that is required to complete a milestone inspection on or before December 31, 2026, in accordance with s. 553.899 may complete the structural integrity reserve study simultaneously with the milestone inspection. In no event may the structural integrity reserve study be completed after December 31, 2026.~~

7. *If the milestone inspection required by s. 553.899, or an inspection completed for a similar local requirement, was performed within the past 5 years and meets the requirements of this paragraph, such inspection may be used in place of the visual inspection portion of the structural integrity reserve study.*

8. ~~If the officers or directors of an association willfully and knowingly fail to complete a structural integrity reserve study pursuant to this paragraph, such failure is a breach of an officer's and director's fiduciary relationship to the unit owners under s. 719.104(9) or 719.104(8).~~

(l) *Mandatory milestone inspections.—*If an association is required to have a milestone inspection performed pursuant to s. 553.899, the association must arrange for the milestone inspection to be performed and is responsible for ensuring compliance with the requirements of s. 553.899. The association is responsible for all costs associated with the milestone inspection attributable to the portions of the building which the association is responsible for maintaining under the governing documents of the association. If the officers or directors of an association willfully and knowingly fail to have a milestone inspection performed pursuant to s. 553.899, such failure is a breach of the officers' and directors' fiduciary relationship to the unit owners under s. 719.104(9)(a) ~~s. 719.104(8)(a).~~ Within 14 days after receipt of a written notice from the local enforcement agency that a milestone inspection is required, the association must notify the unit owners of the required milestone inspection and provide the date by which the milestone inspection must be completed. Such notice may be given by electronic submission to unit owners who consent to receive notice by electronic submission or by posting on the association's website. Within 45 days after receiving ~~Upon completion of a phase one or phase two milestone inspection and receipt of the inspector prepared summary of the inspection report from the architect or engineer who performed the inspection, the association must distribute a copy of the inspector-prepared summary of the inspection report to each unit owner, regardless of the findings or recommendations in the report, by United States mail or personal delivery at the mailing address, property address, or any other address of the owner provided to fulfill the association's notice requirements under this chapter and by electronic transmission to the e-mail address or facsimile number provided to fulfill the association's notice requirements to unit owners who previously consented to receive notice by electronic transmission; must post a copy of the inspector-prepared summary in a conspicuous place on the cooperative property; and must publish the full report and inspector-prepared summary on the association's website, if the association is required to have a website.~~

Section 15. Present paragraph (q) of subsection (4) of section 719.301, Florida Statutes, is redesignated as paragraph (r), a new paragraph (q) is added to that subsection, and paragraph (p) of that subsection is amended, to read:

719.301 Transfer of association control.—

(4) When unit owners other than the developer elect a majority of the members of the board of administration of an association, the developer shall relinquish control of the association, and the unit owners shall accept control. Simultaneously, or for the purpose of paragraph (c) not more than 90 days thereafter, the developer shall deliver to the association, at the developer's expense, all property of the unit owners and of the association held or controlled by the developer, including, but not limited to, the following items, if applicable, as to each cooperative operated by the association:

(p) Notwithstanding when the certificate of occupancy was issued or the height of the building, a ~~turnover inspection report milestone inspection report in compliance with s. 553.899~~ included in the official records, under seal of an architect or engineer authorized to practice in this state or a person certified as a reserve specialist or professional reserve analyst by the Community Associations Institute or the Association of Professional Reserve Analysts, attesting to required maintenance, condition, useful life, and replacement costs of the following applicable cooperative property ~~comprising a turnover inspection report~~:

On motion by Senator Bradley, the Senate concurred in **House Amendment 1 (342313)**.

CS for CS for SB 154 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—39

Madam President	Davis	Perry
Albritton	DiCeglie	Pizzo
Avila	Garcia	Polsky
Baxley	Grall	Powell
Berman	Gruters	Rodriguez
Book	Harrell	Rouson
Boyd	Hooper	Simon
Bradley	Hutson	Stewart
Brodeur	Ingoglia	Thompson
Burgess	Jones	Torres
Burton	Martin	Trumbull
Calatayud	Mayfield	Wright
Collins	Osgood	Yarborough

Nays—None

Vote after roll call:

Yea—Broxson

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 538, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 538—A bill to be entitled An act relating to provisional child care licensing; amending s. 402.309, F.S.; requiring a local licensing agency or the Department of Children and Families, as applicable, to issue a provisional license or registration for a family day care home under certain circumstances; providing an effective date.

House Amendment 1 (644029)—Remove line 21 and insert: *a child care facility, a family day care home, or a large family child care home;*

On motion by Senator Trumbull, the Senate concurred in **House Amendment 1 (644029)**.

CS for CS for SB 538 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—38

Madam President	DiCeglie	Pizzo
Albritton	Garcia	Polsky
Avila	Grall	Powell
Baxley	Gruters	Rodriguez
Berman	Harrell	Rouson
Book	Hooper	Simon
Boyd	Hutson	Stewart
Brodeur	Ingoglia	Thompson
Burgess	Jones	Torres
Burton	Martin	Trumbull
Calatayud	Mayfield	Wright
Collins	Osgood	Yarborough
Davis	Perry	

Nays—None

Vote after roll call:

Yea—Bradley, Broxson

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed SB 662, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

SB 662—A bill to be entitled An act relating to student online personal information protection; providing a short title; creating s. 1006.1494, F.S.; defining terms; prohibiting operators from knowingly engaging in specified activities relating to students' covered information; providing an exception; specifying the duties of an operator; providing circumstances under which an operator may disclose students' covered information; providing construction; providing for enforcement under the Florida Deceptive and Unfair Trade Practices Act; authorizing the State Board of Education to adopt rules; providing an effective date.

House Amendment 1 (166975) (with title amendment)—Remove lines 148-226 and insert: *is no longer enrolled in a school within the district, upon notice by the school district.*

(4) *An operator may use or disclose covered information of a student under any of the following circumstances:*

(a) *If federal or state law requires the operator to disclose the information, and the operator complies with federal or state law, as applicable, in protecting and disclosing that information.*

(b) *If the covered information is disclosed to a state educational agency or the student's local educational agency for K-12 school purposes, as allowed under state or federal law.*

(c) *If the covered information is disclosed to a state or local educational agency, including K-12 schools and school districts, for K-12 school purposes, as allowed under state or federal law.*

(5) *This section does not prohibit an operator from doing any of the following:*

(a) *Using covered information to improve educational products, if that information is not associated with an identified student within the operator's site, service, or application, or other sites, services, or applications owned by the operator.*

(b) *Using covered information that is not associated with an identified student to demonstrate the effectiveness of the operator's products or services, including use in their marketing.*

(c) *Sharing covered information that is not associated with an identified student for the development and improvement of educational sites, services, or applications.*

(d) *Using recommendation engines to recommend to a student any of the following:*

1. *Additional content relating to an educational, an employment, or any other learning opportunity purpose within an online site, service, or application, if the recommendation is not determined in whole or in part by payment or other consideration from a third party.*

2. *Additional services relating to an educational, an employment, or any other learning opportunity purpose within an online site, service, or application, if the recommendation is not determined in whole or in part by payment or other consideration from a third party.*

(e) *Responding to a student's request for information or feedback without the information or response being determined in whole or in part by payment or other consideration from a third party.*

(6) *This section does not do any of the following:*

(a) *Limit the authority of a law enforcement agency to obtain any content or information from an operator as authorized by law or under a court order.*

(b) *Limit the ability of an operator to use student data, including covered information, for adaptive learning or customized student learning purposes.*

(c) *Apply to general audience Internet websites, general audience online services, general audience online applications, or general audience mobile applications, even if login credentials created for an operator's site, service, or application may be used to access those general audience sites, services, or applications.*

(d) *Limit service providers from providing Internet connectivity to schools or students and their families.*

(e) *Prohibit an operator of an Internet website, online service, online application, or mobile application from marketing educational products directly to parents, if such marketing did not result from the use of covered information obtained by the operator through the provision of services covered under this section.*

(f) *Impose a duty upon a provider of an electronic store, gateway, marketplace, or other means of purchasing or downloading software or applications to review or enforce compliance with this section on such software or applications.*

(g) *Impose a duty upon a provider of an interactive computer service to review or enforce compliance with this section by third-party content providers.*

(h) *Prohibit students from downloading, exporting, transferring, saving, or maintaining their own student data or documents.*

(i) *Limit the retention of covered information by an operator for the purposes of assessments and college and career planning in accordance with general law.*

(7) *Any violation of this section is a deceptive and unfair trade practice and constitutes a violation of the Florida Deceptive and Unfair Trade Practices Act, part II of chapter 501. Notwithstanding the provisions of part II of chapter 501, the Department of Legal Affairs is the sole entity authorized to bring an enforcement action against an entity that violates this section.*

And the title is amended as follows:

Between lines 11 and 12, insert: providing that the Department of Legal Affairs is the sole entity authorized to bring specified actions;

On motion by Senator Bradley, the Senate concurred in **House Amendment 1 (166975)**.

SB 662 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—38

Madam President	DiCeglie	Pizzo
Albritton	Garcia	Polsky
Avila	Grall	Powell
Baxley	Gruters	Rodriguez
Berman	Harrell	Rouson
Book	Hooper	Simon
Boyd	Hutson	Stewart
Bradley	Ingoglia	Thompson
Brodeur	Jones	Torres
Burgess	Martin	Trumbull
Burton	Mayfield	Wright
Calatayud	Osgood	Yarborough
Davis	Perry	

Nays—None

Vote after roll call:

Yea—Broxson, Collins

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1540, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for SB 1540—A bill to be entitled An act relating to elder abuse and vulnerable adult abuse fatality review teams; amending s. 415.1103, F.S.; authorizing the establishment of elder abuse and vulnerable adult abuse fatality review teams in certain areas and for certain purposes; authorizing certain persons and entities to initiate a review team; defining the term "vulnerable adult"; requiring certain representatives to be active participants on a review team; revising review team membership; removing provisions relating to state attorney requirements; authorizing a review team to determine the number and types of incidents to review; requiring members of a review team to sign a confidentiality agreement; creating a criminal penalty; requiring confidentiality agreements to reference such criminal penalty; authorizing continuance for review teams in existence on a certain date; revising review team requirements to conform to changes made by the act; modifying a prohibition against contacting, interviewing, or obtaining information from the family of a victim; expanding immunity from monetary liability to certain persons; providing construction; providing that oral and written communications, information, and records acquired by a review team are not subject to disclosure, discovery, or introduction into evidence in certain proceedings under certain circumstances; specifying that provisions of law relating to a waiver of sovereign immunity still apply; providing that a person who attends a meeting or other authorized activities of a review team may not testify in certain proceedings; providing exceptions and construction; providing an effective date.

