

CHAPTER 2024-2

Senate Bill No. 74

An act relating to the Florida Statutes; amending ss. 16.56, 20.435, 20.60, 39.101, 39.4085, 112.215, 112.313, 121.091, 125.0104, 163.11, 163.3202, 163.32051, 173.04, 196.101, 212.08, 215.681, 220.199, 288.012, 288.095, 288.107, 296.44, 298.301, 322.27, 330.41, 365.172, 373.228, 373.583, 376.323, 380.0553, 380.0933, 381.986, 397.335, 403.865, 409.1678, 409.996, 413.801, 415.1103, 420.5096, 445.003, 456.42, 480.041, 497.260, 501.2042, 553.865, 560.103, 565.04, 571.265, 585.01, 626.321, 626.602, 627.06292, 627.351, 627.410, 628.8015, 692.201, 720.305, 744.21031, 766.315, 768.38, 768.381, 790.013, 810.098, 849.38, 933.40, 961.06, 1000.21, 1001.42, 1002.01, 1002.20, 1002.351, 1002.394, 1002.395, 1002.44, 1002.82, 1003.02, 1003.4201, 1003.46, 1004.615, 1004.648, 1006.07, 1006.28, 1008.25, 1009.21, 1009.286, 1009.30, 1009.895, 1012.71, 1012.993, and 1013.64, F.S.; reenacting and amending s. 1011.62, F.S.; and reenacting ss. 348.0304, 394.9086, and 893.055, F.S.; deleting provisions that have expired, have become obsolete, have had their effect, have served their purpose, or have been impliedly repealed or superseded; replacing incorrect cross-references and citations; correcting grammatical, typographical, and like errors; removing inconsistencies, redundancies, and unnecessary repetition in the statutes; and improving the clarity of the statutes and facilitating their correct interpretation; providing an effective date.

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

Section 1. Paragraphs (c) and (d) of subsection (1) of section 16.56, Florida Statutes, are amended to read:

16.56 Office of Statewide Prosecution.—

(1) There is created in the Department of Legal Affairs an Office of Statewide Prosecution. The office shall be a separate “budget entity” as that term is defined in chapter 216. The office may:

(c) Investigate and prosecute any crime involving:

1. Voting in an election in which a candidate for a federal or state office is on the ballot;
2. Voting in an election in which a referendum, an initiative, or an issue is on the ballot;
3. The petition activities of a candidate for a federal or state office;
4. The petition activities for a referendum, an initiative, or an issue; or
5. Voter registration;

or any attempt, solicitation, or conspiracy to commit any of the crimes specifically enumerated above. The office shall have such power only when any such offense is occurring, or has occurred, in two or more judicial circuits as part of a related transaction, or when any such offense is affecting, or has affected, two or more judicial circuits. Informations or indictments charging such offenses must contain general allegations stating the judicial circuits and counties in which crimes are alleged to have occurred or the judicial circuits and counties alleged to have been affected by such crimes ~~in which crimes are alleged to have affected~~.

(d) Upon request, cooperate with and assist state attorneys and state and local law enforcement officials in their efforts against organized crime ~~crimes~~.

Reviser's note.—Amended to improve clarity.

Section 2. 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, 381.915, and 381.922, respectively; and other cancer research initiatives as appropriated by the Legislature. The trust fund is exempt from the service charges imposed by s. 215.20.

Reviser's note.—Amended to confirm an editorial reinsertion and an editorial insertion to facilitate correct interpretation.

Section 3. Paragraph (b) of subsection (9) of section 20.60, Florida Statutes, is amended to read:

20.60 Department of Commerce; creation; powers and duties.—

(9) The secretary shall:

(b) Serve as the manager for the state with respect to contracts with Space Florida and all applicable direct-support organizations. To accomplish the provisions of this section and applicable provisions of chapters 288 and 331, and notwithstanding the provisions of part I of chapter 287, the secretary shall enter into specific contracts with Space Florida and appropriate direct-support organizations. Such contracts may be for multi-year terms and must include specific performance measures for each year.

For purposes of this section, the Institute for Commercialization of Florida Technology is not an appropriate direct-support organization.

Reviser’s note.—Amended to confirm editorial insertions to facilitate correct interpretation.

Section 4. Paragraph (f) of subsection (3) of section 39.101, Florida Statutes, is amended to read:

39.101 Central abuse hotline.—The central abuse hotline is the first step in the safety assessment and investigation process.

(3) COLLECTION OF INFORMATION AND DATA.—The department shall:

(f)1. Collect and analyze child-on-child sexual abuse reports and include such information in the aggregate statistical reports.

2. Collect and analyze, in separate statistical reports, those reports of child abuse, sexual abuse, and juvenile sexual abuse which are reported from or which occurred on or at:

- a. School premises;
- b. School transportation;
- c. School-sponsored off-campus events;
- d. A school readiness program provider determined to be eligible under s. 1002.88;
- e. A private prekindergarten provider or a public school prekindergarten provider, as those terms are defined in s. 1002.51(7) and (8), respectively;
- f. A public K-12 school as described in s. 1000.04;
- g. A private school as defined in s. 1002.01;
- h. A Florida College System institution or a state university, as those terms are defined in s. 1000.21(5) and (9) ~~1000.21(5) and (8)~~, respectively; or
- i. A school, as defined in s. 1005.02.

Reviser’s note.—Amended to conform to the reordering of definitions in s. 1000.21 by this act.

Section 5. Paragraph (b) of subsection (4) of section 39.4085, Florida Statutes, is amended to read:

39.4085 Goals for dependent children; responsibilities; education; Office of the Children’s Ombudsman.—

(4) The Office of the Children’s Ombudsman is established within the department. To the extent permitted by available resources, the office shall, at a minimum:

(b) Be a resource to identify and explain relevant policies ~~policies~~ or procedures to children, young adults, and their caregivers.

Reviser’s note.—Amended to confirm an editorial substitution to conform to context and facilitate correct interpretation.

Section 6. Subsection (2) of section 112.215, Florida Statutes, is amended to read:

112.215 Government employees; deferred compensation program.—

(2) For the purposes of this section, the term “government employee” means any person employed, whether appointed, elected, or under contract, by the state or any governmental unit of the state, including, but not limited to, any state agency; any county, municipality, or other political subdivision of the state; any special district or water management district, as the terms are defined in s. 189.012; any state university or Florida College System institution, as the terms are defined in s. 1000.21(9) and (5) ~~1000.21(6) and (3)~~, respectively; or any constitutional county officer under s. 1(d), Art. VIII of the State Constitution for which compensation or statutory fees are paid.

Reviser’s note.—Amended to confirm an editorial substitution to conform to the reordering of definitions in s. 1000.21 by s. 136, ch. 2023-8, Laws of Florida, and to conform to the further reordering of definitions in s. 1000.21 by this act.

Section 7. Paragraph (a) of subsection (7) of section 112.313, Florida Statutes, is amended to read:

112.313 Standards of conduct for public officers, employees of agencies, and local government attorneys.—

(7) **CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP.**—

(a) No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

1. When the agency referred to is that certain kind of special tax district created by general or special law and is limited specifically to constructing, maintaining, managing, and financing improvements in the land area over which the agency has jurisdiction, or when the agency has been organized pursuant to chapter 298, then employment with, or entering into a contractual relationship with, such business entity by a public officer or employee of such agency is not prohibited by this subsection or be deemed a conflict per se. However, conduct by such officer or employee that is prohibited by, or otherwise frustrates the intent of, this section, including conduct that violates subsections (6) and (8), is deemed a conflict of interest in violation of the standards of conduct set forth by this section.

2. When the agency referred to is a legislative body and the regulatory power over the business entity resides in another agency, or when the regulatory power which the legislative body exercises over the business entity or agency is strictly through the enactment of laws or ordinances, then employment or a contractual relationship with such business entity by a public officer or employee of a legislative body shall not be prohibited by this subsection or be deemed a conflict.

Reviser's note.—Amended to confirm an editorial deletion to improve clarity.

Section 8. Paragraph (a) of subsection (3) of section 121.091, Florida Statutes, is amended to read:

121.091 Benefits payable under the system.—Benefits may not be paid under this section unless the member has terminated employment as provided in s. 121.021(39)(a) or begun participation in the Deferred Retirement Option Program as provided in subsection (13), and a proper application has been filed in the manner prescribed by the department. The department may cancel an application for retirement benefits when the member or beneficiary fails to timely provide the information and documents required by this chapter and the department's rules. The department shall adopt rules establishing procedures for application for retirement benefits and for the cancellation of such application when the required information or documents are not received.

(3) EARLY RETIREMENT BENEFIT.—Upon retirement on his or her early retirement date, the member shall receive an immediate monthly benefit that shall begin to accrue on the first day of the month of the retirement date and be payable on the last day of that month and each month thereafter during his or her lifetime. Such benefit shall be calculated as follows:

(a) For a member initially enrolled:

1. Before July 1, 2011, the amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), but shall be based on the member's average

monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes the normal retirement date of age 62 for a member of the Regular Class, Senior Management Service Class, or the Elected Officers' Class, and age 55 for a member of the Special Risk Class, or age 52 if a special risk member has completed 25 years of creditable service in accordance with s. 121.021(29)(b)3.

2. On or after July 1, 2011, the amount of each monthly payment shall be computed in the same manner as for a normal retirement benefit, in accordance with subsection (1), but shall be based on the member's average monthly compensation and creditable service as of the member's early retirement date. The benefit so computed shall be reduced by five-twelfths of 1 percent for each complete month by which the early retirement date precedes the normal retirement date of age 65 for a member of the Regular Class, Senior Management Service Class, or the Elected Officers' Class, and age 55 for a member of the Special Risk Class, or age 52 if a special risk member has completed 25 years of creditable service in accordance with s. 121.021(29)(b)3. ~~121.091(29)(b)3.~~

Reviser's note.—Amended to correct a cross-reference. Section 121.091(29)(b)3. does not exist; s. 121.021(29)(b)3. references the age and years of creditable service for a special risk member in the Special Risk Class.

Section 9. Paragraphs (c), (d), and (e) of subsection (4) of section 125.0104, Florida Statutes, are amended to read:

125.0104 Tourist development tax; procedure for levying; authorized uses; referendum; enforcement.—

(4) ORDINANCE LEVY TAX; PROCEDURE.—

(c) Before a referendum to enact or renew of the ordinance levying and imposing the tax, the county tourist development council shall prepare and submit to the governing board of the county for its approval a plan for tourist development. The plan shall set forth the anticipated net tourist development tax revenue to be derived by the county for the 24 months following the levy of the tax; the tax district in which the enactment or renewal of the ordinance levying and imposing the tourist development tax is proposed; and a list, in the order of priority, of the proposed uses of the tax revenue by specific project or special use as the same are authorized under subsection (5). The plan shall include the approximate cost or expense allocation for each specific project or special use.

(d) The governing board of the county shall adopt the county plan for tourist development as part of the ordinance levying the tax. After enactment or renewal of the ordinance levying and imposing the tax, the plan for of tourist development may not be substantially amended except by

ordinance enacted by an affirmative vote of a majority plus one additional member of the governing board.

(e) The governing board of each county which levies and imposes a tourist development tax under this section shall appoint an advisory council to be known as the “...(name of county)... Tourist Development Council.” The council shall be established by ordinance and composed of nine members who shall be appointed by the governing board. The chair of the governing board of the county or any other member of the governing board as designated by the chair shall serve on the council. Two members of the council shall be elected municipal officials, at least one of whom shall be from the most populous municipality in the county or subcounty special taxing district in which the tax is levied. Six members of the council shall be persons who are involved in the tourist industry and who have demonstrated an interest in tourist development, of which members, not less than three nor more than four shall be owners or operators of motels, hotels, recreational vehicle parks, or other tourist accommodations in the county and subject to the tax. All members of the council shall be electors of the county. The governing board of the county shall have the option of designating the chair of the council or allowing the council to elect a chair. The chair shall be appointed or elected annually and may be reelected or reappointed. The members of the council shall serve for staggered terms of 4 years. The terms of office of the original members shall be prescribed in the resolution required under paragraph (b). The council shall meet at least once each quarter and, from time to time, shall make recommendations to the county governing board for the effective operation of the special projects or for uses of the tourist development tax revenue and perform such other duties as may be prescribed by county ordinance or resolution. The council shall continuously review expenditures of revenues from the tourist development trust fund and shall receive, at least quarterly, expenditure reports from the county governing board or its designee. Expenditures which the council believes to be unauthorized shall be reported to the county governing board and the Department of Revenue. The governing board and the department shall review the findings of the council and take appropriate administrative or judicial action to ensure compliance with this section. ~~The changes in the composition of the membership of the tourist development council mandated by chapter 86-4, Laws of Florida, and this act shall not cause the interruption of the current term of any person who is a member of a council on October 1, 1996.~~

Reviser’s note.—Paragraph (4)(c) is amended to confirm an editorial deletion to improve clarity. Paragraph (4)(d) is amended to confirm an editorial substitution to conform to context. Paragraph (4)(e) is amended to delete obsolete language.

Section 10. Subsection (7) of section 163.11, Florida Statutes, is amended to read:

163.11 Biscayne Bay Commission.—

(7) The commission shall submit a semiannual report describing the accomplishments of the commission and each member agency, as well as the status of each pending task, to the Miami City Commission, the Miami-Dade County Board of County Commissioners, the Mayor of Miami, the Mayor of Miami-Dade County, the Governor, and the chair of the Miami-Dade County Legislative Delegation. ~~The first report shall be submitted by January 15, 2022.~~ The report shall also be made available on the Department of Environmental Protection's website and Miami-Dade County's website.

Reviser's note.—Amended to delete obsolete language.

Section 11. Subsection (6) of section 163.3202, Florida Statutes, is amended to read:

163.3202 Land development regulations.—

(6) Land development regulations relating to any characteristic of development other than use, or intensity or density of use, do not apply to Florida College System institutions as defined in s. 1000.21(5) ~~1000.21(3)~~.