House Amendment 1 (255691) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Section 415.1103, Florida Statutes, is amended to read:

415.1103 Elder and vulnerable adult abuse fatality review teams.—

(1)(a) ~~A state attorney, or his or her designee, may initiate an elder and vulnerable adult abuse fatality review team may be established in his or her judicial circuit to review incidents of deaths of elderly persons caused by, or related to, abuse, exploitation, or neglect which are believed to have caused or contributed to the death of an elderly person or vulnerable adult.~~

(b) *An elder and vulnerable adult abuse fatality review team may be initiated by any of the following:*

1. *A state attorney.*
2. *A law enforcement agency.*
3. *The Department of Children and Families.*
4. *The Office of the Attorney General.*
5. *The Agency for Persons with Disabilities.*

(c) *The initiating entity shall determine the geographic area that the review team will serve. The geographic area served by the review team must be within the jurisdiction or service area of the initiating entity.*

(d) *The purpose of a review team is to learn how to prevent elder and vulnerable adult abuse and abuse-related deaths by intervening early and improving the system response to elder and vulnerable adult abuse, exploitation, and neglect.*

(2) *For purposes of this section and s. 415.1104, the term "elder and vulnerable adult" refers to a person who meets the criteria for any of the following terms:*

- (a) *Vulnerable adult as defined in s. 415.102.*
- (b) *Disabled adult as defined in s. 825.101.*
- (c) *Elderly person as defined in s. 825.101.*

(3) *A ~~An elder abuse fatality~~ review team may include, but is not limited to, representatives from any of the entities listed under paragraph (1)(b) and any of the following persons or entities or persons located in the review team's judicial circuit:*

- ~~1. Law enforcement agencies.~~
- ~~2. The state attorney.~~
- ~~1.3. The medical examiner.~~
- ~~2.4. A county court judge.~~
- ~~5. Adult protective services.~~
- ~~3.6. The area agency on aging.~~
- ~~4.7. The State Long-Term Care Ombudsman Program.~~
- ~~5.8. The Agency for Health Care Administration.~~
- ~~9. The Office of the Attorney General.~~
- ~~6.10. The Office of the State Courts Administrator.~~
- ~~7.11. The clerk of the court.~~
- ~~8.12. A victim services program.~~
- ~~9.13. An elder law or disability rights attorney.~~
- ~~10.14. Emergency services personnel.~~
- ~~11.15. A certified domestic violence center.~~
- ~~12.16. An advocacy organization for victims of sexual violence.~~
- ~~13.17. A funeral home director.~~
- ~~14.18. A forensic pathologist.~~
- ~~15.19. A geriatrician.~~
- ~~16.20. A geriatric nurse.~~
- ~~17.21. A geriatric psychiatrist or other individual licensed to offer behavioral health services.~~
- ~~18.22. A hospital discharge planner.~~

~~19.23.~~ *A public guardian.*

~~20.24.~~ *Any other persons who are identified and invited by the review team and who have knowledge regarding fatal incidents of elder abuse, vulnerable adult abuse, domestic violence, or sexual violence, or suicide, including knowledge of research, policy, law, and other matters connected with such incidents involving elders and vulnerable adults, or who are recommended for inclusion by the review team.*

(4)(a)(e) *Participation in a review team is voluntary. Members of a review team shall serve without compensation and may not be reimbursed for per diem or travel expenses. A review team in existence on July 1, 2023, may continue to exist and must comply with the requirements of this section. ~~Members shall serve for terms of 2 years, to be staggered as determined by the co-chairs.~~*

(b)1.(4) *The entity initiating the review team shall ~~state attorney~~ may call the first organizational meeting of the team.*

2. *A representative of the entity initiating the review team, who is chosen by that entity, shall serve as a co-chair of the review team. At the initial meeting, members of a review team shall elect a member ~~choose~~ two members to serve as an additional co-chair. The co-chair elected by the review team shall serve a 2-year term and ~~co-chairs. Chairs~~ may be reelected by a majority vote of a review team for not more than two consecutive terms.*

3. *At the initial meeting, members of a review team shall establish a schedule for future meetings. Each review team shall meet at least once each fiscal year.*

(c)(e) *Except as provided in subsection (1) and paragraph (4)(b), each review team shall determine its structure, local operations, and ~~including, but not limited to, the process for case selection, including, but not limited to, the number and type of incidents it chooses to review. The state attorney shall refer cases to be reviewed by each team. Reviews must be limited to closed cases in which an elderly person's death was caused by, or related to, abuse or neglect. All identifying information concerning the elderly person must be redacted by the state attorney in documents received for review. As used in this paragraph, the term "closed case" means a case that does not involve information considered active as defined in s. 119.011(3)(d).~~*

(d)(f) *Administrative costs of operating the review team must be borne by the team members or entities they represent.*

(e)1. *Each member of a review team shall sign a written acknowledgement that the member is obligated to comply with the applicable provisions of chapter 119 and s. 24(a), Art. I of the State Constitution and may not knowingly disclose or reveal information or records produced, acquired, or discussed by the review team which are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. The written acknowledgment must reference applicable criminal penalties for such disclosures and clearly identify the records for which such penalties apply.*

2. *The entity initiating the review team shall provide the acknowledgment form to be signed by each review team member and shall provide training to review team members on the requirements regarding records that are exempt or confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.*

~~(2) An elder abuse fatality review team in existence on July 1, 2020, may continue to exist and must comply with the requirements of this section.~~

(5)(3) *A ~~An elder abuse fatality~~ review team must ~~shall~~ do all of the following:*

(a) *Review incidents ~~deaths~~ of abuse, exploitation, or neglect of elders and vulnerable adults in the review team's geographic service area elderly persons in its judicial circuit which are believed ~~found~~ to have been caused or contributed to the death of such person by, or related to, abuse or neglect.*

(b) *Take into consideration the events leading up to a fatal incident, available community resources, current law and policies, and the actions taken by systems or individuals related to the fatal incident, and any information considered relevant by the team, including, but not*

limited to, a review of public records and records for which a public records exemption is granted.

(c) Identify potential gaps, deficiencies, or problems in the delivery of services to *elders and vulnerable adults* ~~elderly persons~~ by public and private agencies which may be related to *incidents* ~~deaths~~ reviewed by the team.

(d) Whenever possible, develop communitywide approaches to address the causes of, and contributing factors to, *incidents* ~~deaths~~ reviewed by the team.

(e) Develop recommendations and potential changes in law, rules, and policies to support the care of *elders and vulnerable adults* ~~elderly persons~~ and to prevent *abuse of such persons* ~~elder abuse deaths~~.

(6)(a)(4)(a) A review team may share with other review teams in this state any relevant information that pertains to *incidents identified or reviewed by the team* ~~the review of the death of an elderly person~~.

(b)1. A review team member may not contact, interview, or obtain information by request directly from a family member of a person whose case is subject to review by the review team as part of the review unless:

a. ~~the deceased elder's family as part of the review unless~~ A team member is authorized to do so in the course of his or her employment duties; or

b. *Such contact, interview, or request is necessary for the review team to complete its review and determine findings and such information is not obtainable through any other means.*

2. A family member of a person whose case is subject to review by the review team ~~the deceased elder's family~~ may voluntarily provide information or any record to a review team but must be informed that such information or any record is subject to public disclosure unless a public records exemption applies.

(7)(a)(5)(a) Annually by September 1, each *elder abuse fatality* review team shall submit a summary report to the Department of Elderly Affairs which includes, but is not limited to:

1. Descriptive statistics regarding cases reviewed by the team, including, *at a minimum*, demographic information on victims, ~~and~~ the causes and nature of their deaths, *and the incidents of abuse, exploitation, or neglect associated with their deaths.*;

2. Current policies, procedures, rules, or statutes the review team has identified as contributing to the incidence of *elder and vulnerable adult* abuse and *abuse-related elder* deaths, and recommendations for system improvements and needed resources, training, or information dissemination to address such identified issues.~~;~~~~and~~

3. Any other recommendations to prevent *fatal incidents of deaths from elder* abuse, *exploitation, or neglect of elders and vulnerable adults*, based on an analysis of the data and information presented in the report.

(b) Annually by November 1, the Department of Elderly Affairs shall prepare a summary report of the review team information submitted under paragraph (a). The department shall submit its summary report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Department of Children and Families.

(8)(a)(6) There is no monetary liability on the part of, and a cause of action for damages may not arise against, any member of a ~~an elder abuse fatality~~ review team, or any person acting as a witness to, incident reporter to, or investigator for a review team, for any act or proceeding taken or performed within the scope and functions of the team, ~~due to the performance of his or her duties as a review team member in regard to any discussions by, or deliberations or recommendations of, the team or the member unless such person member acted in bad faith, with wanton and willful disregard of human rights, safety, or property.~~

(b) *This subsection does not affect the requirements of s. 768.28.*

(9)(a) *Oral or written communications, information, and records produced or acquired by the review team are not subject to discovery and*

may not be introduced into evidence in any civil, criminal, administrative, or disciplinary proceeding if the communications, information, or records arose out of matters that are the subject of evaluation and review by the review team. Information, documents, and records otherwise available from sources other than the review team are not immune from discovery or introduction into evidence solely because the information, documents, or records were presented to or reviewed by a review team.

(b) A person who attends a meeting or other authorized activity of a review team may not testify in any civil, criminal, administrative, or disciplinary proceedings as to any communications, records, or information produced or presented to the review team during its meetings or other activities authorized by this section.

(c) *This subsection does not prohibit:*

1. A person who testifies before a review team or is a member of a review team from testifying in a civil, criminal, administrative, or disciplinary proceeding to matters otherwise within his or her knowledge; or

2. A member of a review team from testifying in a policy-related hearing or matter, as long as the member of the review team does not disclose communications, records, or information that would identify the victim or victim's family or any other confidential or exempt records or information pertaining to a matter reviewed by the review team.

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

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to elder and vulnerable adult abuse fatality review teams; amending s. 415.1103, F.S.; authorizing the establishment of elder and vulnerable adult abuse fatality review teams for certain purposes; authorizing certain persons and entities to initiate a review team; requiring the initiating entity to determine the geographic area to be served by the review team; providing a requirement for such geographic area; revising the definition of the term "elder and vulnerable adult"; revising review team membership; authorizing continuance for review teams in existence on a certain date; requiring the entity that initiated the review team to call its first meeting; specifying certain members to be co-chairs of the review team; authorizing a review team to determine the number and types of incidents to review; removing provisions relating to state attorney requirements; requiring members of a review team to sign a written acknowledgment of public records requirements; requiring such acknowledgment to reference applicable criminal penalties for certain disclosures; requiring the initiating entity to provide the acknowledgment form and certain training; revising review team requirements to conform to changes made by the act; modifying the prohibition from contacting, interviewing, or obtaining information from the family of a victim; expanding immunity from monetary liability to certain persons; providing construction; providing that communications, information, and records produced or acquired by a review team are not subject to discovery or introduction into evidence in certain proceedings under certain circumstances; providing that a person who attends a meeting or other authorized activity of a review team may not testify in certain proceedings as to certain records or information; providing exceptions; providing an effective date.

On motion by Senator Garcia, the Senate concurred in **House Amendment 1 (255691)**.

CS for SB 1540 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—38

Madam President	Brodeur	Gruters
Albritton	Burgess	Harrell
Avila	Burton	Hooper
Baxley	Calatayud	Hutson
Berman	Davis	Ingoglia
Book	DiCeglie	Jones
Boyd	Garcia	Martin
Bradley	Grall	Mayfield

Osgood	Rodriguez	Torres
Perry	Rouson	Trumbull
Pizzo	Simon	Wright
Polsky	Stewart	Yarborough
Powell	Thompson	

Nays—None

Vote after roll call:

Yea—Broxson, Collins

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 418, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for CS for SB 418—A bill to be entitled An act relating to insurance; amending s. 327.54, F.S.; revising requirements relating to insurance for livery that lease or rent or offer to lease or rent livery vessels; amending s. 624.4621, F.S.; specifying a qualification for a local governmental entity's representative on a self-insurer's governing body; amending s. 627.062, F.S.; authorizing residential property insurance rate filings to use a specified modeling indication; amending s. 627.0628, F.S.; revising membership requirements for specified members of the Florida Commission on Hurricane Loss Projection Methodology; amending s. 627.0629, F.S.; authorizing insurers to file with the Office of Insurance Regulation personal lines residential property insurance rating plans providing rate differentials based on certain windstorm mitigation construction standards; providing requirements for such plans; amending s. 627.0665, F.S.; revising the timeframe for advance notices from insurers to insureds of automatic bank withdrawal increases; specifying the increase threshold for such notices; amending s. 627.421, F.S.; revising the types of documents and kinds of insurance for which electronic transmission constitutes delivery to the insured or person entitled to delivery; deleting a requirement to include a certain notice to an insured electing to receive policy documents electronically; deleting a requirement to provide a paper copy of the policy upon request by such person; amending s. 627.701, F.S.; revising and specifying alternative hurricane deductible amounts for personal lines residential property insurance policies covering risks with specified dwelling limits; amending s. 627.712, F.S.; providing that a policyholder's written exclusion from residential windstorm coverage or contents coverage may be typed rather than handwritten; amending s. 627.7276, F.S.; revising the requirements for the notice of limited coverage under certain automobile policies; amending s. 634.041, F.S.; specifying the manner in which a contractual liability insurance policy of a service agreement company may pay claims; providing an effective date.