Reviser's note.—Amended to confirm an editorial substitution to conform to the reordering of definitions in s. 1000.21 by s. 136, ch. 2023-8, Laws of Florida.

Section 12. Subsection (6) of section 163.32051, Florida Statutes, is amended to read:

163.32051 Floating solar facilities.—

~~(6) The Office of Energy within the Department of Agriculture and Consumer Services shall develop and submit recommendations to the Legislature by December 31, 2022, to provide a regulatory framework to private and public sector entities that implement floating solar facilities.~~

Reviser's note.—Amended to delete an obsolete provision.

Section 13. Subsection (3) of section 173.04, Florida Statutes, is amended to read:

173.04 Procedure for bringing foreclosure suit; certificate of attorney as to notice of suit; jurisdiction obtained by publication of notice of suit; form of notice.—

(3) Jurisdiction of any of said lands and of all parties interested therein or having any lien thereon shall be obtained by publication of a notice to be issued as of course by the clerk of the circuit court in which such bill is filed on the request of complainant, once each week for not less than 2 consecutive weeks, directed to all persons and corporations interested in or having any lien or claim upon any of the lands described in said notice and said bill. Such notice shall describe the lands involved and the respective principal amounts sought to be recovered in such suit for taxes, tax certificates and special

assessments on such respective parcels of land, and requiring all such parties to appear and defend said suit on or before the day specified in said notice, which shall be not less than 4 weeks after the date of the first publication of such notice. Said notice may be in substantially the following form, with blanks appropriately filled in:

...(Name City or Town)...

Complainant,

IN THE CIRCUIT

vs.

COURT FOR

COUNTY, FLORIDA.

Certain lands upon

which ...(here insert...

IN CHANCERY.

...the word "taxes;"...

...or the words "special...

...assessments" or both,...

...as the case may be)...

are delinquent,

Defendant.

NOTICE

To all persons and corporations interested in or having any lien or claim upon any of the lands described herein:

You are hereby notified that ...(name city or town)... has filed its bill of complaint in the above named court to foreclose delinquent(here insert the words "tax liens," "tax certificates," or "special assessments," as the case may be)... with interest and penalties, upon the parcels of land set forth in the following schedule, the aggregate amount of such(here insert the words "tax liens," "tax certificates," or "special assessments," as the case may be)... interest and penalties, against said respective parcels of land, as set forth in said bill of complaint, being set opposite such parcels in the following schedule, to wit:

DESCRIPTION OF LANDS

Amount of (here insert the word “taxes,” or the words “special assessments” or both, as the case may be)...

In addition to the amounts set opposite each parcel of land in the foregoing schedule, interest and penalties, as provided by law, on such delinquent taxes and special assessments, together with a proportionate part of the costs and expenses of this suit, are sought to be enforced and foreclosed in this suit.

You are hereby notified to appear and make your defenses to said bill of complaint on or before the day of, and if you fail to do so on or before said date the bill will be taken as confessed by you and you will be barred from thereafter contesting said suit, and said respective parcels of land will be sold by decree of said court for nonpayment of said taxes and assessment liens and interest and penalties thereon and the costs of this suit.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said court, this day of

...(Clerk of said court)...

By ...(Deputy clerk)...

Reviser’s note.—Amended to conform to general style in forms and to improve punctuation.

Section 14. Subsection (5) of section 196.101, Florida Statutes, is amended to read:

196.101 Exemption for totally and permanently disabled persons.—

(5) The physician’s certification shall read as follows:

PHYSICIAN’S CERTIFICATION OF TOTAL AND PERMANENT DISABILITY

I, ...(name of physician)..., a physician licensed pursuant to chapter 458 or chapter 459, Florida Statutes, hereby certify Mr. Mrs. Miss Ms. (name of totally and permanently disabled person)..., social security number, is totally and permanently disabled as of January 1, ...(year)..., due to the following mental or physical condition(s):

..... Quadriplegia

..... Paraplegia

..... Hemiplegia

..... Other total and permanent disability requiring use of a wheelchair for mobility

..... Legal Blindness

It is my professional belief that the above-named condition(s) render Mr. Mrs. Miss Ms.(name of totally and permanently disabled person)... totally and permanently disabled, and that the foregoing statements are true, correct, and complete to the best of my knowledge and professional belief.

Signature

Address (print)

Date

Florida Board of Medicine or Osteopathic Medicine license number

Issued on

NOTICE TO TAXPAYER: Each Florida resident applying for a total and permanent disability exemption must present to the county property appraiser, on or before March 1 of each year, a copy of this form or a letter from the United States Department of Veterans Affairs or its predecessor. Each form is to be completed by a licensed Florida physician.

NOTICE TO TAXPAYER AND PHYSICIAN: Section 196.131(2), Florida Statutes, provides that any person who shall knowingly and willfully give false information for the purpose of claiming homestead exemption shall be guilty of a misdemeanor of the first degree, punishable by a term of imprisonment not exceeding 1 year or a fine not exceeding \$5,000, or both.

Reviser’s note.—Amended to conform to context.

Section 15. Paragraph (m) of subsection (5) of section 212.08, Florida Statutes, is 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.—

(m) *Educational materials purchased by certain child care facilities.*— Educational materials, such as glue, paper, paints, crayons, unique craft items, scissors, books, and educational toys, purchased by a child care facility that meets the standards delineated in s. 402.305, is licensed under s. 402.308, holds a current Gold Seal Quality Care designation pursuant to s. 1002.945, and provides basic health insurance to all employees are exempt from the taxes imposed by this chapter. For purposes of this paragraph, the term “basic health insurance” shall be defined and promulgated in rules developed jointly by the Department of Education, the Agency for Health Care Administration, and the Financial Services Commission.

Reviser’s note.—Amended to confirm an editorial insertion to improve clarity.

Section 16. Paragraph (d) of subsection (1) of section 215.681, Florida Statutes, is amended to read:

215.681 ESG bonds; prohibitions.—

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

(d) “Issuer” means the division, acting on behalf of any entity; any local government, educational entity, or entity of higher education as defined in s. 215.89(2)(c), (d), and (e), respectively, or other political subdivision granted the power to issue bonds; or any public body corporate and politic authorized or created by general or special law and granted the power to issue bonds, including, but not limited to, a water and sewer district created under chapter 153, a health facilities authority as defined in s. 154.205, an industrial development authority created under chapter 159, a housing financing authority as defined in s. 159.603(3), a research and development authority as defined in s. 159.702(1)(c), a legal or administrative entity created by interlocal agreement pursuant to s. 163.01(7), a community redevelopment agency as defined in s. 163.340(1), a regional transportation authority created under chapter 163, a community development district as defined in s. 190.003, an educational facilities authority as defined in s. 243.52(1), the Higher Educational Facilities Financing Authority created under s. 243.53, the Florida Development Finance Corporation created under s. 288.9604, a port district or port authority as defined in s. 315.02(1) and (2), respectively, the South Florida Regional Transportation Authority created under s. 343.53, the Central Florida Regional Transportation Authority created under s. 343.63, ~~the Tampa Bay Area Regional Transit Authority created under s. 343.92,~~ the Greater Miami Expressway Agency created under s. 348.0304, the Tampa-Hillsborough County Expressway Authority created under s. 348.52, the Central Florida Expressway Authority created under s. 348.753, the Jacksonville Transportation Authority created under s. 349.03, and the Florida Housing Finance Corporation created under s. 420.504.

Reviser’s note.—Amended to insert a word to improve clarity, and to conform to the fact that part III, chapter 343, the Tampa Bay Area

Regional Transit Authority Act, was repealed by s. 1, ch. 2023-143, Laws of Florida, and the authority was dissolved effective June 30, 2024, by s. 2, ch. 2023-143.

Section 17. Paragraph (b) of subsection (1) of section 220.199, Florida Statutes, is amended to read:

220.199 Residential graywater system tax credit.—

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

(b) “Graywater” has the same meaning as in s. 381.0065(2)(g) ~~381.0065(2)(f)~~.

Reviser’s note.—Amended to conform to the redesignation of s. 381.0065(2)(f) as s. 381.0065(2)(g) by s. 11, ch. 2023-169, Laws of Florida.

Section 18. Paragraph (d) of subsection (6) of 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.

(6)

(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.

Reviser’s note.—Amended to confirm an editorial deletion to eliminate repetition.

Section 19. Paragraph (c) of subsection (3) of section 288.095, Florida Statutes, is amended to read:

288.095 Economic Development Trust Fund.—

(3)

(c) Moneys in the Economic Development Incentives Account may be used only to pay tax refunds and make other payments authorized under 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 ss. s. 288.107 and 288.108 and former s. ss.-288.106 and 288.108.

Reviser's note.—Amended to correct cross-references. The reference to former ss. 288.106 and 288.108 was added by s. 44, ch. 2023-173, Laws of Florida. Section 288.106 was repealed by s. 47, ch. 2023-173; s. 288.108 was amended by s. 49, ch. 2023-173, and was not repealed.

Section 20. Paragraph (b) of subsection (5) of section 288.107, Florida Statutes, is amended to read:

288.107 Brownfield redevelopment bonus refunds.—

(5) ADMINISTRATION.—

(b) To facilitate the process of monitoring and auditing applications made under this program, the department may provide a list of 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 (4)(c) ~~(3)(e)~~.

Reviser's note.—Amended to correct a cross-reference. Paragraph (3)(c) does not exist; paragraph (4)(c) contains a list of taxes.

Section 21. Subsection (4) of section 296.44, Florida Statutes, is amended to read:

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

(4) "Operator" means the person designated to have and who has the general administrative charge of an adult day health care facility or adult day care center. The administrator of a veterans' nursing home under s. 296.34 or the administrator of the Veterans' Domiciliary Home of Florida under s. 296.04 may serve as the operator if the adult day health care facility

or adult day care center is collocated at an existing veterans' nursing home or the Veterans' Domiciliary Home of Florida or is a freestanding facility.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 22. Subsections (2) and (6) of section 298.301, Florida Statutes, are amended to read:

298.301 District water control plan adoption; district boundary modification; plan amendment; notice forms; objections; hearings; assessments.

(2) Before adopting a water control plan or plan amendment, the board of supervisors must adopt a resolution to consider adoption of the proposed plan or plan amendment. As soon as the resolution proposing the adoption or amendment of the district's water control plan has been filed with the district secretary, the board of supervisors shall give notice of a public hearing on the proposed plan or plan amendment by causing publication to be made once a week for 3 consecutive weeks in a newspaper of general circulation published in each county in which lands and other property described in the resolution are situated. The notice must be in substantially the following form:

Notice of Hearing

To the owners and all persons interested in the lands corporate, and other property in and adjacent to the ...(name of district)... District.

You are notified that the ...(name of district)... District has filed in the office of the secretary of the district a resolution to consider approval of a water control plan or an amendment to the current water control plan to provide ...(here insert a summary of the proposed water control plan or plan amendment)... On or before its scheduled meeting of ...(date and time)... at the district's offices located at ...(list address of offices)... written objections to the proposed plan or plan amendment may be filed at the district's offices. A public hearing on the proposed plan or plan amendment will be conducted at the scheduled meeting, and written objections will be considered at that time. At the conclusion of the hearing, the board of supervisors may determine to proceed with the process for approval of the proposed plan or plan amendment and direct the district engineer to prepare an engineer's report identifying any property to be taken, determining benefits and damages, and estimating the cost of implementing the improvements associated with the proposed plan or plan amendment. A final hearing on approval of the proposed plan or plan amendment and engineer's report shall be duly noticed and held at a regularly scheduled board of supervisors meeting at least 25 days but no later than 60 days after the last scheduled publication of the notice of filing of the engineer's report with the secretary of the district.

Date of first publication:, ...(year)...

.....
(Chair or President, Board of Supervisors)
..... County, Florida

(6) Upon the filing of the engineer’s report, the board of supervisors shall give notice thereof by arranging the publication of the notice of filing of the engineer’s report together with a geographical depiction of the district once a week for 2 consecutive weeks in a newspaper of general circulation in each county in the district. A location map or legal description of the land shall constitute a geographical depiction. The notice must be substantially as follows:

Notice of Filing Engineer’s Report for
..... District

Notice is given to all persons interested in the following described land and property in County (or Counties), Florida, viz.: ... (Here Describe land and property)... included within the district that the engineer hereto appointed to determine benefits and damages to the property and lands situated in the district and to determine the estimated cost of construction required by the water control plan, within or without the limits of the district, under the proposed water control plan or plan amendment, filed her or his report in the office of the secretary of the district, located at ...(list address of district offices)..., on the day of, ...(year)..., and you may examine the report and file written objections with the secretary of the district to all, or any part thereof, on or before ...(enter date 20 days after the last scheduled publication of this notice, which date must be before the date of the final hearing)... The report recommends ...(describe benefits and damages)... A final hearing to consider approval of the report and proposed water control plan or plan amendment shall be held ...(time, place, and date at least 25 days but no later than 60 days after the last scheduled publication of this notice)...

Date of first publication:, ...(year)...

.....
(Chair or President, Board of Supervisors)
..... County, Florida

Reviser’s note.—Amended to conform to general style in forms.

Section 23. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke driver license or identification card.—

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.
4. Passing a stopped school bus:
 - a. Not causing or resulting in serious bodily injury to or death of another 4 points.
 - b. Causing or resulting in serious bodily injury to or death of another 6 points.
 - c. Points may not be imposed for a violation of passing a stopped school bus as provided in s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant s. 316.173. In addition, a violation of s. 316.172(1)(a) or (b) when enforced by a school bus infraction detection system pursuant to s. 316.173 may not be used for purposes of setting motor vehicle insurance rates.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
 - c. Points may not be imposed for a violation of unlawful speed as provided in s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement officer pursuant to s. 316.1896. In addition, a violation of s. 316.1895 or s. 316.183 when enforced by a traffic infraction enforcement

officer pursuant to s. 316.1896 may not be used for purposes of setting motor vehicle insurance rates.

6. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. However, points may not be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.

7. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, points may not be imposed for a violation of s. 316.0741 or s. 316.2065(11); and points may be imposed for a violation of s. 316.1001 only when imposed by the court after a hearing pursuant to s. 318.14(5).

8. Any moving violation covered in this paragraph, excluding unlawful speed and unlawful use of a wireless communications device, resulting in a crash—4 points.

9. Any conviction under s. 403.413(6)(b)—3 points.

10. Any conviction under s. 316.0775(2)—4 points.

11. A moving violation covered in this paragraph which is committed in conjunction with the unlawful use of a wireless communications device within a school safety zone—2 points, in addition to the points assigned for the moving violation.

Reviser's note.—Amended to confirm an editorial insertion to improve clarity.

Section 24. Paragraph (a) of subsection (2) of section 330.41, Florida Statutes, is amended to read:

330.41 Unmanned Aircraft Systems Act.—

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

(a) "Critical infrastructure facility" means any of the following, if completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders, or if clearly marked with a sign or signs which indicate that entry is forbidden and which are posted on the property in a manner reasonably likely to come to the attention of intruders:

1. A power generation or transmission facility, substation, switching station, or electrical control center.

2. A chemical or rubber manufacturing or storage facility.

3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.
4. A mining facility.
5. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.
6. A liquid natural gas or propane gas terminal or storage facility.
7. Any portion of an aboveground oil or gas pipeline.
8. A refinery.
9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.
10. A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.
11. A seaport as listed in s. 311.09(1), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.
12. An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.
13. An airport as defined in s. 330.27.
14. A spaceport territory as defined in s. 331.303(19) ~~331.303(18)~~.
15. A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in s. 250.01.
16. A dam as defined in s. 373.403(1) or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.
17. A state correctional institution as defined in s. 944.02 or a private correctional facility authorized under chapter 957.
18. A secure detention center or facility as defined in s. 985.03, or a nonsecure residential facility, a high-risk residential facility, or a maximum-risk residential facility as those terms are described in s. 985.03(44).
19. A county detention facility as defined in s. 951.23.
20. A critical infrastructure facility as defined in s. 692.201.

Reviser's note.—Amended to conform to the reordering of definitions in s. 331.303 by s. 69, ch. 2023-8, Laws of Florida.

Section 25. Subsection (3) of section 348.0304, Florida Statutes, is reenacted to read:

348.0304 Greater Miami Expressway Agency.—

(3)(a) The governing body of the agency shall consist of nine voting members. Except for the district secretary of the department, each member must be a permanent resident of a county served by the agency and may not hold, or have held in the previous 2 years, elected or appointed office in such county, except that this paragraph does not apply to any initial appointment under paragraph (b) or to any member who previously served on the governing body of the former Greater Miami Expressway Agency. Each member may only serve two terms of 4 years each, except that there is no restriction on the term of the department's district secretary. Four members, each of whom must be a permanent resident of Miami-Dade County, shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature. Refusal or failure of the Senate to confirm an appointment shall create a vacancy. Appointments made by the Governor and board of county commissioners of Miami-Dade County shall reflect the state's interests in the transportation sector and represent the intent, duties, and purpose of the Greater Miami Expressway Agency, and have at least 3 years of professional experience in one or more of the following areas: finance; land use planning; tolling industry; or transportation engineering. Two members, who must be residents of an unincorporated portion of the geographic area described in subsection (1) and residing within 15 miles of an area with the highest amount of agency toll roads, shall be appointed by the board of county commissioners of Miami-Dade County. Two members, who must be residents of incorporated municipalities within a county served by the agency, shall be appointed by the metropolitan planning organization for a county served by the agency. The district secretary of the department serving in the district that contains Miami-Dade County shall serve as an ex officio voting member of the governing body.

(b) Initial appointments to the governing body of the agency shall be made by July 31, 2019. For the initial appointments:

1. The Governor shall appoint one member for a term of 1 year, one member for a term of 2 years, one member for a term of 3 years, and one member for a term of 4 years.

2. The board of county commissioners of Miami-Dade County shall appoint one member for a term of 1 year and one member for a term of 3 years.

3. The metropolitan planning organization of Miami-Dade County shall appoint one member for a term of 2 years and one member for a term of 4 years.

(c) Persons who, on or after July 1, 2009, were members of the governing body or employees of the former Miami-Dade County Expressway Authority

may not be appointed members of the governing body of the agency. This paragraph does not apply to appointments to the governing body of the agency made by the Governor or to the district secretary of the department serving in an ex officio role pursuant to paragraph (a).

Reviser's note.—Section 23, ch. 2023-70, Laws of Florida, purported to amend subsection (2), redesignated as subsection (3), without publishing paragraph (c). Absent affirmative evidence of legislative intent to repeal it, subsection (3) is reenacted here to confirm that the omission was not intended.

Section 26. Paragraphs (aa) and (cc) of subsection (3) of section 365.172, Florida Statutes, are amended to read:

365.172 Emergency communications.—

(3) DEFINITIONS.—Only as used in this section and ss. 365.171, 365.173, 365.174, and 365.177, the term:

(aa) “Public safety answering point,” “PSAP,” or “answering point” means the public safety agency that receives incoming 911 requests for assistance and dispatches appropriate public safety agencies to respond to the requests in accordance with the statewide emergency communications state E911 plan.

(cc) “Service identifier” means the service number, access line, or other unique identifier assigned to a subscriber and established by the Federal Communications Commission for purposes of routing calls whereby the subscriber has access to the emergency communications E911 system.

Reviser's note.—Paragraph (3)(aa) is amended to conform to the redesignation of the statewide emergency communications number E911 system plan as the statewide emergency communications plan by s. 5, ch. 2023-55, Laws of Florida. Paragraph (3)(cc) is amended to conform to the redesignation of the E911 system to the emergency communications system by s. 5, ch. 2023-55.

Section 27. Subsection (4) of section 373.228, Florida Statutes, is amended to read:

373.228 Landscape irrigation design.—

(4) The water management districts shall work with the Florida Nursery, Growers and Landscape Association, the Florida Native Plant Society, the Florida Chapter of the American Society of Landscape Architects, the Florida Irrigation Society, the Department of Agriculture and Consumer Services, the Institute of Food and Agricultural Sciences, the Department of Environmental Protection, the Department of Transportation, the Florida League of Cities, the Florida Association of Counties, and the Florida Association of Community Developers to develop landscape irrigation and Florida-friendly landscaping design standards for new

construction which incorporate a landscape irrigation system and develop scientifically based model guidelines for urban, commercial, and residential landscape irrigation, including drip irrigation, for plants, trees, sod, and other landscaping. The standards shall be based on the irrigation code defined in the Florida Building Code, Plumbing Volume, Appendix F. Local governments shall use the standards and guidelines when developing landscape irrigation and Florida-friendly landscaping ordinances. ~~By January 1, 2011, the agencies and entities specified in this subsection shall review the standards and guidelines to determine whether new research findings require a change or modification of the standards and guidelines.~~

Reviser’s note.—Amended to delete obsolete language.

Section 28. Subsection (2) of section 373.583, Florida Statutes, is amended to read:

373.583 Registration of bonds.—

(2) Such statement stamped, printed or written upon any such bond may be in substantially the following form:

...(Date, giving month, year and day.)...

This bond is to be registered pursuant to the statutes in such case made and provided in the name of ~~...~~(here insert name of owner)...., and the interest and principal thereof are hereafter payable to such owner.

...(Treasurer)...

Reviser’s note.—Amended to conform to general style in forms.

Section 29. Section 376.323, Florida Statutes, is amended to read:

376.323 Registration.—All tanks shall be registered ~~no later than July 1, 1992.~~ Registrations shall be renewed annually. Registration fees shall not exceed \$2,500 per facility. The department shall issue to the tank owner or operator one registration placard per facility, covering all tanks at that facility which have been properly registered, as evidence of the completion of the registration requirement. The department shall develop by rule a fee schedule sufficient to cover the costs associated with registration, inspection, surveillance, and other activities associated with ss. 376.320-376.326. Revenues from such fees collected shall be deposited into the Water Quality Assurance Trust Fund, and shall be used to implement the provisions of ss. 376.320-376.326.

Reviser’s note.—Amended to delete obsolete language.

Section 30. Paragraph (b) of subsection (2) of section 380.0553, Florida Statutes, is amended to read:

380.0553 Brevard Barrier Island Area; protection and designation as area of critical state concern.—

(2) LEGISLATIVE FINDINGS.—The Legislature finds that the designation of the Brevard Barrier Island Area as an area of critical state concern is necessary for the following reasons:

(b) The beaches of the region are among the most important nesting grounds for threatened and endangered sea turtles in the Western Hemisphere, and the beach running the length of the southern barrier island of Brevard County is home to the largest nesting aggregation of loggerhead sea turtles in the world, and the management decisions made in the region have global impacts for the species.

Reviser's note.—Amended to confirm an editorial deletion to improve clarity.

Section 31. Subsection (5) of section 380.0933, Florida Statutes, is amended to read:

380.0933 Florida Flood Hub for Applied Research and Innovation.—

(5) By July 1 of each year, ~~2022~~, and each July 1 thereafter, the hub shall provide an annual comprehensive report to the Governor, the President of the Senate, and the Speaker of the House of Representatives that outlines its clearly defined goals and its efforts and progress on reaching such goals.

Reviser's note.—Amended to delete obsolete language.

Section 32. Paragraph (a) of subsection (3) of section 381.986, Florida Statutes, is amended to read:

381.986 Medical use of marijuana.—

(3) QUALIFIED PHYSICIANS AND MEDICAL DIRECTORS.—

(a) Before being approved as a qualified physician and before each license renewal, a physician must successfully complete a 2-hour course and subsequent examination offered by the Florida Medical Association or the Florida Osteopathic Medical Association which encompass the requirements of this section and any rules adopted hereunder. The course and examination must be administered at least annually and may be offered in a distance learning format, including an electronic, online format that is available upon request. The price of the course may not exceed \$500. ~~A physician who has met the physician education requirements of former s. 381.986(4), Florida Statutes 2016, before June 23, 2017, shall be deemed to be in compliance with this paragraph from June 23, 2017, until 90 days after the course and examination required by this paragraph become available.~~

Reviser's note.—Amended to delete obsolete language.

Section 33. Subsection (3) of section 394.9086, Florida Statutes, is reenacted to read:

394.9086 Commission on Mental Health and Substance Use Disorder.

(3) MEMBERSHIP; TERM LIMITS; MEETINGS.—

(a) The commission shall be composed of 20 members as follows:

1. A member of the Senate, appointed by the President of the Senate.
2. A member of the House of Representatives, appointed by the Speaker of the House of Representatives.
3. The Secretary of Children and Families or his or her designee.
4. The Secretary of the Agency for Health Care Administration or his or her designee.
5. A person living with a mental health disorder, appointed by the President of the Senate.
6. A family member of a consumer of publicly funded mental health services, appointed by the President of the Senate.
7. A representative of the Louis de la Parte Florida Mental Health Institute within the University of South Florida, appointed by the President of the Senate.
8. A representative of a county school district, appointed by the President of the Senate.
9. A representative of mental health courts, appointed by the Governor.
10. A representative of a treatment facility, as defined in s. 394.455, appointed by the Speaker of the House of Representatives.
11. A representative of a managing entity, as defined in s. 394.9082(2), appointed by the Speaker of the House of Representatives.
12. A representative of a community substance use disorder provider, appointed by the Speaker of the House of Representatives.
13. A psychiatrist licensed under chapter 458 or chapter 459 practicing within the mental health delivery system, appointed by the Speaker of the House of Representatives.
14. A psychologist licensed under chapter 490 practicing within the mental health delivery system, appointed by the Governor.
15. A mental health professional licensed under chapter 491, appointed by the Governor.

16. An emergency room physician, appointed by the Governor.
17. A representative from the field of law enforcement, appointed by the Governor.
18. A representative from the criminal justice system, appointed by the Governor.
19. A representative of a child welfare agency involved in the delivery of behavioral health services, appointed by the Governor.
20. A representative of the statewide Florida 211 Network as described in s. 408.918, appointed by the Governor.

(b) The Governor shall appoint the chair from the members of the commission. Appointments to the commission must be made by August 1, 2021. Members shall be appointed to serve at the pleasure of the officer who appointed the member. A vacancy on the commission shall be filled in the same manner as the original appointment.

(c) The commission shall convene no later than September 1, 2021. The commission shall meet quarterly or upon the call of the chair. The commission may hold its meetings in person at locations throughout the state or via teleconference or other electronic means.

(d) Members of the commission are entitled to receive reimbursement for per diem and travel expenses pursuant to s. 112.061.

(e) Notwithstanding any other law, the commission may request and shall be provided with access to any information or records, including exempt and confidential information or records, which are necessary for the commission to carry out its duties. Information or records obtained by the commission which are otherwise exempt or confidential and exempt shall retain such exempt or confidential and exempt status, and the commission may not disclose such information or records.

Reviser's note.—Section 3, ch. 2023-252, Laws of Florida, purported to amend subsection (3) but did not publish paragraphs (b)-(e). Absent affirmative evidence of legislative intent to repeal them, subsection (3) is reenacted to confirm that the omission was not intended.

Section 34. Paragraph (i) of subsection (4) of section 397.335, Florida Statutes, is amended to read:

397.335 Statewide Council on Opioid Abatement.—

(4) DUTIES.—

(i) By each December 1, ~~2023, and annually thereafter~~, the council shall provide and publish an annual report. The report shall contain information on how settlement moneys were spent the previous fiscal year by the state,

each of the managing entities, and each of the counties and municipalities. The report shall also contain recommendations to the Governor, the Legislature, and local governments for how moneys should be prioritized and spent in the coming fiscal year to respond to the opioid epidemic.