House Amendment 1 (394669) (with title amendment)—Between lines 317 and 318, insert:

Section 11. Subsection (8) of section 628.905, Florida Statutes, is added to read:

628.905 Licensing; authority.—

(8) *Notwithstanding any provision to the contrary in the Florida Insurance Code, a foreign pure captive insurance company organized under the laws of any United States jurisdiction as of January 1, 2023, and operating in compliance with the laws of such jurisdiction may issue policies of insurance to its parent or affiliated companies covering environmental liability and financial responsibility requirements associated with underground storage tanks in this state. Before commencing such business in this state, such foreign pure captive insurance company shall provide to the office the following:*

(a) *A certified copy of its license or certificate of authority issued by its state of domicile indicating that it is licensed to write property and casualty lines of business.*

(b) *A certificate from its domiciliary regulator indicating that it is in good standing with such regulator and complies with all applicable laws.*

(c) *An executed Form OIR-C1-144, Service of Process Consent and Agreement.*

(d) *Evidence that it complies with the capital and surplus requirements of its state of domicile. The office may request any documents submitted to the domiciliary state regulator that the office deems necessary to determine the company's compliance under this paragraph.*

A foreign pure captive insurance company writing business in this state under this subsection is not subject to any other provisions of the insurance code.

And the title is amended as follows:

Remove line 39 and insert: certain automobile policies; amending s. 628.905, F.S.; providing a foreign pure captive insurance company may do business in the state under certain circumstances; amending s. 634.041,

On motion by Senator Perry, the Senate refused to concur in **House Amendment 1 (394669)** to **CS for CS for CS for SB 418** and the House was requested to recede. The action of the Senate was certified to the House.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 170, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 170—A bill to be entitled An act relating to local ordinances; amending s. 57.112, F.S.; authorizing courts to assess and award reasonable attorney fees and costs and damages in certain civil actions filed against local governments; specifying a limitation on awards and a restriction on fees and costs of certain litigation; providing construction and applicability; amending s. 125.66, F.S.; providing certain procedures for continued meetings on proposed ordinances and resolutions for counties; providing for construction and retroactive application; requiring a board of county commissioners to prepare or cause to be prepared a business impact estimate before the enactment of a proposed ordinance; specifying requirements for the posting and content of the estimate; providing construction and applicability; creating s. 125.675, F.S.; requiring a county to suspend enforcement of an ordinance that is the subject of a certain legal action if certain conditions are met; authorizing a prevailing county to enforce the ordinance after a specified period, except under certain circumstances; requiring courts to give priority to certain cases; providing construction relating to an attorney's or a party's signature; requiring a court to impose sanctions under certain circumstances; providing applicability; authorizing courts to award attorney fees and costs and damages if certain conditions are met; amending s. 166.041, F.S.; providing certain procedures for continued meetings on proposed ordinances for municipalities; providing for construction and retroactive application; requiring a governing body of a municipality to prepare or cause to be prepared a business impact estimate before the enactment of a proposed ordinance; specifying requirements for the posting and content of the estimate; providing construction and applicability; creating s. 166.0411, F.S.; requiring a municipality to suspend enforcement of an ordinance that is the subject of a certain legal action if certain conditions are met; authorizing a prevailing municipality to enforce the ordinance after a specified period, except under certain circumstances; requiring courts to give priority to certain cases; providing construction relating to an attorney's or a party's signature; requiring a court to impose sanctions under certain circumstances; providing applicability; authorizing courts to award attorney fees and costs and damages if certain conditions are met; amending ss. 163.2517, 163.3181, 163.3215, 376.80, 497.270, 562.45, and 847.0134, F.S.; conforming cross-references and making technical changes; providing a declaration of important state interest; providing effective dates.

House Substitute Amendment 3 (378465)—Remove lines 118-296 and insert:

(7) Consideration of the proposed county ordinance or county resolution at a properly noticed meeting may be continued to a subsequent meeting if, at the scheduled meeting, the date, time, and place of the subsequent meeting is publicly stated. No further publication, mailing, or posted notice as required under this section is required, except that the continued consideration must be listed in an agenda or similar communication produced for the subsequent meeting. This subsection is remedial in nature, is intended to clarify existing law, and shall apply retroactively.

Section 3. Present subsections (3) through (7) of section 125.66, Florida Statutes, as amended by this act, are redesignated as subsections (4) through (8), respectively, a new subsection (3) is added to that section, and paragraph (a) of subsection (2) of that section is amended, to read:

125.66 Ordinances; enactment procedure; emergency ordinances; rezoning or change of land use ordinances or resolutions.—

(2)(a) The regular enactment procedure ~~is shall be~~ as follows: The board of county commissioners at any regular or special meeting may enact or amend any ordinance, except as provided in subsection (5) ~~(4)~~, if notice of intent to consider such ordinance is given at least 10 days before such meeting by publication as provided in chapter 50. A copy of such notice ~~must shall~~ be kept available for public inspection during the regular business hours of the office of the clerk of the board of county commissioners. The notice of proposed enactment ~~must shall~~ state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the county where such proposed ordinances may be inspected by the public. The notice ~~must shall~~ also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(3)(a) Before the enactment of a proposed ordinance, the board of county commissioners shall prepare or cause to be prepared a business impact estimate in accordance with this subsection. The business impact estimate must be posted on the county's website no later than the date the notice of proposed enactment is published pursuant to paragraph (2)(a) and must include all of the following:

1. A summary of the proposed ordinance, including a statement of the public purpose to be served by the proposed ordinance, such as serving the public health, safety, morals, and welfare of the county.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the county, including the following, if any:

a. An estimate of direct compliance costs that businesses may reasonably incur if the ordinance is enacted.

b. Identification of any new charge or fee on businesses subject to the proposed ordinance or for which businesses will be financially responsible.

c. An estimate of the county's regulatory costs, including an estimate of revenues from any new charges or fees that will be imposed on businesses to cover such costs.

3. A good faith estimate of the number of businesses likely to be impacted by the ordinance.

4. Any additional information the board determines may be useful.

(b) This subsection may not be construed to require a county to procure an accountant or other financial consultant to prepare the business impact estimate required by this subsection.

(c) This subsection does not apply to:

1. Ordinances required for compliance with federal or state law or regulation;

2. Ordinances relating to the issuance or refinancing of debt;

3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

4. Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a county government;

5. Emergency ordinances;

6. Ordinances relating to procurement; or

7. Ordinances enacted to implement the following:

a. Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;

b. Sections 190.005 and 190.046;

c. Section 553.73, relating to the Florida Building Code; or

d. Section 633.202, relating to the Florida Fire Prevention Code.

Section 4. Section 125.675, Florida Statutes, is created to read:

125.675 Legal challenges to certain recently enacted ordinances.—

(1) A county must suspend enforcement of an ordinance that is the subject of an action challenging the ordinance's validity on the grounds that it is expressly preempted by the State Constitution or by state law or is arbitrary or unreasonable if:

(a) The action was filed with the court no later than 90 days after the adoption of the ordinance;

(b) The plaintiff requests suspension in the initial complaint or petition, citing this section; and

(c) The county has been served with a copy of the complaint or petition.

(2) When the plaintiff appeals a final judgment finding that an ordinance is valid and enforceable, the county may enforce the ordinance 45 days after the entry of the order unless the plaintiff obtains a stay of the lower court's order.

(3) The court shall give cases in which the enforcement of an ordinance is suspended under this section priority over other pending cases and shall render a preliminary or final decision on the validity of the ordinance as expeditiously as possible.

(4) The signature of an attorney or a party constitutes a certificate that he or she has read the pleading, motion, or other paper and that, to the best of his or her knowledge, information, and belief formed after reasonable inquiry, it is not interposed for any improper purpose, such as to harass or to cause unnecessary delay, or for economic advantage, competitive reasons, or frivolous purposes or needless increase in the cost of litigation. If a pleading, motion, or other paper is signed in violation of these requirements, the court, upon its own initiative or upon favorably ruling on a party's motion for sanctions, must impose upon the person who signed it, a represented party, or both, an appropriate sanction, which may include an order to pay to the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including reasonable attorney fees.

(5) This section does not apply to:

(a) Ordinances required for compliance with federal or state law or regulation;

(b) Ordinances relating to the issuance or refinancing of debt;

(c) Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

(d) Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a county government;

(e) Emergency ordinances;

(f) *Ordinances relating to procurement; or*

(g) *Ordinances enacted to implement the following:*

1. *Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements, and development permits;*

2. *Sections 190.005 and 190.046;*

3. *Section 553.73, relating to the Florida Building Code; or*

4. *Section 633.202, relating to the Florida Fire Prevention Code.*

(6) *The court may award attorney fees and costs and damages as provided in s. 57.112.*

Section 5. Effective upon becoming a law, paragraph (d) is added to subsection (3) of section 166.041, Florida Statutes, and paragraph (a) of that subsection is amended, to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(3)(a) Except as provided in ~~paragraphs~~ ~~paragraph~~ (c) and (d), a proposed ordinance may be read by title, or in full, on at least 2 separate days and shall, at least 10 days prior to adoption, be noticed once in a newspaper of general circulation in the municipality. The notice of proposed enactment shall state the date, time, and place of the meeting; the title or titles of proposed ordinances; and the place or places within the municipality where such proposed ordinances may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

(d) *Consideration of the proposed municipal ordinance at a meeting properly noticed pursuant to this subsection may be continued to a subsequent meeting if, at the meeting, the date, time, and place of the subsequent meeting is publicly stated. No further publication, mailing, or posted notice as required under this subsection is required, except that the continued consideration must be listed in an agenda or similar communication produced for the subsequent meeting. This paragraph is remedial in nature, is intended to clarify existing law, and shall apply retroactively.*

On motion by Senator Trumbull, the Senate concurred in **House Substitute Amendment 3 (378465)**.

CS for CS for SB 170, as amended, passed by the required constitutional two-thirds vote of the membership, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—37

Madam President	DiCeglie	Polsky
Albritton	Garcia	Powell
Avila	Grall	Rodriguez
Baxley	Gruters	Rouson
Berman	Harrell	Simon
Book	Hooper	Stewart
Boyd	Hutson	Thompson
Bradley	Ingoglia	Torres
Brodeur	Jones	Trumbull
Burgess	Martin	Wright
Burton	Mayfield	Yarborough
Calatayud	Osgood	
Davis	Perry	

Nays—1

Pizzo

Vote after roll call:

Yea—Broxson, Collins

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 284, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for CS for SB 284—A bill to be entitled An act relating to energy; amending s. 286.29, F.S.; revising the selection criteria for purchasing or leasing vehicles for state agencies, state universities, community colleges, and local governments under a state purchasing plan; specifying that, if available, a state agency must use certain fuels in vehicles with internal combustion engines; requiring the Department of Management Services, before a specified date, to make recommendations to state agencies, state universities, community colleges, and local governments relating to the procurement and integration of electric and natural gas fuel vehicles and other vehicles powered by renewable energy; amending s. 553.791, F.S.; revising the definition of the term "single-trade inspection"; providing an effective date.

House Amendment 1 (080315) (with title amendment)—Remove lines 72-87

And the title is amended as follows:

Remove lines 15-16 and insert: renewable energy;

On motion by Senator Brodeur, the Senate concurred in **House Amendment 1 (080315)**.