Reviser's note.—Amended to delete obsolete language and improve clarity.

Section 35. Paragraph (b) of subsection (1) of section 403.865, Florida Statutes, is amended to read:

403.865 Water and wastewater facility personnel; legislative purpose.

(1) The Legislature finds that:

(b) Water and wastewater facility personnel are essential first responders. As used in this section, the term “water and wastewater facility personnel” means any employee of a governmental authority as defined in s. 367.021; a utility as defined in s. 367.021; a state, municipal, or county sewerage system as defined in s. 403.031(14) ~~403.031(9)~~; or a public water system as defined in s. 403.852(2).

Reviser's note.—Amended to conform to the redesignation of s. 403.031(9) as s. 403.031(14) by s. 13, ch. 2023-169, Laws of Florida.

Section 36. Paragraph (a) of subsection (3) of section 409.1678, Florida Statutes, is amended to read:

409.1678 Specialized residential options for children who are victims of commercial sexual exploitation.—

(3) **SERVICES WITHIN A RESIDENTIAL TREATMENT CENTER OR HOSPITAL.**—Residential treatment centers licensed under s. 394.875, and hospitals licensed under chapter 395 that provide residential mental health treatment, shall provide specialized treatment for commercially sexually exploited children in the custody of the department who are placed in these facilities pursuant to s. 39.407(6), s. 394.4625, or s. 394.467.

(a) The specialized treatment must meet the requirements of subparagraphs ~~(2)(c)1., 3., 6., and 8.~~ (2)(c)1., 3., 6., and 7., paragraph (2)(d), and the department's treatment standards adopted pursuant to this section. However, a residential treatment center or hospital may prioritize the delivery of certain services among those required under paragraph (2)(d) to meet the specific treatment needs of the child.

Reviser's note.—Amended to conform to the redesignation of subparagraph (2)(c)7. as subparagraph (2)(c)8. by s. 3, ch. 2023-85, Laws of Florida.

Section 37. Subsections (25) and (26) of section 409.996, Florida Statutes, are amended to read:

409.996 Duties of the Department of Children and Families.—The department shall contract for the delivery, administration, or management of care for children in the child protection and child welfare system. In doing so, the department retains responsibility for the quality of contracted services and programs and shall ensure that, at a minimum, services are delivered in accordance with applicable federal and state statutes and regulations and the performance standards and metrics specified in the strategic plan created under s. 20.19(1).

(25) The department shall develop, in collaboration with the Florida Institute for Child Welfare, lead agencies, service providers, current and former foster children placed in residential group care, and other community stakeholders, a statewide accountability system for residential group care providers based on measurable quality standards.

(a) The accountability system must:

1. Promote high quality in services and accommodations, differentiating between shift and family-style models and programs and services for children with specialized or extraordinary needs, such as pregnant teens and children with Department of Juvenile Justice involvement.

2. Include a quality measurement system with domains and clearly defined levels of quality. The system must measure the level of quality for each domain, using criteria that residential group care providers must meet in order to achieve each level of quality. Domains may include, but are not limited to, admissions, service planning, treatment planning, living environment, and program and service requirements. The system may also consider outcomes 6 months and 12 months after a child leaves the provider's care. However, the system may not assign a single summary rating to residential group care providers.

3. Consider the level of availability of trauma-informed care and mental health and physical health services, providers' engagement with the schools children in their care attend, and opportunities for children's involvement in extracurricular activities.

(b) After development and implementation of the accountability system in accordance with paragraph (a), the department and each lead agency shall use the information from the accountability system to promote enhanced quality in residential group care within their respective areas of responsibility. Such promotion may include, but is not limited to, the use of incentives and ongoing contract monitoring efforts.

(c) The department shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives by October 1 of each year. The report must, at a minimum, include an update on the development of a statewide accountability system for residential group care providers and a plan for department oversight and implementation of the statewide accountability system. After implementation of the statewide

accountability system, the report must also include a description of the system, including measures and any tools developed, a description of how the information is being used by the department and lead agencies, an assessment of placement of children in residential group care using data from the accountability system measures, and recommendations to further improve quality in residential group care.

~~(d)~~ The accountability system must be implemented by July 1, 2022.

~~(d)~~(e) Nothing in this subsection impairs the department's licensure authority under s. 409.175.

~~(e)~~(f) The department may adopt rules to administer this subsection.

(26) In collaboration with lead agencies, service providers, and other community stakeholders, the department shall develop a statewide accountability system based on measurable quality standards. ~~The accountability system must be implemented by July 1, 2021.~~

(a) The accountability system must:

1. Assess the overall health of the child welfare system, by circuit, using grading criteria established by the department.

2. Include a quality measurement system with domains and clearly defined levels of quality. The system must measure the performance standards for child protective investigators, lead agencies, and children's legal services throughout the system of care, using criteria established by the department, and, at a minimum, address applicable federal- and state-mandated metrics.

3. Align with the principles of the results-oriented accountability program established under s. 409.997.

(b) After the development and implementation of the accountability system under this subsection, the department and each lead agency shall use the information from the accountability system to promote enhanced quality service delivery within their respective areas of responsibility.

(c) By December 1 of each year, the department shall submit a report on the overall health of the child welfare system to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(d) The department may adopt rules to implement this subsection.

Reviser's note.—Amended to delete obsolete language.

Section 38. Subsection (9) of section 413.801, Florida Statutes, is amended to read:

413.801 Florida Unique Abilities Partner Program.—

(9) REPORT.—

~~(a) By January 1, 2017, the department shall provide a report to the President of the Senate and the Speaker of the House of Representatives on the status of the implementation of this section, including the adoption of rules, development of the logo, and development of application procedures.~~

~~(b) Beginning in 2017 and each year thereafter, The department’s annual report required under s. 20.60 must describe in detail the progress and use of the program. At a minimum, the report must include, for the most recent year: the number of applications and nominations received; the number of nominations accepted and declined; the number of designations awarded; annual certifications; the use of information provided under subsection (8); and any other information deemed necessary to evaluate the program.~~

Reviser’s note.—Amended to delete obsolete language.

Section 39. Paragraph (a) of subsection (10) of section 415.1103, Florida Statutes, is amended to read:

415.1103 Elder and vulnerable adult abuse fatality review teams.—

(10)(a)1. Any information that is exempt or confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution and is obtained by an elder abuse or vulnerable adult abuse fatality review team while executing its duties under this section retains its exempt or confidential and exempt status when held by the review team.

2. Any information contained in a record created by a review team pursuant to this section which reveals the identity of a victim of abuse, exploitation, or neglect or the identity of persons responsible for the welfare of a victim is confidential and exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

3. Any information that is maintained as exempt or confidential and exempt within this chapter retains its exempt or confidential and exempt status when held by a review team.

Reviser’s note.—Amended to confirm an editorial deletion to conform to the majority of references to the elder or vulnerable adult abuse fatality review teams in this section.

Section 40. Subsection (3) of section 420.5096, Florida Statutes, is amended to read:

420.5096 Florida Hometown Hero Program.—

(3) For loans made available pursuant to s. 420.507(23)(a)1. or 2., the corporation may underwrite and make those mortgage loans through the program to persons or families who have household incomes that do not

exceed 150 percent of the state median income or local median income, whichever is greater. A borrower must be seeking to purchase a home as a primary residence; must be a first-time homebuyer and a Florida resident; and must be employed full-time by a Florida-based employer. The borrower must provide documentation of full-time employment, or full-time status for self-employed individuals, of 35 hours or more per week. The requirement to be a first-time homebuyer does not apply to a borrower who is an active duty servicemember of a branch of the armed forces or the Florida National Guard, as defined in s. 250.01, or a veteran.

Reviser's note.—Amended to confirm editorial insertions to improve clarity.

Section 41. Paragraph (b) of subsection (7) of section 445.003, Florida Statutes, is amended to read:

445.003 Implementation of the federal Workforce Innovation and Opportunity Act.—

(7) DUTIES OF THE DEPARTMENT.—The department shall adopt rules to implement the requirements of this chapter, including:

(b) Initial and subsequent eligibility criteria, based on input from the state board, local workforce development boards, the Department of Education, and other stakeholders, for the Workforce Innovation and Opportunity Act eligible training provider list. This list directs training resources to programs leading to employment in high-demand and high-priority occupations that provide economic security, particularly those occupations facing a shortage of skilled workers. A training provider who offers training to obtain a credential on the Master Credentials List under s. 445.004(4)(h) may not be included on a state or local eligible training provider list if the provider fails to submit the required information or fails to meet initial or subsequent eligibility criteria. Subsequent eligibility criteria must use the performance and outcome measures defined and reported under s. 1008.40, to determine whether each program offered by a training provider is qualified to remain on the list. The Department of Economic Opportunity and the Department of Education shall establish the minimum criteria a training provider must achieve for completion, earnings, and employment rates of eligible participants. A provider must meet at least two of the minimum criteria for subsequent eligibility. The minimum program criteria may not exceed the threshold below at which more than 20 percent of all eligible training providers in the state would fall ~~below~~.

Reviser's note.—Amended to improve clarity.

Section 42. Subsection (3) of section 456.42, Florida Statutes, is amended to read:

456.42 Written prescriptions for medicinal drugs.—

(3) A health care practitioner licensed by law to prescribe a medicinal drug who maintains a system of electronic health records as defined in s. ~~408.051(2)(c)~~ ~~408.051(2)(a)~~, or who prescribes medicinal drugs as an owner, an employee, or a contractor of a licensed health care facility or practice that maintains such a system and who is prescribing in his or her capacity as such an owner, an employee, or a contractor, may only electronically transmit prescriptions for such drugs. This requirement applies to such a health care practitioner upon renewal of the health care practitioner's license or by July 1, 2021, whichever is earlier, but does not apply if:

- (a) The practitioner and the dispenser are the same entity;
- (b) The prescription cannot be transmitted electronically under the most recently implemented version of the National Council for Prescription Drug Programs SCRIPT Standard;
- (c) The practitioner has been issued a waiver by the department, not to exceed 1 year in duration, from the requirement to use electronic prescribing due to demonstrated economic hardship, technological limitations that are not reasonably within the control of the practitioner, or another exceptional circumstance demonstrated by the practitioner;
- (d) The practitioner reasonably determines that it would be impractical for the patient in question to obtain a medicinal drug prescribed by electronic prescription in a timely manner and such delay would adversely impact the patient's medical condition;
- (e) The practitioner is prescribing a drug under a research protocol;
- (f) The prescription is for a drug for which the federal Food and Drug Administration requires the prescription to contain elements that may not be included in electronic prescribing;
- (g) The prescription is issued to an individual receiving hospice care or who is a resident of a nursing home facility; or
- (h) The practitioner determines that it is in the best interest of the patient, or the patient determines that it is in his or her own best interest, to compare prescription drug prices among area pharmacies. The practitioner must document such determination in the patient's medical record.

The department, in consultation with the Board of Medicine, the Board of Osteopathic Medicine, the Board of Podiatric Medicine, the Board of Dentistry, the Board of Nursing, and the Board of Optometry, may adopt rules to implement this subsection.

Reviser's note.—Amended to correct a cross-reference to conform to the redesignation of s. 408.051(2)(a) as s. 408.051(2)(c) by s. 9, ch. 2023-33, Laws of Florida.

Section 43. Subsection (6) of section 480.041, Florida Statutes, is amended to read:

480.041 Massage therapists; qualifications; licensure; endorsement.—

~~(6) Massage therapists who were issued a license before July 1, 2014, must submit to the background screening requirements of s. 456.0135 by January 31, 2015.~~

Reviser's note.—Amended to delete an obsolete provision.

Section 44. Paragraph (i) of subsection (1) of section 497.260, Florida Statutes, is amended to read:

497.260 Cemeteries; exemption; investigation and mediation.—

(1) The provisions of this chapter relating to cemeteries and all rules adopted pursuant thereto shall apply to all cemeteries except for:

(i) A columbarium consisting of 5 acres or less which is located on the main campus of a state university as defined in s. 1000.21(9) ~~1000.21(8)~~. The university or university direct-support organization, as defined in s. 1004.28(1), which establishes the columbarium shall ensure that the columbarium is constructed and perpetually kept and maintained in a manner consistent with subsection (2) and the intent of this chapter.

Reviser's note.—Amended to conform to the reordering of definitions in s. 1000.21 by this act.

Section 45. Section 501.2042, Florida Statutes, is amended to read:

501.2042 Unlawful acts and practices by online crowd-funding campaigns.—

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

(a) "Crowd-funding campaign" means an online fundraising initiative that is intended to receive monetary donations from donors and is created by an organizer in the interest of a beneficiary.

(b) "Crowd-funding platform" means an entity doing business in this state which provides an online medium for the creation and facilitation of a crowd-funding campaign.

(c) "Disaster" has the same meaning as in s. 252.34(2).

(d) "Organizer" means a person who:

1. Resides or is domiciled in this state; and
2. Has an account on a crowd-funding platform and has created a crowd-funding campaign either as a beneficiary or on behalf of a beneficiary,

regardless of whether the beneficiary or the crowd-funding campaign has received donations.

(2)a. For crowd-funding campaigns related to and arising out of a declared disaster, a crowd-funding platform must:

(a)(I) Collect and retain, for 1 year after the date of the declared disaster, the name, e-mail address, phone number, and state of residence of the organizer.

(b)(II) Require the organizer to indicate, on the crowd-funding campaign, the state in which they are located.

(c)(III) Cooperate with any investigation by or in partnership with law enforcement.

(d)(IV) Clearly display and direct donors to fundraisers that comply with the crowd-funding platform’s terms of service.

(3)b. When an organizer arranges a crowd-funding campaign related to and arising out of a declared disaster, the organizer must attest that:

(a)(I) All information provided in connection with a crowd-funding campaign is accurate, complete, and not likely to deceive users.

(b)(II) All donations contributed to the crowd-funding campaign will be used solely as described in the materials the organizer posts or provides on the crowd-funding platform.

Reviser’s note.—Amended to redesignate subunits to improve the structure of the section. Section 501.2042, as added by s. 3, ch. 2023-130, Laws of Florida, contained a subsection (1) but no subsection (2). Paragraph (1)(c) is amended to confirm an editorial insertion to improve clarity.

Section 46. Paragraphs (g) and (i) of subsection (3) and paragraphs (c) and (d) of subsection (12) of section 553.865, Florida Statutes, are amended to read:

553.865 Private spaces.—

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

(g) “K-12 educational institution or facility” means:

1. A school as defined in s. 1003.01(17) ~~1003.01(2)~~ operated under the control of a district school board as defined in s. 1003.01(7) ~~1003.01(1)~~;

2. The Florida School for the Deaf and the Blind as described in ss. 1000.04(4) and 1002.36;

3. A developmental research (laboratory) school established pursuant to s. 1002.32(2);

4. A charter school authorized under s. 1002.33; or

5. A private school as defined in s. 1002.01(3) ~~1002.01(2)~~.

(i) “Postsecondary educational institution or facility” means:

1. A state university as defined in s. 1000.21(9) ~~1000.21(6)~~;

2. A Florida College System institution as defined in s. 1000.21(5) ~~1000.21(3)~~;

3. A school district career center as described in s. 1001.44(3);

4. A college or university licensed by the Commission for Independent Education pursuant to s. 1005.31(1)(a); or

5. An institution not under the jurisdiction or purview of the commission as identified in s. 1005.06(1)(b)-(f).

(12) A covered entity that is:

(c) A K-12 educational institution or facility, Florida College System institution as defined in s. 1000.21(5) ~~1000.21(3)~~, or a school district career center as described in s. 1001.44(3) shall submit documentation to the State Board of Education regarding compliance with subsections (4) and (5), as applicable, within 1 year after being established or, if such institution, facility, or center was established before July 1, 2023, no later than April 1, 2024.

(d) A state university as defined in s. 1000.21(9) ~~1000.21(6)~~ shall submit documentation to the Board of Governors regarding compliance with subsections (4) and (5), as applicable, within 1 year after being established or, if such institution was established before July 1, 2023, no later than April 1, 2024.

Reviser’s note.—Subparagraph (3)(g)1. is amended to conform to the reordering of definitions in s. 1003.01 by s. 148, ch. 2023-8, Laws of Florida. Subparagraph (3)(g)5. is amended to conform to the redesignation of s. 1002.01(2) as s. 1002.01(3) by s. 4, ch. 2023-16, Laws of Florida. Subparagraph (3)(i)2. and paragraph (12)(c) are amended to conform to the reordering of definitions in s. 1000.21 by s. 148, ch. 2023-8. Subparagraph (3)(i)1. and paragraph (12)(d) are amended to conform to the reordering of definitions in s. 1000.21 by s. 136, ch. 2023-8, and the further reordering of definitions in s. 1000.21 by this act.

Section 47. Paragraph (d) of subsection (10) of section 560.103, Florida Statutes, is amended to read:

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

(10) “Control person” means, with respect to a money services business, any of the following:

(d) A shareholder in whose name shares are registered in the records of a corporation for profit, whether incorporated under the laws of this state or organized under the laws of any other jurisdiction and existing in that legal form, who owns 25 percent or more of a class of the company’s equity securities.

Reviser’s note.—Amended to confirm an editorial insertion to improve clarity.

Section 48. Subsection (1) of section 565.04, Florida Statutes, is amended to read:

565.04 Package store restrictions.—

(1) Vendors licensed under s. 565.02(1)(a) shall not in said place of business sell, offer, or expose for sale any merchandise other than such beverages, and such places of business shall be devoted exclusively to such sales; provided, however, that such vendors shall be permitted to sell bitters, grenadine, nonalcoholic mixer-type beverages, (not to include fruit juices produced outside this state), fruit juices produced in this state, home bar and party supplies and equipment, (including but not limited to glassware and party-type foods), miniatures of no alcoholic content, nicotine products, and tobacco products. Such places of business shall have no openings permitting direct access to any other building or room, except to a private office or storage room of the place of business from which patrons are excluded.

Reviser’s note.—Amended to improve clarity.

Section 49. Subsection (2) of section 571.265, Florida Statutes, is amended to read:

571.265 Promotion of Florida thoroughbred breeding and of thoroughbred racing at Florida thoroughbred tracks; distribution of funds.—

(2) Funds deposited into the Florida Agricultural Promotional Campaign Trust Fund pursuant to s. ~~212.20(6)(d)6.f.~~ 212.20(6)(d)6.h. shall be used by the department to encourage the agricultural activity of breeding thoroughbred racehorses in this state and to enhance thoroughbred racing conducted at thoroughbred tracks in this state as provided in this section. If the funds made available under this section are not fully used in any one fiscal year, any unused amounts shall be carried forward in the trust fund into future fiscal years and made available for distribution as provided in this section.

Reviser's note.—Amended to conform to the redesignation of s. 212.20(6)(d)6.h., added by s. 25, ch. 2023-157, Laws of Florida, as s. 212.20(6)(d)6.f. to conform to the redesignation of existing subparagraphs by s. 17, ch. 2023-173, Laws of Florida.

Section 50. Subsections (17), (18), and (19) of section 585.01, Florida Statutes, are amended to read:

585.01 Definitions.—In construing this part, where the context permits, the word, phrase, or term:

~~(17) “Technical council” means the Animal Industry Technical Council.~~

~~(17)(18)~~ “Transmissible,” “communicable,” “contagious,” and “infectious” all refer to diseases which are readily transferred between or among animals in a group or to susceptible animals in proximity to diseased animals. Such transference may be directly from one animal to another, by contact with objects contaminated by disease-causing agents, or by insect (vector) transmission of disease-causing agents from diseased animals into susceptible animals or humans.

~~(18)(19)~~ “Violative levels” means levels above the tolerances established by the United States Food and Drug Administration or the United States Environmental Protection Agency, as adopted by department rule.

Reviser's note.—Subsection (17) is deleted to conform to the repeal of s. 585.008, which created the Animal Industry Technical Council, by s. 27, ch. 2023-154, Laws of Florida. Subsections (18) and (19) are amended to conform to the deletion of subsection (17).

Section 51. Paragraph (i) of subsection (1) of section 626.321, Florida Statutes, is amended to read:

626.321 Limited licenses and registration.—

(1) The department shall issue to a qualified applicant a license as agent authorized to transact a limited class of business in any of the following categories of limited lines insurance:

(i) *Preneed funeral agreement insurance*.—Limited license for insurance covering only prearranged funeral, cremation, or cemetery agreements, or any combination thereof, funded by insurance and offered in connection with an establishment that holds a preneed license pursuant to s. 497.452. Such license may be issued without examination only to an individual who has filed with the department an application for a license in a form and manner prescribed by the department, who currently holds a valid preneed sales agent license pursuant to s. 497.466, who has paid the applicable fees for a license as prescribed in s. 624.501, who has been appointed under s. 626.112, and who has paid the prescribed appointment fee under s. 624.501.

Reviser’s note.—Amended to confirm editorial insertions to improve clarity.

Section 52. Subsection (4) of section 626.602, Florida Statutes, is amended to read:

626.602 Insurance agency and adjusting firm names; disapproval.—The department may disapprove the use of any true or fictitious name, other than the bona fide natural name of an individual, by any insurance agency or adjusting firm on any of the following grounds:

(4) ~~The name contains the word “Medicare” or “Medicaid.” Licenses for agencies with names containing either of these words automatically expire on July 1, 2023, unless these words are removed from the name.~~

Reviser’s note.—Amended to delete obsolete language.

Section 53. Subsection (3) of section 627.06292, Florida Statutes, is amended to read:

627.06292 Reports of hurricane loss data and associated exposure data; public records exemption.—

(3) ~~Each year, on October 1, 2011, and on each October 1 thereafter,~~ the Florida International University center that develops, maintains, and updates the public model for hurricane loss projections shall publish a report summarizing loss data and associated exposure data collected from residential property insurers and licensed rating and advisory organizations. The Florida International University center shall submit the report annually, on or before October 1, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.

(a) Such report must include a summary of the data supplied by residential property insurers and licensed rating and advisory organizations from September 1 of the prior year to August 31 of the current year, and must include the following information:

1. The total amount of insurance written by county.
2. The number of property insurance policies by county.
3. The number of property insurance policies by county and by construction type.
4. The number of property insurance policies by county and by decade of construction.
5. The number of property insurance policies by county and by deductible amount.

6. The number of property insurance policies by county and by wind mitigation features when the information is supplied by the residential property insurer or licensed rating and advisory organization.

7. The total amount of hurricane losses by county and by decade of construction.

8. The total amount of hurricane losses by county and by deductible amount.

9. The total amount of hurricane losses by county and by wind mitigation features when the information is supplied by the residential property insurer or licensed rating and advisory organization.

(b) Separate compilations of the data obtained shall be presented in order to use the public model for calculating rate indications and to update, validate, or calibrate the public model. Additional detail and a description of the operation and maintenance of the public model may be included in the report.

(c) The report may not contain any information that identifies a specific insurer or policyholder.

Reviser's note.—Amended to delete obsolete language.

Section 54. Paragraphs (b) and (ii) of subsection (6) of section 627.351, Florida Statutes, are amended to read:

627.351 Insurance risk apportionment plans.—

(6) CITIZENS PROPERTY INSURANCE CORPORATION.—

(b)1. All insurers authorized to write one or more subject lines of business in this state are subject to assessment by the corporation and, for the purposes of this subsection, are referred to collectively as “assessable insurers.” Insurers writing one or more subject lines of business in this state pursuant to part VIII of chapter 626 are not assessable insurers; however, insureds who procure one or more subject lines of business in this state pursuant to part VIII of chapter 626 are subject to assessment by the corporation and are referred to collectively as “assessable insureds.” An insurer's assessment liability begins on the first day of the calendar year following the year in which the insurer was issued a certificate of authority to transact insurance for subject lines of business in this state and terminates 1 year after the end of the first calendar year during which the insurer no longer holds a certificate of authority to transact insurance for subject lines of business in this state.

2.a. All revenues, assets, liabilities, losses, and expenses of the corporation shall be divided into three separate accounts as follows:

(I) A personal lines account for personal residential policies issued by the corporation which provides comprehensive, multiperil coverage on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas;

(II) A commercial lines account for commercial residential and commercial nonresidential policies issued by the corporation which provides coverage for basic property perils on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas; and

(III) A coastal account for personal residential policies and commercial residential and commercial nonresidential property policies issued by the corporation which provides coverage for the peril of wind on risks that are located in areas eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002. The corporation may offer policies that provide multiperil coverage and shall offer policies that provide coverage only for the peril of wind for risks located in areas eligible for coverage in the coastal account. Effective July 1, 2014, the corporation shall cease offering new commercial residential policies providing multiperil coverage and shall instead continue to offer commercial residential wind-only policies, and may offer commercial residential policies excluding wind. The corporation may, however, continue to renew a commercial residential multiperil policy on a building that is insured by the corporation on June 30, 2014, under a multiperil policy. In issuing multiperil coverage, the corporation may use its approved policy forms and rates for the personal lines account. An applicant or insured who is eligible to purchase a multiperil policy from the corporation may purchase a multiperil policy from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides coverage only for the peril of wind from the corporation. An applicant or insured who is eligible for a corporation policy that provides coverage only for the peril of wind may elect to purchase or retain such policy and also purchase or retain coverage excluding wind from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides multiperil coverage from the corporation. It is the goal of the Legislature that there be an overall average savings of 10 percent or more for a policyholder who currently has a wind-only policy with the corporation, and an ex-wind policy with a voluntary insurer or the corporation, and who obtains a multiperil policy from the corporation. It is the intent of the Legislature that the offer of multiperil coverage in the coastal account be made and implemented in a manner that does not adversely affect the tax-exempt status of the corporation or creditworthiness of or security for currently outstanding financing obligations or credit facilities of the coastal account, the personal lines account, or the commercial lines account. The coastal account must also include quota share primary insurance under

subparagraph (c)2. The area eligible for coverage under the coastal account also includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property.

b. The three separate accounts must be maintained as long as financing obligations entered into by the Florida Windstorm Underwriting Association or Residential Property and Casualty Joint Underwriting Association are outstanding, in accordance with the terms of the corresponding financing documents. If no such financing obligations remain outstanding or if the financing documents allow for combining of accounts, the corporation may consolidate the three separate accounts into a new account, to be known as the Citizens account, for all revenues, assets, liabilities, losses, and expenses of the corporation. The Citizens account, if established by the corporation, is authorized to provide coverage to the same extent as provided under each of the three separate accounts. The authority to provide coverage under the Citizens account is set forth in subparagraph 4. Consistent with this subparagraph and prudent investment policies that minimize the cost of carrying debt, the board shall exercise its best efforts to retire existing debt or obtain the approval of necessary parties to amend the terms of existing debt, so as to structure the most efficient plan for consolidating the three separate accounts into a single account. Once the accounts are combined into one account, this subparagraph and subparagraph 3. shall be replaced in their entirety by subparagraphs 4. and 5.

c. Creditors of the Residential Property and Casualty Joint Underwriting Association and the accounts specified in sub-sub-subparagraphs a. (I) and (II) may have a claim against, and recourse to, those accounts and no claim against, or recourse to, the account referred to in sub-sub-subparagraph a.(III). Creditors of the Florida Windstorm Underwriting Association have a claim against, and recourse to, the account referred to in sub-sub-subparagraph a.(III) and no claim against, or recourse to, the accounts referred to in sub-sub-subparagraphs a.(I) and (II).

d. Revenues, assets, liabilities, losses, and expenses not attributable to particular accounts shall be prorated among the accounts.

e. The Legislature finds that the revenues of the corporation are revenues that are necessary to meet the requirements set forth in documents authorizing the issuance of bonds under this subsection.

f. The income of the corporation may not inure to the benefit of any private person.