CS for CS for SB 284 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—38

Madam President	DiCeglie	Pizzo
Albritton	Garcia	Polsky
Avila	Grall	Powell
Baxley	Gruters	Rodriguez
Berman	Harrell	Rouson
Book	Hooper	Simon
Boyd	Hutson	Stewart
Bradley	Ingoglia	Thompson
Brodeur	Jones	Torres
Burgess	Martin	Trumbull
Burton	Mayfield	Wright
Calatayud	Osgood	Yarborough
Davis	Perry	

Nays—None

Vote after roll call:

Yea—Broxson, Collins

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 676, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for SB 676—A bill to be entitled An act relating to level 2 background screenings; amending s. 435.02, F.S.; providing definitions; amending s. 435.04, F.S.; expanding authorized records that may be checked during a level 2 background screening; adding additional disqualifying offenses to level 2 background screening requirements; removing obsolete language; amending s. 435.12, F.S.; authorizing certain qualified entities to participate in the Care Provider Background Screening Clearinghouse beginning on a specified date; requiring the Agency for Health Care Administration to perform certain actions beginning on a specified date; requiring the clearinghouse to share eligibility determinations with certain entities; revising the timeframe for

certain reporting requirements; revising deadlines for rescreening certain employees; removing obsolete language; conforming provisions to changes made by the act; amending s. 943.0438, F.S.; revising the definition of the term "athletic coach"; requiring level 2, instead of level 1, background screenings for current and prospective athletic coaches; providing timeframes for independent sanctioning authorities to disqualify certain persons from acting as an athletic coach for certain reasons; requiring independent sanctioning authorities to participate in a specified system; conforming provisions to changes made by the act; amending s. 943.05, F.S.; expanding the agencies and entities which may use the Criminal Justice Information Program; requiring the program to develop, for federal approval, a specified method for identifying or verifying an individual; amending s. 943.0542, F.S.; requiring qualified entities to initiate background criminal history checks through the Department of Law Enforcement or the clearinghouse beginning on a specified date; providing requirements for qualified entities initiating criminal history checks through the clearinghouse; providing requirements for the clearinghouse; revising standards for determinations of whether a criminal history record shows certain information; requiring the agency to make certain determinations regarding the eligibility of certain employees or volunteers beginning on a specified date; amending s. 1012.315, F.S.; revising screening requirements for specified individuals; requiring the agency to make certain determinations regarding the eligibility of certain employees beginning on a specified date; conforming provisions to changes made by the act; amending s. 1012.467, F.S.; requiring the agency to make certain determinations regarding the eligibility of certain noninstructional contractors beginning on a specified date; amending s. 1012.56, F.S.; requiring the records of a person applying for educator certification to be referred to the agency beginning on a specified date; requiring background screening results to be submitted to the clearinghouse by a specified date; reenacting ss. 1001.10, 1001.42, 1001.51, 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and 1012.796, F.S., to incorporate the amendments made by this act to s. 1012.315, F.S., in references thereto; reenacting s. 1012.468, F.S., to incorporate the amendments made by this act to s. 1012.467, F.S., in a reference thereto; providing an appropriation; requiring that certain provisions be implemented by the later of a specified date or a date determined by the agency; providing effective dates.

House Amendment 1 (955767) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsections (1) through (4) and subsections (5) and (6) of section 435.02, Florida Statutes, are renumbered as subsections (2) through (5) and subsections (7) and (8), respectively, present subsection (4) is amended, and new subsections (1) and (6) are added to that section, to read:

435.02 Definitions.—For the purposes of this chapter, the term:

(1) *"Affiliation" means the status of a person employed or serving as a volunteer or contractor, or seeking to be employed or to serve as a volunteer or contractor, with a qualified entity in a position for which screening is not required by law but is authorized under the National Child Protection Act.*

(5)(4) *"Employment" means any activity or service sought to be performed by an employee or a person with an affiliation which requires the employee, or for which a person with an affiliation is authorized, to be screened pursuant to this chapter.*

(6) *"Qualified entity" has the same meaning as in s. 943.0542(1).*

Section 2. Paragraphs (a), (b), and (d) of subsection (1) and subsection (2) of section 435.04, Florida Statutes, are amended to read:

435.04 Level 2 screening standards.—

(1)(a) All employees required by law to be screened ~~under pursuant to this section and persons with an affiliation with a qualified entity for whom the qualified entity chooses to conduct screening under s. 943.0542~~ must undergo security background investigations as a condition of employment and continued employment which includes, but is ~~not need~~ not be limited to, fingerprinting for statewide criminal history records checks through the Department of Law Enforcement, ~~and~~ national criminal history records checks through the Federal Bureau of Investigation, and ~~may include~~ local criminal records checks through local

law enforcement agencies. *A security background investigation under this section also includes a search of the sexual predator and sexual offender registries of any state in which the current or prospective employee resided during the immediate preceding 5 years.*

(b) Fingerprints submitted pursuant to this section ~~on or after July 1, 2012,~~ must be submitted electronically to the Department of Law Enforcement.

~~(d) An agency may require by rule that fingerprints submitted pursuant to this section must be submitted electronically to the Department of Law Enforcement on a date earlier than July 1, 2012.~~

(2) The security background investigations under this section must ensure that ~~no~~ persons subject to the provisions of this section have *not* been arrested for and are awaiting final disposition of, have *not* been found guilty of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or have *not* been adjudicated delinquent and the record has not been sealed or expunged for, any offense prohibited under any of the following provisions of state law or similar law of another jurisdiction:

(a) Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.

(b) Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.

(c) Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.

(d) Section 777.04, relating to attempts, solicitation, and conspiracy to commit an offense listed in this subsection.

(e) Section 782.04, relating to murder.

(f) Section 782.07, relating to manslaughter, aggravated manslaughter of an elderly person or disabled adult, or aggravated manslaughter of a child.

(g) Section 782.071, relating to vehicular homicide.

(h) Section 782.09, relating to killing of an unborn child by injury to the mother.

(i) Chapter 784, relating to assault, battery, and culpable negligence, if the offense was a felony.

(j) Section 784.011, relating to assault, if the victim of the offense was a minor.

(k) Section 784.021, relating to aggravated assault.

~~(l)(4)~~ Section 784.03, relating to battery, if the victim of the offense was a minor.

(m) Section 784.045, relating to aggravated battery.

(n) Section 784.075, relating to battery on staff of a detention or commitment facility or on a juvenile probation officer.

~~(o)(4)~~ Section 787.01, relating to kidnapping.

~~(p)(4)~~ Section 787.02, relating to false imprisonment.

~~(q)(4)~~ Section 787.025, relating to luring or enticing a child.

~~(r)(4)~~ Section 787.04(2), relating to taking, enticing, or removing a child beyond the state limits with criminal intent pending custody proceedings.

~~(s)(4)~~ Section 787.04(3), relating to carrying a child beyond the state lines with criminal intent to avoid producing a child at a custody hearing or delivering the child to the designated person.

~~(t)(4)~~ Section 790.115(1), relating to exhibiting firearms or weapons within 1,000 feet of a school.

(u)(~~tt~~) Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon on school property.

(v)(~~ss~~) Section 794.011, relating to sexual battery.

(w)(~~tt~~) Former s. 794.041, relating to prohibited acts of persons in familial or custodial authority.

(x)(~~tt~~) Section 794.05, relating to unlawful sexual activity with certain minors.

(y) Section 794.08, relating to female genital mutilation.

(z)(~~tt~~) Chapter 796, relating to prostitution.

(aa)(~~tt~~) Section 798.02, relating to lewd and lascivious behavior.

(bb)(~~tt~~) Chapter 800, relating to lewdness and indecent exposure *and offenses against students by authority figures*.

(cc)(~~tt~~) Section 806.01, relating to arson.

(dd)(~~tt~~) Section 810.02, relating to burglary.

(ee)(~~tt~~) Section 810.14, relating to voyeurism, if the offense is a felony.

(ff)(~~tt~~) Section 810.145, relating to video voyeurism, if the offense is a felony.

(gg)(~~tt~~) Chapter 812, relating to theft, robbery, and related crimes, if the offense is a felony.

(hh)(~~tt~~) Section 817.563, relating to fraudulent sale of controlled substances, only if the offense was a felony.

(ii)(~~tt~~) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.

(jj)(~~tt~~) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled adult.

(kk)(~~tt~~) Section 825.103, relating to exploitation of an elderly person or disabled adult, if the offense was a felony.

(ll)(~~tt~~) Section 826.04, relating to incest.

(mm)(~~tt~~) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

(nn)(~~tt~~) Section 827.04, relating to contributing to the delinquency or dependency of a child.

(oo)(~~tt~~) Former s. 827.05, relating to negligent treatment of children.

(pp)(~~tt~~) Section 827.071, relating to sexual performance by a child.

(qq)(~~tt~~) Section 843.01, relating to resisting arrest with violence.

(rr)(~~tt~~) Section 843.025, relating to depriving a law enforcement, correctional, or correctional probation officer means of protection or communication.

(ss)(~~tt~~) Section 843.12, relating to aiding in an escape.

(tt)(~~tt~~) Section 843.13, relating to aiding in the escape of juvenile inmates in correctional institutions.

(uu)(~~tt~~) Chapter 847, relating to obscene literature.

(vv)(~~tt~~) Section 874.05, relating to encouraging or recruiting another to join a criminal gang.

(ww)(~~tt~~) Chapter 893, relating to drug abuse prevention and control, only if the offense was a felony or if any other person involved in the offense was a minor.

(xx)(~~tt~~) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.

(yy)(~~tt~~) Section 944.35(3), relating to inflicting cruel or inhuman treatment on an inmate resulting in great bodily harm.

(zz)(~~tt~~) Section 944.40, relating to escape.

(aaa)(~~tt~~) Section 944.46, relating to harboring, concealing, or aiding an escaped prisoner.

(bbb)(~~tt~~) Section 944.47, relating to introduction of contraband into a correctional facility.

(ccc)(~~tt~~) Section 985.701, relating to sexual misconduct in juvenile justice programs.

(ddd)(~~tt~~) Section 985.711, relating to contraband introduced into detention facilities.

Section 3. Paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (3), and paragraphs (a) and (b) of subsection (4) of section 435.07, Florida Statutes, are amended to read:

435.07 Exemptions from disqualification.—Unless otherwise provided by law, the provisions of this section apply to exemptions from disqualification for disqualifying offenses revealed pursuant to background screenings required under this chapter, regardless of whether those disqualifying offenses are listed in this chapter or other laws.

(1)(a) The head of the appropriate agency *or qualified entity* may grant to any employee *or person with an affiliation* otherwise disqualified from employment an exemption from disqualification for:

1. Felonies for which at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying felony;

2. Misdemeanors prohibited under any of the statutes cited in this chapter or under similar statutes of other jurisdictions for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court;

3. Offenses that were felonies when committed but that are now misdemeanors and for which the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court; or

4. Findings of delinquency. For offenses that would be felonies if committed by an adult and the record has not been sealed or expunged, the exemption may not be granted until at least 3 years have elapsed since the applicant for the exemption has completed or been lawfully released from confinement, supervision, or nonmonetary condition imposed by the court for the disqualifying offense.

For the purposes of this subsection, the term “felonies” means both felonies prohibited under any of the statutes cited in this chapter or under similar statutes of other jurisdictions.

(3)(a) In order for the head of an agency *or qualified entity* to grant an exemption to *an* ~~any~~ employee *or a person with an affiliation*, the employee *or person with an affiliation* must demonstrate by clear and convincing evidence that the employee *or person with an affiliation* should not be disqualified from employment. Employees *or persons with an affiliation* seeking an exemption have the burden of setting forth clear and convincing evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee *or person with an affiliation* since the incident, or any other evidence or circumstances indicating that the employee *or person with an affiliation* will not present a danger if employment, *affiliation*, or continued employment *or continued affiliation* is allowed.

(b) The agency may consider as part of its deliberations of the ~~employee's~~ *employee's* rehabilitation of the employee *or person with an affiliation* the fact that the employee *or person with an affiliation* has, subsequent to

the conviction for the disqualifying offense for which the exemption is being sought, been arrested for or convicted of another crime, even if that crime is not a disqualifying offense.

(4)(a) Disqualification from employment *or affiliation* under this chapter may not be removed from, nor may an exemption be granted to, any personnel who is found guilty of, regardless of adjudication, or who has entered a plea of nolo contendere or guilty to, any felony covered by s. 435.03 or s. 435.04 solely by reason of any pardon, executive clemency, or restoration of civil rights.

(b) Disqualification from employment *or affiliation* under this chapter may not be removed from, nor may an exemption be granted to, any person who is a:

1. Sexual predator as designated pursuant to s. 775.21;
2. Career offender pursuant to s. 775.261; or
3. Sexual offender pursuant to s. 943.0435, unless the requirement to register as a sexual offender has been removed pursuant to s. 943.04354.