3. With respect to a deficit in an account:

a. After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph j. ~~sub-subparagraph i.~~, if the remaining projected deficit incurred in the coastal account in a particular calendar year:

(I) Is not greater than 2 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the entire deficit shall be recovered through regular assessments of assessable insurers under paragraph (q) and assessable insureds.

(II) Exceeds 2 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year, the corporation shall levy regular assessments on assessable insurers under paragraph (q) and on assessable insureds in an amount equal to the greater of 2 percent of the projected deficit or 2 percent of the aggregate statewide direct written premium for the subject lines of business for the prior calendar year. Any remaining projected deficit shall be recovered through emergency assessments under sub-subparagraph e.

b. Each assessable insurer's share of the amount being assessed under sub-subparagraph a. must be in the proportion that the assessable insurer's direct written premium for the subject lines of business for the year preceding the assessment bears to the aggregate statewide direct written premium for the subject lines of business for that year. The assessment percentage applicable to each assessable insured is the ratio of the amount being assessed under sub-subparagraph a. to the aggregate statewide direct written premium for the subject lines of business for the prior year. Assessments levied by the corporation on assessable insurers under sub-subparagraph a. must be paid as required by the corporation's plan of operation and paragraph (q). Assessments levied by the corporation on assessable insureds under sub-subparagraph a. shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932, and paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to that office. Upon receipt of regular assessments from surplus lines agents, the Florida Surplus Lines Service Office shall transfer the assessments directly to the corporation as determined by the corporation.

c. The corporation may not levy regular assessments under paragraph (q) pursuant to sub-subparagraph a. or sub-subparagraph b. if the three separate accounts in sub-sub-subparagraphs 2.a.(I)-(III) have been consolidated into the Citizens account pursuant to sub-subparagraph 2.b. However, the outstanding balance of any regular assessment levied by the corporation before establishment of the Citizens account remains payable to the corporation.

d. After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph j., the remaining projected deficits in the personal lines account and in the commercial lines account in a particular calendar year shall be recovered through emergency assessments under sub-subparagraph e.

e. Upon a determination by the board of governors that a projected deficit in an account exceeds the amount that is expected to be recovered through regular assessments under sub-subparagraph a., plus the amount

that is expected to be recovered through surcharges under sub-subparagraph j., the board, after verification by the office, shall levy emergency assessments for as many years as necessary to cover the deficits, to be collected by assessable insurers and the corporation and collected from assessable insureds upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance policies. The amount collected in a particular year must be a uniform percentage of that year's direct written premium for subject lines of business and all accounts of the corporation, excluding National Flood Insurance Program policy premiums, as annually determined by the board and verified by the office. The office shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. The office shall notify assessable insurers and the Florida Surplus Lines Service Office of the date on which assessable insurers shall begin to collect and assessable insureds shall begin to pay such assessment. The date must be at least 90 days after the date the corporation levies emergency assessments pursuant to this sub-subparagraph. Notwithstanding any other provision of law, the corporation and each assessable insurer that writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. Emergency assessments levied by the corporation on assessable insureds shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to that office. The emergency assessments collected shall be transferred directly to the corporation on a periodic basis as determined by the corporation and held by the corporation solely in the applicable account. The aggregate amount of emergency assessments levied for an account in any calendar year may be less than but may not exceed the greater of 10 percent of the amount needed to cover the deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit, or 10 percent of the aggregate statewide direct written premium for subject lines of business and all accounts of the corporation for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the deficit.

f. The corporation may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, policyholder surcharges and other surcharges, and other funds available to the corporation as the source of revenue for and to secure bonds issued under paragraph (q), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit or other financing mechanisms issued or created under this subsection, or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the board determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the corporation in covering claims and expenses attributable to a catastrophe. As used in this subsection, the

term “assessments” includes regular assessments under sub-subparagraph a. or subparagraph (q)1. and emergency assessments under sub-subparagraph e. Emergency assessments collected under sub-subparagraph e. are not part of an insurer’s rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or indebtedness.

g. As used in this subsection for purposes of any deficit incurred on or after January 25, 2007, the term “subject lines of business” means insurance written by assessable insurers or procured by assessable insureds for all property and casualty lines of business in this state, but not including workers’ compensation or medical malpractice. As used in this sub-subparagraph, the term “property and casualty lines of business” includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers under s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program or the Federal Crop Insurance Program. For purposes of this sub-subparagraph, the term “workers’ compensation” includes both workers’ compensation insurance and excess workers’ compensation insurance.

h. The Florida Surplus Lines Service Office shall determine annually the aggregate statewide written premium in subject lines of business procured by assessable insureds and report that information to the corporation in a form and at a time the corporation specifies to ensure that the corporation can meet the requirements of this subsection and the corporation’s financing obligations.

i. The Florida Surplus Lines Service Office shall verify the proper application by surplus lines agents of assessment percentages for regular assessments and emergency assessments levied under this subparagraph on assessable insureds and assist the corporation in ensuring the accurate, timely collection and payment of assessments by surplus lines agents as required by the corporation.

j. Upon determination by the board of governors that an account has a projected deficit, the board shall levy a Citizens policyholder surcharge against all policyholders of the corporation.

(I) The surcharge shall be levied as a uniform percentage of the premium for the policy of up to 15 percent of such premium, which funds shall be used to offset the deficit.

(II) The surcharge is payable upon cancellation or termination of the policy, upon renewal of the policy, or upon issuance of a new policy by the corporation within the first 12 months after the date of the levy or the period of time necessary to fully collect the surcharge amount.

(III) The corporation may not levy any regular assessments under paragraph (q) pursuant to sub-subparagraph a. or sub-subparagraph b. with respect to a particular year's deficit until the corporation has first levied the full amount of the surcharge authorized by this sub-subparagraph.

(IV) The surcharge is not considered premium and is not subject to commissions, fees, or premium taxes. However, failure to pay the surcharge shall be treated as failure to pay premium.

k. If the amount of any assessments or surcharges collected from corporation policyholders, assessable insurers or their policyholders, or assessable insureds exceeds the amount of the deficits, such excess amounts shall be remitted to and retained by the corporation in a reserve to be used by the corporation, as determined by the board of governors and approved by the office, to pay claims or reduce any past, present, or future plan-year deficits or to reduce outstanding debt.

4. The Citizens account, if established by the corporation pursuant to sub-subparagraph 2.b., is authorized to provide:

a. Personal residential policies that provide comprehensive, multiperil coverage on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas;

b. Commercial residential and commercial nonresidential policies that provide coverage for basic property perils on risks that are not located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas; and

c. Personal residential policies and commercial residential and commercial nonresidential property policies that provide coverage for the peril of wind on risks that are located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002. The corporation may offer policies that provide multiperil coverage and shall offer policies that provide coverage only for the peril of wind for risks located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002. The corporation may not offer new commercial residential policies providing multiperil coverage, but shall continue to offer commercial residential wind-only policies, and may offer commercial residential policies excluding wind.

However, the corporation may continue to renew a commercial residential multiperil policy on a building that was insured by the corporation on June 30, 2014, under a multiperil policy. In issuing multiperil coverage under this sub-subparagraph, the corporation may use its approved policy forms and rates for risks located in areas not eligible for coverage by the Florida Windstorm Underwriting Association as those areas were defined on January 1, 2002, and for policies that do not provide coverage for the peril of wind on risks that are located in such areas. An applicant or insured who is eligible to purchase a multiperil policy from the corporation may purchase a multiperil policy from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides coverage only for the peril of wind from the corporation. An applicant or insured who is eligible for a corporation policy that provides coverage only for the peril of wind may elect to purchase or retain such policy and also purchase or retain coverage excluding wind from an authorized insurer without prejudice to the applicant's or insured's eligibility to prospectively purchase a policy that provides multiperil coverage from the corporation. The following policies, which provide coverage only for the peril of wind, must also include quota share primary insurance under subparagraph (c)2.: Personal residential policies and commercial residential and commercial nonresidential property policies that provide coverage for the peril of wind on risks that are located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002; policies that provide multiperil coverage, if offered by the corporation, and policies that provide coverage only for the peril of wind for risks located in areas eligible for coverage by the Florida Windstorm Underwriting Association, as those areas were defined on January 1, 2002; commercial residential wind-only policies; commercial residential policies excluding wind, if offered by the corporation; and commercial residential multiperil policies on a building that was insured by the corporation on June 30, 2014. The area eligible for coverage with the corporation under this sub-subparagraph includes the area within Port Canaveral, which is bordered on the south by the City of Cape Canaveral, bordered on the west by the Banana River, and bordered on the north by Federal Government property.

5. With respect to a deficit in the Citizens account:

a. Upon a determination by the board of governors that the Citizens account has a projected deficit, the board shall levy a Citizens policyholder surcharge against all policyholders of the corporation.

(I) The surcharge shall be levied as a uniform percentage of the premium for the policy of up to 15 percent of such premium, which funds shall be used to offset the deficit.

(II) The surcharge is payable upon cancellation or termination of the policy, upon renewal of the policy, or upon issuance of a new policy by the corporation within the first 12 months after the date of the levy or the period of time necessary to fully collect the surcharge amount.

(III) The surcharge is not considered premium and is not subject to commissions, fees, or premium taxes. However, failure to pay the surcharge shall be treated as failure to pay premium.

b. After accounting for the Citizens policyholder surcharge imposed under sub-subparagraph a., the remaining projected deficit incurred in the Citizens account in a particular calendar year shall be recovered through emergency assessments under sub-subparagraph c.

c. Upon a determination by the board of governors that a projected deficit in the Citizens account exceeds the amount that is expected to be recovered through surcharges under sub-subparagraph a., the board, after verification by the office, shall levy emergency assessments for as many years as necessary to cover the deficits, to be collected by assessable insurers and the corporation and collected from assessable insureds upon issuance or renewal of policies for subject lines of business, excluding National Flood Insurance Program policies. The amount collected in a particular year must be a uniform percentage of that year's direct written premium for subject lines of business and the Citizens account, National Flood Insurance Program policy premiums, as annually determined by the board and verified by the office. The office shall verify the arithmetic calculations involved in the board's determination within 30 days after receipt of the information on which the determination was based. The office shall notify assessable insurers and the Florida Surplus Lines Service Office of the date on which assessable insurers shall begin to collect and assessable insureds shall begin to pay such assessment. The date must be at least 90 days after the date the corporation levies emergency assessments pursuant to this sub-subparagraph. Notwithstanding any other law, the corporation and each assessable insurer that writes subject lines of business shall collect emergency assessments from its policyholders without such obligation being affected by any credit, limitation, exemption, or deferment. Emergency assessments levied by the corporation on assessable insureds shall be collected by the surplus lines agent at the time the surplus lines agent collects the surplus lines tax required by s. 626.932 and paid to the Florida Surplus Lines Service Office at the time the surplus lines agent pays the surplus lines tax to that office. The emergency assessments collected shall be transferred directly to the corporation on a periodic basis as determined by the corporation and held by the corporation solely in the Citizens account. The aggregate amount of emergency assessments levied for the Citizens account in any calendar year may be less than, but may not exceed the greater of, 10 percent of the amount needed to cover the deficit, plus interest, fees, commissions, required reserves, and other costs associated with financing the original deficit or 10 percent of the aggregate statewide direct written premium for subject lines of business and the Citizens accounts for the prior year, plus interest, fees, commissions, required reserves, and other costs associated with financing the deficit.

d. The corporation may pledge the proceeds of assessments, projected recoveries from the Florida Hurricane Catastrophe Fund, other insurance and reinsurance recoverables, policyholder surcharges and other

surcharges, and other funds available to the corporation as the source of revenue for and to secure bonds issued under paragraph (q), bonds or other indebtedness issued under subparagraph (c)3., or lines of credit or other financing mechanisms issued or created under this subsection; or to retire any other debt incurred as a result of deficits or events giving rise to deficits, or in any other way that the board determines will efficiently recover such deficits. The purpose of the lines of credit or other financing mechanisms is to provide additional resources to assist the corporation in covering claims and expenses attributable to a catastrophe. As used in this subsection, the term “assessments” includes emergency assessments under sub-subparagraph c. Emergency assessments collected under sub-subparagraph c. are not part of an insurer’s rates, are not premium, and are not subject to premium tax, fees, or commissions; however, failure to pay the emergency assessment shall be treated as failure to pay premium. The emergency assessments shall continue as long as any bonds issued or other indebtedness incurred with respect to a deficit for which the assessment was imposed remain outstanding, unless adequate provision has been made for the payment of such bonds or other indebtedness pursuant to the documents governing such bonds or indebtedness.

e. As used in this subsection and for purposes of any deficit incurred on or after January 25, 2007, the term “subject lines of business” means insurance written by assessable insurers or procured by assessable insureds for all property and casualty lines of business in this state, but not including workers’ compensation or medical malpractice. As used in this sub-subparagraph, the term “property and casualty lines of business” includes all lines of business identified on Form 2, Exhibit of Premiums and Losses, in the annual statement required of authorized insurers under s. 624.424 and any rule adopted under this section, except for those lines identified as accident and health insurance and except for policies written under the National Flood Insurance Program or the Federal Crop Insurance Program. For purposes of this sub-subparagraph, the term “workers’ compensation” includes both workers’ compensation insurance and excess workers’ compensation insurance.

f. The Florida Surplus Lines Service Office shall annually determine the aggregate statewide written premium in subject lines of business procured by assessable insureds and report that information to the corporation in a form and at a time the corporation specifies to ensure that the corporation can meet the requirements of this subsection and the corporation’s financing obligations.

g. The Florida Surplus Lines Service Office shall verify the proper application by surplus lines agents of assessment percentages for emergency assessments levied under this subparagraph on assessable insureds and assist the corporation in ensuring the accurate, timely collection and payment of assessments by surplus lines agents as required by the corporation.

h. If the amount of any assessments or surcharges collected from corporation policyholders, assessable insurers or their policyholders, or assessable insureds exceeds the amount of the deficits, such excess amounts shall be remitted to and retained by the corporation in a reserve to be used by the corporation, as determined by the board of governors and approved by the office, to pay claims or reduce any past, present, or future plan-year deficits or to reduce outstanding debt.