Section 4. Effective upon this act becoming a law, subsections (1) and (2) and paragraph (a) of subsection (3) of section 435.12, Florida Statutes, are amended to read:

435.12 Care Provider Background Screening Clearinghouse.—

(1) The Agency for Health Care Administration in consultation with the Department of Law Enforcement shall create a secure web-based system, which shall be known as the “Care Provider Background Screening Clearinghouse” or “clearinghouse;” ~~and which shall be implemented to the full extent practicable no later than September 30, 2013, subject to the specified agencies being funded and equipped to participate in such program.~~ The clearinghouse ~~must~~ shall allow the results of criminal history checks provided to the specified agencies *and, beginning January 1, 2026, or a later date as determined by the Agency for Health Care Administration, to qualified entities participating in the clearinghouse* for screening of persons qualified as care providers under s. 943.0542 to be shared among the specified agencies *and qualified entities* when a person has applied to volunteer, be employed, be licensed, ~~or enter into a contract, or has an affiliation that allows or that~~ requires a state and national fingerprint-based criminal history check. *Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall review and determine eligibility for all criminal history checks submitted to the clearinghouse for the Department of Education. The clearinghouse shall share eligibility determinations with the Department of Education and the qualified entities.* The Agency for Health Care Administration and the Department of Law Enforcement may adopt rules to create forms or implement procedures needed to carry out this section.

(2)(a) To ensure that the information in the clearinghouse is current, the fingerprints of ~~a person an employee required to be screened by a specified agency and~~ included in the clearinghouse must be:

1. Retained by the Department of Law Enforcement pursuant to s. 943.05(2)(g) and (h) and (3), and the Department of Law Enforcement must report the results of searching those fingerprints against state incoming arrest fingerprint submissions to the Agency for Health Care Administration for inclusion in the clearinghouse.
2. Retained by the Federal Bureau of Investigation in the national retained print arrest notification program as soon as the Department of Law Enforcement begins participation in such program. Arrest prints will be searched against retained prints at the Federal Bureau of Investigation and notification of arrests will be forwarded to the Florida Department of Law Enforcement and reported to the Agency for Health Care Administration for inclusion in the clearinghouse.
3. Resubmitted for a Federal Bureau of Investigation national criminal history check every 5 years until such time as the fingerprints are retained by the Federal Bureau of Investigation.
4. Subject to retention on a 5-year renewal basis with fees collected at the time of initial submission or resubmission of fingerprints.

5. Submitted with a photograph of the person taken at the time the fingerprints are submitted.

(b) Until such time as the fingerprints are enrolled in the national retained print arrest notification program at the Federal Bureau of Investigation:

1. ~~A person, an employee~~ with a break in service of more than 90 days from a position that requires screening by a specified agency must submit to a national screening if the person returns to a position that requires screening by a specified agency.

2. *Effective January 1, 2026, or a later date as determined by the Agency for Health Care Administration, for the participation of qualified entities in the clearinghouse under s. 435.12, a person with a break in service of more than 90 days from a position for which screening is conducted by a qualified entity participating in the clearinghouse must submit to a national screening if the person returns to a position for which screening is conducted by a qualified entity.*

(c) An employer of persons subject to screening *or a qualified entity participating in the clearinghouse* ~~by a specified agency~~ must register with the clearinghouse and maintain the employment *or affiliation* status of all persons included in ~~employees within~~ the clearinghouse.

1. ~~Before January 1, 2024, initial employment~~ status and any changes in status must be reported within 10 business days *after a person receives his or her initial status or after a change in the person's status has been made.*

2. *Effective January 1, 2024, initial status and any changes in status must be reported within 5 business days after a person receives his or her initial status or after a change in the person's status has been made.*

(d) An employer *or a qualified entity participating in the clearinghouse* must register with and initiate all criminal history checks through the clearinghouse before referring an employee or potential employee *or a person with a current or potential affiliation with a qualified entity* for electronic fingerprint submission to the Department of Law Enforcement. The registration must include the ~~person's employee's~~ full first name, middle initial, and last name; social security number; date of birth; mailing address; sex; and race. Individuals, persons, applicants, and controlling interests that cannot legally obtain a social security number must provide an individual taxpayer identification number.

(3)(a) Employees of each district unit under s. 1001.30, special district units under s. 1011.24, the Florida School for the Deaf and the Blind under s. 1002.36, the Florida Virtual School under s. 1002.37, virtual instruction programs under s. 1002.45, charter schools under s. 1002.33, hope operators under s. 1002.333, private schools participating in an educational scholarship program established pursuant to chapter 1002, and alternative schools under s. 1008.341 must be rescreened in compliance with the following schedule:

1. Employees for whom the last screening was conducted on or before June 30, ~~2021~~ ~~2019~~, must be rescreened by June 30, ~~2024~~.
2. Employees for whom the last screening was conducted between July 1, ~~2021~~ ~~2019~~, and June 30, ~~2022~~ ~~2021~~, must be rescreened by June 30, ~~2026~~ ~~2025~~.
3. Employees for whom the last screening was conducted between July 1, ~~2022~~ ~~2021~~, and December 31, ~~2023~~ ~~2022~~, must be rescreened by June 30, ~~2027~~ ~~2026~~.

Section 5. Paragraph (a) of subsection (1), paragraphs (a) and (b) of subsection (2), and subsection (4) of section 943.0438, Florida Statutes, are amended to read:

943.0438 Athletic coaches for independent sanctioning authorities.—

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

(a) “Athletic coach” means a person who:

1. Is authorized by an independent sanctioning authority to work as a coach, assistant coach, *manager*, or referee ~~for 20 or more hours~~

~~within a calendar year~~, whether for compensation or as a volunteer, for a youth athletic team based in this state; and

2. Has direct contact with one or more minors on the youth athletic team.

(2) An independent sanctioning authority shall:

~~(a)1. Conduct a level 2 background screening under s. 435.04 pursuant to s. 435.03 of each current and prospective athletic coach. The authority may not delegate this responsibility to an individual team and may not authorize any person to act as an athletic coach unless a level 2 background screening is conducted and does not result in disqualification under paragraph (b). Level 1 background screenings shall be conducted annually for each athletic coach. For purposes of this section, a background screening shall include a search of the athletic coach's name or other identifying information against state and federal registries of sexual predators and sexual offenders, which are available to the public on Internet sites provided by:~~

~~a. The Department of Law Enforcement under s. 943.043; and~~

~~b. The Attorney General of the United States under 42 U.S.C. s. 16920.~~

~~2. For purposes of this section, a background screening conducted by a commercial consumer reporting agency in compliance with the federal Fair Credit Reporting Act using the identifying information referenced in subparagraph 1. that includes a level 1 background screening and a search of that information against the sexual predator and sexual offender Internet sites listed in sub-subparagraphs 1.a. and b. shall be deemed to satisfy the requirements of this paragraph.~~

~~(b)1. Before January 1, 2026, or a later date as determined by the Agency for Health Care Administration for the participation of qualified entities in the Care Provider Background Screening Clearinghouse under s. 435.12, disqualify any person from acting as an athletic coach as provided in s. 435.04 s. 435.03 or if he or she is identified on a registry described in paragraph (a). The authority may allow a person disqualified under this subparagraph paragraph to act as an athletic coach if it determines that the person meets the requirements for an exemption from disqualification under s. 435.07.~~

2. On or after January 1, 2026, or a later date as determined by the Agency for Health Care Administration, not allow any person to act as an athletic coach if he or she does not pass the background screening qualifications in s. 435.04. The authority may allow a person disqualified under this subparagraph to act as an athletic coach if the person has successfully completed the exemption from the disqualification process under s. 435.07.

(4) ~~The Legislature encourages~~ Independent sanctioning authorities for youth athletic teams ~~must~~ participate in the Volunteer and Employee Criminal History System, as authorized by the National Child Protection Act of 1993 and s. 943.0542.

Section 6. Paragraph (h) of subsection (2) of section 943.05, Florida Statutes, is amended, and paragraph (i) is added to that subsection, to read:

943.05 Criminal Justice Information Program; duties; crime reports.—

(2) The program shall:

(h) For each specified agency, as defined in s. 435.02, each qualified entity participating in the Care Provider Background Screening Clearinghouse under s. 435.12, or any other agency or qualified entity that officially requests retention of fingerprints or for which retention is otherwise required by law, search all arrest fingerprint submissions received under s. 943.051 against the fingerprints retained in the statewide automated biometric identification system under paragraph (g).

1. Any arrest record that is identified with the retained fingerprints of a person subject to background screening as provided in paragraph (g) ~~must shall~~ be reported to the appropriate agency or qualified entity.

2. To participate in this search process, agencies or qualified entities must notify each person fingerprinted that his or her fingerprints will be retained, pay an annual fee to the department unless otherwise provided by law, and inform the department of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained under paragraph (g) if such change removes or eliminates the agency or qualified entity's basis or need for receiving reports of any arrest of that person, so that the agency or qualified entity is not obligated to pay the upcoming annual fee for the retention and searching of that person's fingerprints to the department. The department shall adopt a rule setting the amount of the annual fee to be imposed upon each participating agency or qualified entity for performing these searches and establishing the procedures for the retention of fingerprints and the dissemination of search results. The fee may be borne by the agency, qualified entity, or person subject to fingerprint retention or as otherwise provided by law. Consistent with the recognition of criminal justice agencies expressed in s. 943.053(3), these services ~~must shall~~ be provided to criminal justice agencies for criminal justice purposes free of charge. Qualified entities that elect to participate in the fingerprint retention and search process are required to timely remit the fee to the department by a payment mechanism approved by the department. If requested by the qualified entity, and with the approval of the department, such fees may be timely remitted to the department by a qualified entity upon receipt of an invoice for such fees from the department. Failure of a qualified entity to pay the amount due on a timely basis or as invoiced by the department may result in the refusal by the department to permit the qualified entity to continue to participate in the fingerprint retention and search process until all fees due and owing are paid.

3. Agencies that participate in the fingerprint retention and search process may adopt rules pursuant to ss. 120.536(1) and 120.54 to require employers to keep the agency informed of any change in the affiliation, employment, or contractual status of each person whose fingerprints are retained under paragraph (g) if such change removes or eliminates the agency's basis or need for receiving reports of any arrest of that person, so that the agency is not obligated to pay the upcoming annual fee for the retention and searching of that person's fingerprints to the department.

(i) Develop, for federal approval, a method for identifying or verifying a person through automated biometrics.

Section 7. Subsections (2) through (6) of section 943.0542, Florida Statutes, are amended to read:

943.0542 Access to criminal history information provided by the department to qualified entities.—

(2)(a) A qualified entity conducting background criminal history checks under this section must:

1. Register with the department before submitting a request for screening under this section. Each such request must be voluntary and conform to the requirements established in the National Child Protection Act of 1993, as amended. As a part of the registration, the qualified entity must agree to comply with state and federal law and must so indicate by signing an agreement approved by the department. The department ~~shall may~~ periodically audit qualified entities to ensure compliance with federal law and this section.

2. Before January 1, 2026, or a later date as determined by the Agency for Health Care Administration,

~~(b) A qualified entity shall~~ submit to the department, and effective January 1, 2026, or a later date as determined by the Agency for Health Care Administration, submit to the agency a request for screening an employee or volunteer or person applying to be an employee or volunteer by submitting fingerprints, or the request may be submitted electronically. The qualified entity must maintain a signed waiver allowing the release of the state and national criminal history record information to the qualified entity.

~~(b)(e)~~ Each such request for screening must be accompanied by payment of a fee for a statewide criminal history check by the department established by s. 943.053, plus the amount currently prescribed by the Federal Bureau of Investigation for the national criminal history check in compliance with the National Child Protection Act of 1993, as

amended. Payments must be made in the manner prescribed by the department or agency by rule.

(c)(d) Any current or prospective employee or volunteer who is subject to a request for screening must indicate to the qualified entity submitting the request the name and address of each qualified entity that has submitted a previous request for screening regarding that employee or volunteer.