(ii) The corporation shall revise the programs adopted pursuant to sub-subparagraph (q)3.a. for personal lines residential policies to maximize policyholder options and encourage increased participation by insurers and agents. After January 1, 2017, a policy may not be taken out of the corporation unless the provisions of this paragraph are met.

1. The corporation must publish a periodic schedule of cycles during which an insurer may identify, and notify the corporation of, policies that the insurer is requesting to take out. A request must include a description of the coverage offered and an estimated premium and must be submitted to the corporation in a form and manner prescribed by the corporation.

2. The corporation must maintain and make available to the agent of record a consolidated list of all insurers requesting to take out a policy. The list must include a description of the coverage offered and the estimated premium for each take-out request.

3. If a policyholder receives a take-out offer from an authorized insurer, the risk is no longer eligible for coverage with the corporation unless the premium for coverage from the authorized insurer is more than 20 percent greater than the renewal premium for comparable coverage from the corporation pursuant to sub-subparagraph (c)5.c. This subparagraph applies to take-out offers that are part of an application to participate in depopulation submitted to the office on or after January 1, 2023.

4. The corporation must provide written notice to the policyholder and the agent of record regarding all insurers requesting to take out the policy. The notice must be in a format prescribed by the corporation and include, for each take-out offer:

- a. The amount of the estimated premium;
- b. A description of the coverage; and
- c. A comparison of the estimated premium and coverage offered by the insurer to the estimated premium and coverage provided by the corporation.

Reviser's note.—Sub-subparagraph (6)(b)3.a. is amended to confirm an editorial substitution to conform to the redesignation of sub-subparagraphs by s. 8, ch. 2022-271, Laws of Florida. Subparagraph (6)(ii)3. is amended to confirm an editorial insertion to improve clarity.

Section 55. Subsection (4) of section 627.410, Florida Statutes, is amended to read:

627.410 Filing, approval of forms.—

(4) The office may, by order, exempt from the requirements of this section for so long as it deems proper any insurance document or form or type thereof as specified in such order, to which, in its opinion, this section may not practicably be applied, or the filing and approval of which are, in its opinion, not desirable or necessary for the protection of the public. The office may not exempt from the requirements of this section the insurance documents or forms of any insurer, against whom the office enters a final order determining that such insurer violated any provision of this code, for a period of 36 months after the date of such order, and such insurance documents or forms may not be deemed approved under subsection (2).

Reviser's note.—Amended to improve clarity.

Section 56. Paragraph (c) of subsection (2) and paragraph (b) of subsection (3) of section 628.8015, Florida Statutes, are amended to read:

628.8015 Own-risk and solvency assessment; corporate governance annual disclosure.—

(2) OWN-RISK AND SOLVENCY ASSESSMENT.—

(c) *ORSA summary report*.—

1.a. A domestic insurer or insurer member of an insurance group of which the office is the lead state, as determined by the procedures in the most recent National Association of Insurance Commissioners Financial Analysis Handbook, shall:

(I) Submit an ORSA summary report to the office once every calendar year.

(II) Notify the office of its proposed annual submission date by December 1, 2016. ~~The initial ORSA summary report must be submitted by December 31, 2017.~~

b. An insurer not required to submit an ORSA summary report pursuant to sub-subparagraph a. shall:

(I) Submit an ORSA summary report at the request of the office, but not more than once per calendar year.

(II) Notify the office of the proposed submission date within 30 days after the request of the office.

2. An insurer may comply with sub-subparagraph 1.a. or sub-subparagraph 1.b. by providing the most recent and substantially similar ORSA summary report submitted by the insurer, or another member of an

insurance group of which the insurer is a member, to the chief insurance regulatory official of another state or the supervisor or regulator of a foreign jurisdiction. For purposes of this subparagraph, a “substantially similar” ORSA summary report is one that contains information comparable to the information described in the ORSA guidance manual as determined by the commissioner of the office. If the report is in a language other than English, it must be accompanied by an English translation.

3. The chief risk officer or chief executive officer of the insurer or insurance group responsible for overseeing the enterprise risk management process must sign the ORSA summary report attesting that, to the best of his or her knowledge and belief, the insurer or insurance group applied the enterprise risk management process described in the ORSA summary report and provided a copy of the report to the board of directors or the appropriate board committee.

4. The ORSA summary report must be prepared in accordance with the ORSA guidance manual. Documentation and supporting information must be maintained by the insurer and made available upon examination pursuant to s. 624.316 or upon the request of the office.

5. The ORSA summary report must include a brief description of material changes and updates since the prior year report.

6. The office’s review of the ORSA summary report must be conducted, and any additional requests for information must be made, using procedures similar to those used in the analysis and examination of multistate or global insurers and insurance groups.

(3) CORPORATE GOVERNANCE ANNUAL DISCLOSURE.—

(b) *Disclosure requirement.*—

1.a. An insurer, or insurer member of an insurance group, of which the office is the lead state regulator, as determined by the procedures in the most recent National Association of Insurance Commissioners Financial Analysis Handbook, shall submit a corporate governance annual disclosure to the office by June 1 of each calendar year. ~~The initial corporate governance annual disclosure must be submitted by December 31, 2018.~~

b. An insurer or insurance group not required to submit a corporate governance annual disclosure under sub-subparagraph a. shall do so at the request of the office, but not more than once per calendar year. The insurer or insurance group shall notify the office of the proposed submission date within 30 days after the request of the office.

~~e. Before December 31, 2018, the office may require an insurer or insurance group to provide a corporate governance annual disclosure:~~

~~(I) Based on unique circumstances, including, but not limited to, the type and volume of business written, the ownership and organizational structure, federal agency requests, and international supervisor requests;~~

~~(II) If the insurer has risk-based capital for a company action level event pursuant to s. 624.4085(3), meets one or more of the standards of an insurer deemed to be in hazardous financial condition under s. 624.805, or exhibits qualities of an insurer in hazardous financial condition as determined by the office;~~

~~(III) If the insurer is the member of an insurer group of which the office acts as the lead state regulator as determined by the procedures in the most recent National Association of Insurance Commissioners Financial Analysis Handbook; or~~

~~(IV) If the office determines that it is in the best interest of the state.~~

2. The chief executive officer or corporate secretary of the insurer or the insurance group must sign the corporate governance annual disclosure attesting that, to the best of his or her knowledge and belief, the insurer has implemented the corporate governance practices and provided a copy of the disclosure to the board of directors or the appropriate board committee.

3.a. Depending on the structure of its system of corporate governance, the insurer or insurance group may provide corporate governance information at one of the following levels:

- (I) The ultimate controlling parent level;
- (II) An intermediate holding company level; or
- (III) The individual legal entity level.

b. The insurer or insurance group may make the corporate governance annual disclosure at:

(I) The level used to determine the risk appetite of the insurer or insurance group;

(II) The level at which the earnings, capital, liquidity, operations, and reputation of the insurer are collectively overseen and the supervision of those factors is coordinated and exercised; or

(III) The level at which legal liability for failure of general corporate governance duties would be placed.

An insurer or insurance group must indicate the level of reporting used and explain any subsequent changes in the reporting level.

4. The review of the corporate governance annual disclosure and any additional requests for information shall be made through the lead state as

determined by the procedures in the most recent National Association of Insurance Commissioners Financial Analysis Handbook.

5. An insurer or insurance group may comply with this paragraph by cross-referencing other existing relevant and applicable documents, including, but not limited to, the ORSA summary report, Holding Company Form B or F filings, Securities and Exchange Commission proxy statements, or foreign regulatory reporting requirements, if the documents contain information substantially similar to the information described in paragraph (c). The insurer or insurance group shall clearly identify and reference the specific location of the relevant and applicable information within the corporate governance annual disclosure and attach the referenced document if it has not already been filed with, or made available to, the office.

6. Each year following the initial filing of the corporate governance annual disclosure, the insurer or insurance group shall file an amended version of the previously filed corporate governance annual disclosure indicating changes that have been made. If changes have not been made in the previously filed disclosure, the insurer or insurance group should so indicate.

Reviser's note.—Amended to delete obsolete language.

Section 57. Paragraphs (c) and (i) of subsection (2) of section 692.201, Florida Statutes, are amended to read:

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

(2) “Critical infrastructure facility” means any of the following, if it employs measures such as fences, barriers, or guard posts that are designed to exclude unauthorized persons:

(c) An electrical power plant as defined in s. 403.031(4) ~~403.031(20)~~.

(i) A spaceport territory as defined in s. 331.303(19) ~~331.303(18)~~.

Reviser's note.—Paragraph (2)(c) is amended to conform to the redesignation of s. 403.031(20) as s. 403.031(4) by s. 13, ch. 2023-169, Laws of Florida. Paragraph (2)(i) is amended to conform to the redesignation of s. 331.303(18) as s. 331.303(19) by s. 69, ch. 2023-8, Laws of Florida.

Section 58. Subsection (1) of section 720.305, Florida Statutes, is amended to read:

720.305 Obligations of members; remedies at law or in equity; levy of fines and suspension of use rights.—

(1) Each member and the member's tenants, guests, and invitees, and each association, are governed by, and must comply with, this chapter, the governing documents of the community, and the rules of the association.

Actions at law or in equity, or both, to redress alleged failure or refusal to comply with these provisions may be brought by the association or by any member against:

- (a) The association;
- (b) A member;
- (c) Any director or officer of an association who willfully and knowingly fails to comply with these provisions; and
- (d) Any tenants, guests, or invitees occupying a parcel or using the common areas.

The prevailing party in any such litigation is entitled to recover reasonable attorney fees and costs as ~~provided in paragraph (2)(e)~~. A member prevailing in an action between the association and the member under this section, in addition to recovering his or her reasonable attorney fees, may recover additional amounts as determined by the court to be necessary to reimburse the member for his or her share of assessments levied by the association to fund its expenses of the litigation. This relief does not exclude other remedies provided by law. This section does not deprive any person of any other available right or remedy.

Reviser's note.—Amended to correct a scrivener's error. Attorney fees and costs are not referenced in paragraph (2)(e).

Section 59. Paragraph (c) of subsection (1) of section 744.21031, Florida Statutes, is amended to read:

744.21031 Public records exemption.—

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

(c) "Telephone numbers" has the same meaning as provided in s. ~~119.071(4)(d)1.c.~~ 119.071(4)(d)1.b.

Reviser's note.—Amended to correct a cross-reference. Section 119.071(4)(d)1.b. was redesignated as s. 119.071(4)(d)1.c. by s. 1, ch. 2023-131, Laws of Florida.

Section 60. Subsections (7) and (8) of section 766.315, Florida Statutes, are amended to read:

766.315 Florida Birth-Related Neurological Injury Compensation; board of directors; notice of meetings; report.—

(7) The association shall publish a report on its website by January 1 of each year, ~~2022, and every January 1 thereafter~~. The report shall include:

(a) The names and terms of each board member and executive staff member.

- (b) The amount of compensation paid to each association employee.
- (c) A summary of reimbursement disputes and resolutions.
- (d) A list of expenditures for attorney fees and lobbying fees.
- (e) Other expenses to oppose each plan claim. Any personal identifying information of the parent, legal guardian, or child involved in the claim must be removed from this list.

(8) ~~By On or before November 1 of, 2021, and by each year~~ November 1 thereafter, the association shall submit a report to the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Chief Financial Officer. The report must include:

(a) The number of petitions filed for compensation with the division, the number of claimants awarded compensation, the number of claimants denied compensation, and the reasons for the denial of compensation.

(b) The number and dollar amount of paid and denied compensation for expenses by category and the reasons for any denied compensation for expenses by category.

(c) The average turnaround time for paying or denying compensation for expenses.

(d) Legislative recommendations to improve the program.

(e) A summary of any pending or resolved litigation during the year which affects the plan.

(f) The amount of compensation paid to each association employee or member of the board of directors.

~~(g) For the initial report due on or before November 1, 2021, an actuarial report conducted by an independent actuary which provides an analysis of the estimated costs of implementing the following changes to the plan:~~

~~1. Reducing the minimum birth weight eligibility for a participant in the plan from 2,500 grams to 2,000 grams.~~

~~2. Revising the eligibility for participation in the plan by providing that an infant must be permanently and substantially mentally or physically impaired, rather than permanently and substantially mentally and physically impaired.~~

~~3. Increasing the annual special benefit or quality of life benefit from \$500 to \$2,500 per calendar year.~~

Reviser's note.—Amended to delete obsolete language.

Section 61. Paragraph (e) of subsection (2) of section 768.38, Florida Statutes, is amended to read:

768.38 Liability protections for COVID-19-related claims.—

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

(e) “Health care provider” means:

1. A provider as defined in s. 408.803.

2. A clinical laboratory providing services in this state or services to health care providers in this state, if the clinical laboratory is certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder.

3. A federally qualified health center as defined in 42 U.S.C. s. 1396d(l)(2)(B), as that definition exists on the effective date of this act.

4. Any site providing health care services which was established for the purpose of responding to the COVID-19 pandemic pursuant to any federal or state order, declaration, or waiver.

5. A health care practitioner as defined in s. 456.001.

6. A health care professional licensed under part IV of chapter 468.

7. A home health aide as defined in s. 400.462(17) ~~400.462(15)~~.

8. A provider licensed under chapter 394 or chapter 397 and its clinical and nonclinical staff providing inpatient or outpatient services.