(d) *Effective January 1, 2026, or a later date as determined by the Agency for Health Care Administration, a qualified entity initiating a background criminal history check under this section must comply with s. 435.12, and all fingerprints received pursuant to this section must be entered into the clearinghouse as provided in s. 435.12.*

(3) *Through December 31, 2025, or a later date as determined by the Agency for Health Care Administration, the department shall provide directly to the qualified entity the state criminal history records that are not exempt from disclosure under chapter 119 or otherwise confidential under law. A person who is the subject of a state criminal history record may challenge the record only as provided in s. 943.056. Effective January 1, 2026, or a later date as determined by the Agency for Health Care Administration, the Care Provider Background Screening Clearinghouse may provide such records to the qualified entity only if the person challenges the record as provided in this subsection.*

(4) The national criminal history data is available to qualified entities to use only for the purpose of screening employees and volunteers or persons applying to be an employee or volunteer with a qualified entity. *Through December 31, 2026, or a later date as determined by the Agency for Health Care Administration, the department shall provide this national criminal history record information directly to the qualified entity as authorized by the written waiver required for submission of a request to the department. Effective January 1, 2026, or a later date as determined by the Agency for Health Care Administration, the Care Provider Background Screening Clearinghouse may provide such record information to the qualified entity only if the person requests an exemption from the qualified entity under s. 435.07.*

(5) *The entity making the determination regarding screening shall apply the criteria under s. 435.04(2) to the state and national criminal history record information received from the department for those persons subject to screening. The determination whether the criminal history record shows that the employee or volunteer has not been arrested for and is awaiting final disposition of, regardless of adjudication, or entered a plea of nolo contendere or guilty to, or has been adjudicated delinquent and the record has not been sealed or expunged for, any offense listed under s. 435.02(2) convicted of or is under pending indictment for any crime that bears upon the fitness of the employee or volunteer to have responsibility for the safety and well being of children, the elderly, or disabled persons shall solely be made by the qualified entity through December 31, 2025, or a later date as determined by the Agency for Health Care Administration. Beginning January 1, 2026, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall determine the eligibility of the employee or volunteer of a qualified entity. This section does not require the department to make such a determination on behalf of any qualified entity.*

(6) The qualified entity or, *effective January 1, 2026, or a later date as determined by the Agency for Health Care Administration, the Care Provider Background Screening Clearinghouse* must notify in writing the person of his or her right to obtain a copy of any background screening report, including the criminal history records, if any, contained in the report, and of the person's right to challenge the accuracy and completeness of any information contained in any such report and to obtain a determination as to the validity of such challenge before a final determination regarding the person is made by the qualified entity reviewing the criminal history information. *A qualified entity that is required by law to apply screening criteria, including any right to contest or request an exemption from disqualification, shall apply such screening criteria to the state and national criminal history record information received from the department for those persons subject to the required screening.*

1012.315 Screening standards.—A person is ineligible for educator certification or employment in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002 if the person:

(1) Is on the disqualification list maintained by the department under ~~pursuant to~~ s. 1001.10(4)(b);;

(2) Is registered as a sex offender as described in 42 U.S.C. s. 9858f(c)(1)(C);;

(3) *Is ineligible based on a security background investigation under s. 435.04(2). Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall determine the eligibility of employees in any position that requires direct contact with students in a district school system, a charter school, or a private school that participates in a state scholarship program under chapter 1002;*

(4) Would be ineligible for an exemption under s. 435.07(4)(c); ~~or, or has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to:~~

(1) ~~Any felony offense prohibited under any of the following statutes:~~

(a) ~~Section 393.135, relating to sexual misconduct with certain developmentally disabled clients and reporting of such sexual misconduct.~~

(b) ~~Section 394.4593, relating to sexual misconduct with certain mental health patients and reporting of such sexual misconduct.~~

(c) ~~Section 415.111, relating to adult abuse, neglect, or exploitation of aged persons or disabled adults.~~

(d) ~~Section 782.04, relating to murder.~~

(e) ~~Section 782.07, relating to manslaughter; aggravated manslaughter of an elderly person or disabled adult; aggravated manslaughter of a child; or aggravated manslaughter of an officer, a firefighter, an emergency medical technician, or a paramedic.~~

(f) ~~Section 784.021, relating to aggravated assault.~~

(g) ~~Section 784.045, relating to aggravated battery.~~

(h) ~~Section 784.075, relating to battery on a detention or commitment facility staff member or a juvenile probation officer.~~

(i) ~~Section 787.01, relating to kidnapping.~~

(j) ~~Section 787.02, relating to false imprisonment.~~

(k) ~~Section 787.025, relating to luring or enticing a child.~~

(l) ~~Section 787.04(2), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending custody proceedings.~~

(m) ~~Section 787.04(3), relating to leading, taking, enticing, or removing a minor beyond the state limits, or concealing the location of a minor, with criminal intent pending dependency proceedings or proceedings concerning alleged abuse or neglect of a minor.~~

(n) ~~Section 790.115(1), relating to exhibiting firearms or weapons at a school sponsored event, on school property, or within 1,000 feet of a school.~~

(o) ~~Section 790.115(2)(b), relating to possessing an electric weapon or device, destructive device, or other weapon at a school sponsored event or on school property.~~

(p) ~~Section 794.011, relating to sexual battery.~~

(q) ~~Former s. 794.041, relating to sexual activity with or solicitation of a child by a person in familial or custodial authority.~~

(r) ~~Section 794.05, relating to unlawful sexual activity with certain minors.~~

~~(s) Section 794.08, relating to female genital mutilation.~~

~~(t) Chapter 796, relating to prostitution.~~

~~(u) Chapter 800, relating to lewdness and indecent exposure.~~

~~(v) Section 800.101, relating to offenses against students by authority figures.~~

~~(w) Section 806.01, relating to arson.~~

~~(x) Section 810.14, relating to voyeurism.~~

~~(y) Section 810.145, relating to video voyeurism.~~

~~(z) Section 812.014(6), relating to coordinating the commission of theft in excess of \$3,000.~~

~~(aa) Section 812.0145, relating to theft from persons 65 years of age or older.~~

~~(bb) Section 812.019, relating to dealing in stolen property.~~

~~(cc) Section 812.13, relating to robbery.~~

~~(dd) Section 812.131, relating to robbery by sudden snatching.~~

~~(ee) Section 812.133, relating to carjacking.~~

~~(ff) Section 812.135, relating to home invasion robbery.~~

~~(gg) Section 817.563, relating to fraudulent sale of controlled substances.~~

~~(hh) Section 825.102, relating to abuse, aggravated abuse, or neglect of an elderly person or disabled adult.~~

~~(ii) Section 825.103, relating to exploitation of an elderly person or disabled adult.~~

~~(jj) Section 825.1025, relating to lewd or lascivious offenses committed upon or in the presence of an elderly person or disabled person.~~

~~(kk) Section 826.04, relating to incest.~~

~~(ll) Section 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.~~

~~(mm) Section 827.04, relating to contributing to the delinquency or dependency of a child.~~

~~(nn) Section 827.071, relating to sexual performance by a child.~~

~~(oo) Section 843.01, relating to resisting arrest with violence.~~

~~(pp) Chapter 847, relating to obscenity.~~

~~(qq) Section 874.05, relating to causing, encouraging, soliciting, or recruiting another to join a criminal street gang.~~

~~(rr) Chapter 893, relating to drug abuse prevention and control, if the offense was a felony of the second degree or greater severity.~~

~~(ss) Section 916.1075, relating to sexual misconduct with certain forensic clients and reporting of such sexual misconduct.~~

~~(tt) Section 944.47, relating to introduction, removal, or possession of contraband at a correctional facility.~~

~~(uu) Section 985.701, relating to sexual misconduct in juvenile justice programs.~~

~~(vv) Section 985.711, relating to introduction, removal, or possession of contraband at a juvenile detention facility or commitment program.~~

~~(2) Any misdemeanor offense prohibited under any of the following statutes:~~

~~(a) Section 784.03, relating to battery, if the victim of the offense was a minor.~~

~~(b) Section 787.025, relating to luring or enticing a child.~~

~~(5)(3) Has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to:~~

~~(a) Any criminal act committed in another state or under federal law which, if committed in this state, constitutes a disqualifying offense prohibited under any statute listed in s. 435.04(2) subsection (1) or subsection (2).~~

~~(b)(4) Any delinquent act committed in this state or any delinquent or criminal act committed in another state or under federal law which, if committed in this state, qualifies an individual for inclusion on the Registered Juvenile Sex Offender List under s. 943.0435(1)(h)1.d.~~

Section 9. Paragraph (a) of subsection (2) and paragraph (a) of subsection (7) of section 1012.467, Florida Statutes, are amended to read:

1012.467 Noninstructional contractors who are permitted access to school grounds when students are present; background screening requirements.—

(2)(a) A fingerprint-based criminal history check *must* ~~shall~~ be performed on each noninstructional contractor who is permitted access to school grounds when students are present, whose performance of the contract with the school or school board is not anticipated to result in direct contact with students, and for whom any unanticipated contact would be infrequent and incidental using the process described in s. 1012.32(3). The results of each criminal history check *must* ~~shall~~ be reported to the school district in which the individual is seeking access and entered into the shared system described in subsection (7). The school district shall screen the results using the disqualifying offenses in paragraph (b). *Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the Agency for Health Care Administration shall determine the eligibility of a non-instructional contractor.* The cost of the criminal history check may be borne by the district school board, the school, or the contractor.

(7)(a) The Department of Law Enforcement shall implement a system that allows for the results of a criminal history check provided to a school district to be shared with other school districts through a secure Internet website or other secure electronic means. School districts must accept reciprocity of level 2 screenings for Florida High School Athletic Association officials. *Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the background screening must be conducted through the Care Provider Background Screening Clearinghouse under s. 435.12.*

Section 10. Paragraph (a) of subsection (10) of section 1012.56, Florida Statutes, is amended to read:

1012.56 Educator certification requirements.—

(10) BACKGROUND SCREENING REQUIRED, INITIALLY AND PERIODICALLY.—

(a) Each person who seeks certification under this chapter must be fingerprinted and screened in accordance with s. 1012.32 and must not be ineligible for such certification under s. 1012.315. A person who has been screened in accordance with s. 1012.32 by a district school board or the Department of Education within 12 months before the date the person initially obtains certification under this chapter, the results of which are submitted to the district school board or to the Department of Education, is not required to repeat the screening under this paragraph. *Beginning January 1, 2025, or a later date as determined by the Agency for Health Care Administration, the background screening must be conducted through the Care Provider Background Screening Clearinghouse under s. 435.12.*

Section 11. (1) Sections 1001.10, 1001.42, 1001.51, 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and 1012.796, Florida Statutes, are reenacted for the purpose of incorporating the amendments made by this act to s. 1012.315, Florida Statutes, in references thereto.

(2) Section 1012.468, Florida Statutes, is reenacted for the purpose of incorporating the amendments made by this act to s. 1012.467, Florida Statutes, in a reference thereto.

Section 12. *The changes made to s. 435.12, Florida Statutes, by this act must be implemented by January 1, 2025, or a later date as determined by the Agency for Health Care Administration.*

Section 13. (1) *For the 2023-2024 fiscal year, the sums of \$400,000 in recurring funds from the Health Care Trust Fund and \$4 million in nonrecurring funds from the Health Care Trust Fund are appropriated to the Agency for Health Care Administration.*

(2) *This section shall take effect July 1, 2023.*

Section 14. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2024.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to level 2 background screenings; amending s. 435.02, F.S.; revising and providing definitions; amending s. 435.04, F.S.; requiring persons with an affiliation to certain qualified entities to undergo security background investigations; expanding authorized records that may be checked during a level 2 background screening; adding additional disqualifying offenses to level 2 background screening requirements; removing obsolete language; amending s. 435.07, F.S.; authorizing the head of a qualified entity to grant a person with an affiliation an exemption from disqualification under certain circumstances; conforming provisions to changes made by the act; amending s. 435.12, F.S.; authorizing certain qualified entities to participate in the Care Provider Background Screening Clearinghouse beginning on a specified date; requiring the Agency for Health Care Administration to perform certain actions beginning on a specified date; requiring the clearinghouse to share eligibility determinations with certain entities; requiring certain persons with a certain break in service from a position with a qualified entity to submit to a national screening beginning on a specified date; revising the timeframe for certain reporting requirements; revising deadlines for rescreening certain employees; removing obsolete language; conforming provisions to changes made by the act; amending s. 943.0438, F.S.; revising the definition of the term “athletic coach”; requiring level 2, instead of level 1, background screenings for current and prospective athletic coaches; providing timeframes for independent sanctioning authorities to disqualify certain persons from acting as an athletic coach for certain reasons; requiring independent sanctioning authorities to participate in a specified system; conforming provisions to changes made by the act; amending s. 943.05, F.S.; expanding the agencies and entities which may use the Criminal Justice Information Program; requiring the program to develop, for federal approval, a specified method for identifying or verifying an individual; amending s. 943.0542, F.S.; requiring qualified entities to submit a request for screening to the Department of Law Enforcement or, after a specified date, the Agency for Health Care Administration; specifying how payments for a statewide criminal history check are to be made; providing requirements for certain qualified entities; specifying when the clearinghouse may provide certain records to a qualified entity; requiring entities making determinations regarding screening to apply certain criteria; revising standards for determinations of whether a criminal history record shows certain information; requiring the agency to make certain determinations regarding the eligibility of certain employees or volunteers beginning on a specified date; requiring the clearinghouse to provide certain notifications beginning on a specified date; conforming provisions to changes made by the act; amending s. 1012.315, F.S.; revising screening requirements for specified individuals; requiring the agency to make certain determinations regarding the eligibility of certain employees beginning on a specified date; conforming provisions to changes made by the act; amending s. 1012.467, F.S.; requiring the agency to make certain determinations regarding the eligibility of certain noninstructional contractors beginning on a specified date; requiring background screenings to be conducted by the clearinghouse beginning on a specified date; amending s. 1012.56, F.S.; requiring the records of a person applying for educator certification to be referred to the agency beginning on a specified date; requiring background screening to be conducted by the clearinghouse beginning on a specified date; reenacting ss. 1001.10, 1001.42, 1001.51, 1002.33, 1002.333, 1002.421, 1012.32, 1012.56, 1012.795, and 1012.796, F.S., to incorporate the amendments made by this act to s. 1012.315, F.S., in references thereto; reenacting s. 1012.468, F.S., to incorporate the amendments made by this act to s. 1012.467, F.S., in a reference thereto; providing an appropriation; requiring that certain provisions be

implemented by the later of a specified date or a date determined by the agency; providing effective dates.

On motion by Senator Grall, the Senate concurred in **House Amendment 1 (955767)**.

CS for SB 676 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—39

Madam President	Davis	Perry
Albritton	DiCeglie	Pizzo
Avila	Garcia	Polsky
Baxley	Grall	Powell
Berman	Gruters	Rodriguez
Book	Harrell	Rouson
Boyd	Hooper	Simon
Bradley	Hutson	Stewart
Brodeur	Ingoglia	Thompson
Broxson	Jones	Torres
Burgess	Martin	Trumbull
Burton	Mayfield	Wright
Calatayud	Osgood	Yarborough

Nays—None

Vote after roll call:

Yea—Collins

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed SB 1210, with 1 amendment, by the required constitutional two-thirds vote of the members voting.

Jeff Takacs, Clerk

SB 1210—A bill to be entitled An act relating to public records; amending s. 943.0583, F.S.; expanding an existing public records exemption relating to human trafficking victims seeking expunction of certain records related to an offense listed in s. 775.084(1)(b)1., F.S.; providing for future review and repeal of the expanded exemption; providing for the reversion of specified provisions if the exemption is not saved from repeal; providing that a petition for human trafficking victim expunction and all pleadings and documents related to the petition are confidential and exempt from public records requirements; providing for future legislative review and repeal of the exemption; providing a statement of public necessity; providing a contingent effective date; providing effective dates.

House Amendment 1 (134165) (with title amendment)—Remove everything after the enacting clause and insert:

Section 1. Subsection (12) is added to section 943.0583, Florida Statutes, to read:

943.0583 Human trafficking victim expunction.—

(12)(a) *A petition filed under this section and all pleadings and documents related to the petition are confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.*

(b) *This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and is repealed on October 2, 2028, unless reviewed and saved from repeal through reenactment by the Legislature.*

Section 2. *The Legislature finds that it is a public necessity that a petition filed under s. 943.0583, Florida Statutes, and all pleadings and documents related to the petition be made confidential and exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Persons who are victims of human trafficking and who have been arrested, charged, or convicted of offenses committed, or reported to*

have been committed, as a result of being trafficked are themselves victims of crimes. These victims face barriers to employment and loss of other life opportunities, and the fact that the victims are seeking expungement, as well as the information contained in related pleadings and documents, would expose these victims to possible discrimination due to details of their past lives becoming public knowledge. Therefore, it is necessary that these petitions, pleadings, and related documents be made confidential in order for human trafficking victims to have the chance to rebuild their lives and reenter society.

Section 3. This act shall take effect July 1, 2023.

And the title is amended as follows:

Remove everything before the enacting clause and insert: A bill to be entitled An act relating to public records; amending s. 943.0583, F.S.; providing that a petition for human trafficking victim expunction and all pleadings and documents related to the petition are confidential and exempt from public records requirements; providing for future legislative review and repeal under the Open Government Sunset Review Act; providing a statement of public necessity; providing an effective date.

On motion by Senator Burgess, the Senate concurred in **House Amendment 1 (134165)**.

SB 1210, as amended, passed by the required constitutional two-thirds vote of the members present and voting, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—39

Madam President	Davis	Perry
Albritton	DiCeglie	Pizzo
Avila	Garcia	Polsky
Baxley	Grall	Powell
Berman	Gruters	Rodriguez
Book	Harrell	Rouson
Boyd	Hooper	Simon
Bradley	Hutson	Stewart
Brodeur	Ingoglia	Thompson
Broxson	Jones	Torres
Burgess	Martin	Trumbull
Burton	Mayfield	Wright
Calatayud	Osgood	Yarborough

Nays—None

Vote after roll call:

Yea—Collins

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1478, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

CS for SB 1478—A bill to be entitled An act relating to criminal sentencing; amending s. 921.0024, F.S.; prohibiting points from being assessed for violations of community sanctions which are resolved under an alternative sanctioning program for purposes of calculations under the Criminal Punishment Code; amending s. 948.06, F.S.; providing for the resolution of low-risk violations of probation through an alternative sanctioning program in certain circumstances; correcting provisions concerning limiting prison sentences for first-time revocations for technical violations; providing time periods for hearing and release of a probationer or offender concerning alleged violations that are low-risk violations; providing that an alternative sanction is the required method for resolving certain low-risk violations; requiring a court to impose the recommended sanction for certain low-risk violations; providing an exception; providing an effective date.

House Substitute Amendment 1 (224833) (with title amendment)—Remove lines 233-239 and insert: by counsel. *If the alleged violation is a low-risk violation as defined in paragraph (9)(b), the court*

must, within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later, give the probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel. If no hearing is held within 30 days after arrest or after counsel appears for the probationer or offender, whichever occurs later, the court must release the probationer or offender without bail unless the court finds that a hearing was not held in the applicable time frame due to circumstances attributable to the probationer or offender. If the probationer or offender is released, the court may impose nonmonetary conditions of release. After the hearing, the

And the title is amended as follows:

Remove lines 10-15 and insert: circumstances; requiring the court to give a probationer or offender an opportunity to be fully heard on his or her behalf in person or by counsel within specified timeframes; requiring the court to release the probationer or offender without bail under certain conditions; authorizing the court to impose nonmonetary conditions of release under certain conditions; providing that an alternative sanction is

On motion by Senator Simon, the Senate concurred in **House Substitute Amendment 1 (224833)**.

CS for SB 1478 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

Madam President	Davis	Pizzo
Albritton	DiCeglie	Polsky
Avila	Garcia	Powell
Baxley	Grall	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simon
Boyd	Hooper	Stewart
Bradley	Hutson	Thompson
Brodeur	Ingoglia	Torres
Broxson	Jones	Trumbull
Burgess	Martin	Wright
Burton	Mayfield	Yarborough
Calatayud	Osgood	
Collins	Perry	

Nays—None

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed SB 7064, with 1 amendment, and requests the concurrence of the Senate.

Jeff Takacs, Clerk

SB 7064—A bill to be entitled An act relating to human trafficking; amending s. 95.11, F.S.; conforming provisions to changes made by the act; amending s. 450.045, F.S.; increasing criminal penalties for specified offenses involving adult theaters; creating s. 787.061, F.S.; providing legislative findings; providing definitions; providing a civil cause of action for victims of human trafficking against certain entities or persons; providing procedures and requirements for claims; providing for damages, penalties, punitive damages, attorney fees, expenses, and costs; providing a statute of limitations; amending s. 796.07, F.S.; authorizing judicial circuits to establish educational programs for persons convicted of or charged with certain violations; specifying contents of such programs; providing that such programs may be offered by faith-based providers; amending s. 943.17297, F.S.; revising requirements for law enforcement training in identifying and investigating human trafficking; creating s. 1004.343, F.S.; creating the Statewide Data Repository for Anonymous Human Trafficking Data at the University of South Florida; providing purposes of the data repository; specifying duties of university faculty and staff; designating required reporting entities; requiring specified information to be reported; providing for reporting; providing for future repeal; providing an effective date.

House Amendment 1 (621725) (with title amendment)—Between lines 85 and 86, insert:

Section 3. Subsection (7) of section 787.06, Florida Statutes, is amended to read:

787.06 Human trafficking.—

(7) Any real property or personal property that was used, attempted to be used, or intended to be used in violation of ~~any provision of this section may be seized and shall be forfeited as provided by subject to the provisions of the Florida Contraband Forfeiture Act. After satisfying any liens on the property, the remaining proceeds from the sale of any property seized under this section and owned by a defendant convicted of a violation of this section must first be allocated to pay any order of restitution of a human trafficking victim in the criminal case for which the owner was convicted. If there are multiple human trafficking victims in the criminal case, the remaining proceeds must be allocated equally among the victims to pay restitution. If the proceeds are sufficient to pay any such order of restitution, any remaining proceeds must be disbursed as required by s. 932.7055(5)-(9).~~

And the title is amended as follows:

Remove line 6 and insert: adult theaters; amending s. 787.06, F.S.; directing the proceeds from the sale of specified property to be allocated to pay restitution to human trafficking victims; specifying the allocation of proceeds if there are multiple human trafficking victims; specifying the allocation of any remaining proceeds; creating s. 787.061, F.S.; providing

On motion by Senator Garcia, the Senate concurred in **House Amendment 1 (621725)**.

SB 7064 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

Madam President	Davis	Pizzo
Albritton	DiCeglie	Polsky
Avila	Garcia	Powell
Baxley	Grall	Rodriguez
Berman	Gruters	Rouson
Book	Harrell	Simon
Boyd	Hooper	Stewart
Bradley	Hutson	Thompson
Brodeur	Ingoglia	Torres
Broxson	Jones	Trumbull
Burgess	Martin	Wright
Burton	Mayfield	Yarborough
Calatayud	Osgood	
Collins	Perry	

Nays—None

RECONSIDERATION OF BILL

On motion by Senator Book, the Senate reconsidered the vote by which—

CS for CS for SB 170—A bill to be entitled An act relating to local ordinances; amending s. 57.112, F.S.; authorizing courts to assess and award reasonable attorney fees and costs and damages in certain civil actions filed against local governments; specifying a limitation on awards and a restriction on fees and costs of certain litigation; providing construction and applicability; amending s. 125.66, F.S.; providing certain procedures for continued meetings on proposed ordinances and resolutions for counties; providing for construction and retroactive application; requiring a board of county commissioners to prepare or cause to be prepared a business impact estimate before the enactment of a proposed ordinance; specifying requirements for the posting and content of the estimate; providing construction and applicability; creating s. 125.675, F.S.; requiring a county to suspend enforcement of an ordi-

nance that is the subject of a certain legal action if certain conditions are met; authorizing a prevailing county to enforce the ordinance after a specified period, except under certain circumstances; requiring courts to give priority to certain cases; providing construction relating to an attorney's or a party's signature; requiring a court to impose sanctions under certain circumstances; providing applicability; authorizing courts to award attorney fees and costs and damages if certain conditions are met; amending s. 166.041, F.S.; providing certain procedures for continued meetings on proposed ordinances for municipalities; providing for construction and retroactive application; requiring a governing body of a municipality to prepare or cause to be prepared a business impact estimate before the enactment of a proposed ordinance; specifying requirements for the posting and content of the estimate; providing construction and applicability; creating s. 166.0411, F.S.; requiring a municipality to suspend enforcement of an ordinance that is the subject of a certain legal action if certain conditions are met; authorizing a prevailing municipality to enforce the ordinance after a specified period, except under certain circumstances; requiring courts to give priority to certain cases; providing construction relating to an attorney's or a party's signature; requiring a court to impose sanctions under certain circumstances; providing applicability; authorizing courts to award attorney fees and costs and damages if certain conditions are met; amending ss. 163.2517, 163.3181, 163.3215, 376.80, 497.270, 562.45, and 847.0134, F.S.; conforming cross-references and making technical changes; providing a declaration of important state interest; providing effective dates.

—as amended, passed this day.

On motion by Senator Trumbull, **CS for CS for SB 170** was passed by the required constitutional two-thirds vote of the membership, was ordered engrossed and then enrolled. The action of the Senate was certified to the House. The vote on passage was:

Yeas—28

Madam President	Calatayud	Martin
Albritton	Collins	Mayfield
Avila	DiCeglie	Perry
Baxley	Garcia	Rodriguez
Boyd	Grall	Simon
Bradley	Gruters	Trumbull
Brodeur	Harrell	Wright
Broxson	Hooper	Yarborough
Burgess	Hutson	
Burton	Ingoglia	

Nays—12

Berman	Osgood	Rouson
Book	Pizzo	Stewart
Davis	Polsky	Thompson
Jones	Powell	Torres

SPECIAL ORDER CALENDAR, continued

On motion by Senator Brodeur—

CS for CS for HB 387—A bill to be entitled An act relating to physician certifications for the medical use of marijuana; amending s. 381.986, F.S.; authorizing qualified physicians to perform patient examinations and evaluations through telehealth for renewals of physician certifications for the medical use of marijuana under certain circumstances; authorizing the Department of Health to suspend the registration of a qualified physician in the medical marijuana use registry for a specified timeframe under certain circumstances; providing an effective date.

—was read the second time by title.

Senators Rouson and Davis moved the following amendment which was adopted:

Amendment 1 (261896) (with title amendment)—Delete everything after the enacting clause and insert:

Section 1. Paragraphs (a), (g), and (i) of subsection (4) of section 381.986, Florida Statutes, are amended to read:

381.986 Medical use of marijuana.—

(4) PHYSICIAN CERTIFICATION.—

(a) A qualified physician may issue a physician certification only if the qualified physician:

1. Conducted ~~an a physical examination of while physically present in the same room as~~ the patient and a full assessment of the medical history of the patient. *Before issuing an initial certification to a patient, the qualified physician must conduct an in-person physical examination of the patient. For certification renewals, a qualified physician who has issued a certification to a patient after conducting an in-person physical examination may conduct subsequent examinations of that patient through telehealth as defined in s. 456.47. For the purposes of this subparagraph, the term “in-person physical examination” means an examination conducted by a qualified physician while the physician is physically present in the same room as the patient.*

2. Diagnosed the patient with at least one qualifying medical condition.

3. Determined that the medical use of marijuana would likely outweigh the potential health risks for the patient, and such determination must be documented in the patient's medical record. If a patient is younger than 18 years of age, a second physician must concur with this determination, and such concurrence must be documented in the patient's medical record.

4. Determined whether the patient is pregnant and documented such determination in the patient's medical record. A physician may not issue a physician certification, except for low-THC cannabis, to a patient who is pregnant.

5. Reviewed the patient's controlled drug prescription history in the prescription drug monitoring program database established pursuant to s. 893.055.

6. Reviews the medical marijuana use registry and confirmed that the patient does not have an active physician certification from another qualified physician.

7. Registers as the issuer of the physician certification for the named qualified patient on the medical marijuana use registry in an electronic manner determined by the department, and:

a. Enters into the registry the contents of the physician certification, including the patient's qualifying condition and the dosage not to exceed the daily dose amount determined by the department, the amount and forms of marijuana authorized for the patient, and any types of marijuana delivery devices needed by the patient for the medical use of marijuana.

b. Updates the registry within 7 days after any change is made to the original physician certification to reflect such change.

c. Deactivates the registration of the qualified patient and the patient's caregiver when the physician no longer recommends the medical use of marijuana for the patient.

8. Obtains the voluntary and informed written consent of the patient for medical use of marijuana each time the qualified physician issues a physician certification for the patient, which shall be maintained in the patient's medical record. The patient, or the patient's parent or legal guardian if the patient is a minor, must sign the informed consent acknowledging that the qualified physician has sufficiently explained its content. The qualified physician must use a standardized informed consent form adopted in rule by the Board of Medicine and the Board of Osteopathic Medicine, which must include, at a minimum, information related to:

a. The Federal Government's classification of marijuana as a Schedule I controlled substance.

b. The approval and oversight status of marijuana by the Food and Drug Administration.

c. The current state of research on the efficacy of marijuana to treat the qualifying conditions set forth in this section.

d. The potential for addiction.

e. The potential effect that marijuana may have on a patient's coordination, motor skills, and cognition, including a warning against operating heavy machinery, operating a motor vehicle, or engaging in activities that require a person to be alert or respond quickly.

f. The potential side effects of marijuana use, including the negative health risks associated with smoking marijuana.

g. The risks, benefits, and drug interactions of marijuana.

h. That the patient's deidentified health information contained in the physician certification and medical marijuana use registry may be used for research purposes.

(g) A qualified physician must evaluate an existing qualified patient at least once every 30 weeks before issuing a new physician certification. *A qualified physician who has issued a certification to the patient after conducting an in-person physical examination as defined in subparagraph (a)1. may conduct the evaluation through telehealth as defined in s. 456.47. A physician must:*

1. Determine if the patient still meets the requirements to be issued a physician certification under paragraph (a).

2. Identify and document in the qualified patient's medical records whether the qualified patient experienced either of the following related to the medical use of marijuana:

a. An adverse drug interaction with any prescription or non-prescription medication; or

b. A reduction in the use of, or dependence on, other types of controlled substances as defined in s. 893.02.

3. Submit a report with the findings required pursuant to subparagraph 2. to the department. The department shall submit such reports to the Consortium for Medical Marijuana Clinical Outcomes Research established pursuant to s. 1004.4351.

(i) The department shall monitor physician registration in the medical marijuana use registry and the issuance of physician certifications for practices that could facilitate unlawful diversion or misuse of marijuana or a marijuana delivery device and shall take disciplinary action as appropriate. *The department may suspend the registration of a qualified physician in the medical marijuana use registry for a period of up to 2 years if the qualified physician:*

1. *Fails to comply with this section; or*

2. *Provides, advertises, or markets telehealth services before July 1, 2023.*

Section 2. (1) *Notwithstanding any provision of s. 381.986(8)(a) 2.b., Florida Statutes, to the contrary, the Department of Health shall, as soon as practicable, license all applicants that applied for licensure during the application window created by the department to accept applications for licensure pursuant to s. 381.986(8)(a)2.b., Florida Statutes, and received:*

(a) *A notice from the department regarding the applicant's application for licensure indicating the department's intent to approve or deny the application which did not cite any deficiencies with the application, regardless of the applicant's final score; or*

(b) *A final determination from the department as a result of a challenge to the application process, initiated pursuant to s. 120.569, Florida Statutes, determining that the applicant met all requirements for licensure pursuant to s. 381.986(8)(a)2.b., Florida Statutes, and applicable rules, regardless of the applicant's final score.*

(2) *Upon this section becoming a law, the department shall grant each applicant referenced in subsection (1) 90 days to cure, pursuant to the errors and omissions process established in department Form DH8035-OMMU-10/2021 as incorporated by the department in Rule*

64ER21-16, F.A.C., any deficiencies cited in a notice referenced in paragraph (1)(a). If such applicant cures the deficiencies within that 90-day timeframe, the department shall issue a license to the applicant.

(3) If an applicant who was alive at the time he or she received the notice referred to in paragraph (1)(a) dies during the challenge referred to in paragraph (1)(b), the death of the applicant may not be a reason to deny the challenge. In such a case and in the event of a successful challenge pursuant to paragraph (1)(b), the department must issue the license to the estate of the applicant.

(4) The number of licenses made available for issuance under s. 381.986(8)(a)4., Florida Statutes, must be reduced by the number of licenses awarded under this section, except that the number of licenses awarded under this section may not be deducted from the number of licenses available for the application window held between April 24, 2023, and April 28, 2023.

(5) This section shall take effect upon becoming a law.

Section 3. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2023.

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 medical use of marijuana; amending s. 381.986, F.S.; requiring qualified physicians to perform in-person physical patient examinations before issuing initial physician certifications for the medical use of marijuana; authorizing such qualified physicians to perform patient examinations and evaluations through telehealth for renewals of physician certifications for the medical use of marijuana under certain circumstances; defining the term “in-person physical examination”; authorizing the Department of Health to suspend the registration of a qualified physician in the medical marijuana use registry for a specified timeframe under certain circumstances; requiring the department to issue medical marijuana treatment center licenses to certain applicants as soon as practicable; requiring the department to grant certain applicants a specified timeframe to cure cited deficiencies; requiring the department to issue a license to such applicants if the deficiencies are cured within the specified timeframe; requiring the department to issue such licenses to the estate of certain applicants under certain circumstances; requiring a specified number of available licenses to be reduced by the award of such licenses; providing effective dates.

Pursuant to Rule 4.19, **CS for CS for HB 387**, as amended, was placed on the calendar of Bills on Third Reading.

MOTIONS

On motion by Senator Mayfield, the rules were waived and all bills temporarily postponed or remaining on the Special Order Calendar this day were retained on the Special Order Calendar with the exception of **CS for CS for SB 1252** and **CS for CS for SB 1084**.

On motion by Senator Mayfield, the rules were waived and a deadline of one hour after adjournment was set for filing amendments to Bills on Third Reading to be considered Thursday, May 4, 2023.

BILLS ON SPECIAL ORDERS

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 Wednesday, May 3, 2023: **CS for CS for SB 246**, **CS for HB 339**, **CS for SB 430**, **CS for CS for SB 490**, **CS for SB 996**, **SB 1424**, **CS for SB 1436**, **CS for SB 1532**, **SB 1564**, **CS for CS for SB 1624**, **CS for CS for CS for SB 1664**, **CS for SB 7002**, **CS for SB 7040**, **CS for SB 7042**, **SB 7046**, **CS for SB 7048**, **CS for SB 7062**, **SB 298**, **CS for SB 622**, **CS for CS for CS for HB 1343**, **CS for CS for SB 1328**, **SB 1112**.

Respectfully submitted,
Debbie Mayfield, Rules Chair
Ben Albritton, Majority Leader
Lauren Book, Minority Leader

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed with the Secretary of State **CS for CS for SB 1550** and **CS for SB 1552** which he approved on May 3, 2023.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

RETURNING MESSAGES — FINAL ACTION

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 164.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has adopted SM 176.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 204.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 226.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 232.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 234.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 238 by the required constitutional two-thirds vote of the members voting.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 240.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 242.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 252.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 258.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 266.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 290.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 312.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 346.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 376.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 478.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed SB 508.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed SB 596.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 612.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 664.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 752.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 766.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 838.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 902.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 904 by the required constitutional two-thirds vote of the members voting.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has adopted SM 1036.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 1064.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1154.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1190.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1272.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1310.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 1318.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1322.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 1352.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/CS/SB 1418.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/CS/SB 7016.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed SB 7044.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has passed CS/SB 7052.

Jeff Takacs, Clerk

The bill contained in the foregoing message was ordered enrolled.

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendments 2 (593712) and 3 (140692) and passed CS/CS/CS/HB 799, as amended.

Jeff Takacs, Clerk

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1 (729674) and passed CS/CS/HB 1379, as amended.

Jeff Takacs, Clerk

The Honorable Kathleen Passidomo, President

I am directed to inform the Senate that the House of Representatives has concurred in Senate amendment 1(730228) and passed CS/HB 1521, as amended.

Jeff Takacs, Clerk

ENROLLING REPORTS

CS for CS for SB 1550 and CS for SB 1552 have been enrolled, signed by the required constitutional officers, and presented to the Governor on May 3, 2023.

Tracy C. Cantella, Secretary

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

ADJOURNMENT

On motion by Senator Mayfield, the Senate adjourned at 4:50 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 10:00 a.m., Thursday, May 4 or upon call of the President.