9. A continuing care facility licensed under chapter 651.

10. A pharmacy permitted under chapter 465.

Reviser’s note.—Amended to correct a cross-reference to conform to the redesignation of s. 400.462(15) as s. 400.462(14) by s. 25, ch. 2021-51, Laws of Florida, and the further redesignation of s. 400.462(14) as s. 400.462(17) by s. 1, ch. 2023-183, Laws of Florida.

Section 62. Paragraph (f) of subsection (1) of section 768.381, Florida Statutes, is amended to read:

768.381 COVID-19-related claims against health care providers.—

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

(f) “Health care provider” means any of the following:

1. A provider as defined in s. 408.803.

2. A clinical laboratory providing services in this state or services to health care providers in this state, if the clinical laboratory is certified by the Centers for Medicare and Medicaid Services under the federal Clinical Laboratory Improvement Amendments and the federal rules adopted thereunder.

3. A federally qualified health center as defined in 42 U.S.C. s. 1396d(1)(2)(B), as that definition existed on the effective date of this act.

4. Any site providing health care services which was established for the purpose of responding to the COVID-19 pandemic pursuant to any federal or state order, declaration, or waiver.

5. A health care practitioner as defined in s. 456.001.

6. A health care professional licensed under part IV of chapter 468.

7. A home health aide as defined in s. ~~400.462(17)~~ 400.462(15).

8. A provider licensed under chapter 394 or chapter 397 and its clinical and nonclinical staff providing inpatient or outpatient services.

9. A continuing care facility licensed under chapter 651.

10. A pharmacy permitted under chapter 465.

Reviser's note.—Amended to correct a cross-reference to conform to the redesignation of s. 400.462(15) as s. 400.462(14) by s. 25, ch. 2021-51, Laws of Florida, and the further redesignation of s. 400.462(14) as s. 400.462(17) by s. 1, ch. 2023-183, Laws of Florida.

Section 63. Subsection (1) of section 790.013, Florida Statutes, is amended to read:

790.013 Carrying of concealed weapons or concealed firearms without a license.—A person who carries a concealed weapon or concealed firearm without a license as authorized under s. 790.01(1)(b):

(1)(a) Must carry valid identification at all times when he or she is in actual possession of a concealed weapon or concealed firearm and must display such identification upon demand by a law enforcement officer.

(~~b~~) A violation of this subsection is a noncriminal violation punishable by a \$25 fine, payable to the clerk of the court.

Reviser's note.—Amended to improve the structure of the section and conform to context.

Section 64. Subsection (2) of section 810.098, Florida Statutes, is amended to read:

810.098 Trespass for the purpose of threatening or intimidating another person.—

(2) As used in this section, the terms “Florida College System institution” and “state university” have the same meanings as in s. 1000.21(5) and (9) ~~1000.21(3) and (6)~~, respectively.

Reviser’s note.—Amended to conform to the reordering of definitions in s. 1000.21 by s. 136, ch. 2023-8, Laws of Florida, and the further reordering of definitions in s. 1000.21 by this act.

Section 65. Subsection (3) of section 849.38, Florida Statutes, is amended to read:

849.38 Proceedings for forfeiture; notice of seizure and order to show cause.—

(3) The said citation may be in, or substantially in, the following form:

IN THE CIRCUIT COURT OF THE JUDICIAL CIRCUIT, IN AND FOR COUNTY, FLORIDA.

IN RE FORFEITURE OF THE FOLLOWING DESCRIBED PROPERTY:

...(Here Describe property)...

THE STATE OF FLORIDA TO:

ALL PERSONS, FIRMS AND CORPORATIONS OWNING, HAVING OR CLAIMING AN INTEREST IN OR LIEN ON THE ABOVE DESCRIBED PROPERTY.

YOU AND EACH OF YOU are hereby notified that the above described property has been seized, under and by virtue of chapter, Laws of Florida, and is now in the possession of the sheriff of this county, and you, and each of you, are hereby further notified that a petition, under said chapter, has been filed in the Circuit Court of the Judicial Circuit, in and for County, Florida, seeking the forfeiture of the said property, and you are hereby directed and required to file your claim, if any you have, and show cause, on or before, ...(year)...., if not personally served with process herein, and within 20 days from personal service if personally served with process herein, why the said property should not be forfeited pursuant to said chapter, Laws of Florida, 1955. Should you fail to file claim as herein directed judgment will be entered herein against you in due course. Persons not personally served with process may obtain a copy of the petition for forfeiture filed herein from the undersigned clerk of court.

WITNESS my hand and the seal of the above mentioned court, at Florida, this, ...(year)....

(COURT SEAL)

...(Clerk of the above-mentioned Court.)...

By ...(Deputy Clerk)...

Reviser's note.—Amended to conform to general style in forms.

Section 66. Paragraph (f) of subsection (1) of section 893.055, Florida Statutes, is reenacted to read:

893.055 Prescription drug monitoring program.—

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

(f) “Electronic health recordkeeping system” means an electronic or computer-based information system used by health care practitioners or providers to create, collect, store, manipulate, exchange, or make available personal health information for the delivery of patient care.

Reviser's note.—Paragraph (1)(f) was created by s. 1, ch. 2019-70, Laws of Florida, and s. 1, ch. 2019-127, Laws of Florida. Section 3, ch. 2019-127, as amended by s. 25, ch. 2021-131, Laws of Florida, provided for the repeal of paragraph (1)(f) on June 30, 2023. The paragraph is relevant to the material added to s. 893.055 by s. 1, ch. 2019-70, concerning reciprocal agreements or contracts with other jurisdictions, which continues in existence, as well as the text added by s. 1, ch. 2019-127, which relates to a unique identifier for each patient in the system and requests for information from the prescription drug monitoring program in litigation. Paragraph (1)(f) is reenacted to confirm the intent to keep the language in s. 893.055.

Section 67. Paragraph (b) of subsection (1) of section 933.40, Florida Statutes, is amended to read:

933.40 Agriculture warrants.—

(1) As used in this section:

(b) “Animal pest” means any biological or chemical residue as defined in s. 585.01(4), pathogenic organism or virulent organism as defined in s. 585.01(15), or any transmissible, communicable, contagious, or infectious disease as described in s. 585.01(17) ~~585.01(18)~~.

Reviser's note.—Amended to conform to the deletion of s. 585.01(17) by this act.

Section 68. Paragraph (b) of subsection (1) of section 961.06, Florida Statutes, is amended to read:

961.06 Compensation for wrongful incarceration.—

(1) Except as otherwise provided in this act and subject to the limitations and procedures prescribed in this section, a person who is found to be entitled to compensation under the provisions of this act is entitled to:

(b) A waiver of tuition and fees for up to 120 hours of instruction at any career center established under s. 1001.44, any Florida College System institution as defined in s. 1000.21(5), or any state university as defined in s. 1000.21(9) ~~1000.21(8)~~, if the wrongfully incarcerated person meets and maintains the regular admission requirements of such career center, Florida College System institution, or state university; remains registered at such educational institution; and makes satisfactory academic progress as defined by the educational institution in which the claimant is enrolled;

The total compensation awarded under paragraphs (a), (c), and (d) may not exceed \$2 million. No further award for attorney's fees, lobbying fees, costs, or other similar expenses shall be made by the state.

Reviser's note.—Amended to conform to the reordering of definitions in s. 1000.21 by this act.

Section 69. Subsections (7), (8), and (9) of section 1000.21, Florida Statutes, are reordered and amended to read:

1000.21 Systemwide definitions.—As used in the Florida Early Learning-20 Education Code:

~~(8)~~⁽⁷⁾ “State academic standards” means the state’s public K-12 curricular standards adopted under s. 1003.41.

~~(9)~~⁽⁸⁾ “State university,” except as otherwise specifically provided, includes the following institutions and any branch campuses, centers, or other affiliates of the institution:

- (a) The University of Florida.
- (b) The Florida State University.
- (c) The Florida Agricultural and Mechanical University.
- (d) The University of South Florida.
- (e) The Florida Atlantic University.
- (f) The University of West Florida.
- (g) The University of Central Florida.
- (h) The University of North Florida.
- (i) The Florida International University.
- (j) The Florida Gulf Coast University.

- (k) New College of Florida.
- (l) The Florida Polytechnic University.

(7)(9) “Sex” means the classification of a person as either female or male based on the organization of the body of such person for a specific reproductive role, as indicated by the person’s sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.

Reviser’s note.—Amended to place the definitions of the section in alphabetical order.

Section 70. Paragraph (c) of subsection (8) of section 1001.42, Florida Statutes, is amended to read:

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(8) STUDENT WELFARE.—

(c)1. In accordance with the rights of parents enumerated in ss. 1002.20 and 1014.04, adopt procedures for notifying a student’s parent if there is a change in the student’s services or monitoring related to the student’s mental, emotional, or physical health or well-being and the school’s ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to facilitate discussion of the issue with the parent. The procedures may not prohibit parents from accessing any of their student’s education and health records created, maintained, or used by the school district, as required by s. 1002.22(2).

2. A school district may not adopt procedures or student support forms that prohibit school district personnel from notifying a parent about his or her student’s mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student’s mental, emotional, or physical health or well-being. This subparagraph does not prohibit a school district from adopting procedures that permit school personnel to withhold such information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect, as those terms are defined in s. 39.01.

3. Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in prekindergarten through grade 8, except when required by ss. 1003.42(2)(o)3. ~~1003.42(2)(n)3.~~ and

1003.46. If such instruction is provided in grades 9 through 12, the instruction must be age-appropriate or developmentally appropriate for students in accordance with state standards. This subparagraph applies to charter schools.

4. Student support services training developed or provided by a school district to school district personnel must adhere to student services guidelines, standards, and frameworks established by the Department of Education.

5. At the beginning of the school year, each school district shall notify parents of each health care service offered at their student's school and the option to withhold consent or decline any specific service in accordance with s. 1014.06. Parental consent to a health care service does not waive the parent's right to access his or her student's educational or health records or to be notified about a change in his or her student's services or monitoring as provided by this paragraph.

6. Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the school district must provide the questionnaire or health screening form to the parent and obtain the permission of the parent.

7. Each school district shall adopt procedures for a parent to notify the principal, or his or her designee, regarding concerns under this paragraph at his or her student's school and the process for resolving those concerns within 7 calendar days after notification by the parent.

a. At a minimum, the procedures must require that within 30 days after notification by the parent that the concern remains unresolved, the school district must either resolve the concern or provide a statement of the reasons for not resolving the concern.

b. If a concern is not resolved by the school district, a parent may:

(I) Request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the dispute over the school district procedure or practice, consider information provided by the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

(II) Bring an action against the school district to obtain a declaratory judgment that the school district procedure or practice violates this paragraph and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.

c. Each school district shall adopt and post on its website policies to notify parents of the procedures required under this subparagraph.

d. Nothing contained in this subparagraph shall be construed to abridge or alter rights of action or remedies in equity already existing under the common law or general law.

Reviser's note.—Amended to conform to the redesignation of paragraphs in s. 1003.42(2) by s. 6, ch. 2023-39, Laws of Florida.

Section 71. Subsection (2) of section 1002.01, Florida Statutes, is amended to read:

1002.01 Definitions.—

(2) A “personalized education program” means the sequentially progressive instruction of a student directed by his or her parent to satisfy the attendance requirements of ss. 1003.01(16) ~~1003.01(13)~~ and 1003.21(1) while registered with an eligible nonprofit scholarship-funding organization pursuant to s. 1002.395. A personalized education student shall be provided the same flexibility and opportunities as provided in s. 1002.41(3)-(12).

Reviser's note.—Amended to confirm an editorial substitution to conform to the redesignation of subsections in s. 1003.01 by s. 148, ch. 2023-8, Laws of Florida.

Section 72. Paragraph (a) of subsection (6) of section 1002.20, Florida Statutes, is amended to read:

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

(6) EDUCATIONAL CHOICE.—

(a) *Public educational school choices*.—Parents of public school students may seek any public educational school choice options that are applicable and available to students throughout the state. These options may include controlled open enrollment, single-gender programs, lab schools, virtual instruction programs, charter schools, charter technical career centers, magnet schools, alternative schools, special programs, auditory-oral education programs, advanced placement, dual enrollment, International Baccalaureate, International General Certificate of Secondary Education (pre-

AICE), CAPE digital tools, CAPE industry certifications, early college programs, Advanced International Certificate of Education, early admissions, credit by examination or demonstration of competency, the New World School of the Arts, the Florida School for the Deaf and the Blind, and the Florida Virtual School. These options may also include the public educational choice option options of the Opportunity Scholarship Program and the ~~McKay Scholarships for Students with Disabilities Program~~.

Reviser’s note.—Amended to conform to the repeal of s. 1002.39, which established the John M. McKay Scholarships for Students with Disabilities Program, by s. 9, ch. 2023-9, Laws of Florida.

Section 73. Paragraph (e) of subsection (3) and paragraph (b) of subsection (8) of section 1002.351, Florida Statutes, are amended to read:

1002.351 The Florida School for Competitive Academics.—

(3) BOARD OF TRUSTEES.—

(e) The board of trustees has the full power and authority to:

1. Adopt rules pursuant to ss. 120.536(1) and 120.54 to implement provisions of law relating to operation of the Florida School for Competitive Academics. Such rules must be submitted to the State Board of Education for approval or disapproval. After a rule is approved by the State Board of Education, the rule must be filed immediately with the Department of State. The board of trustees shall act at all times in conjunction with the rules of the State Board of Education.

2. Appoint a principal, administrators, teachers, and other employees.

3. Remove principals, administrators, teachers, and other employees at the board’s discretion.

4. Determine eligibility of students and procedures for admission.

5. Provide for the proper keeping of accounts and records and for budgeting of funds.

6. Receive gifts, donations, and bequests of money or property, real or personal, tangible or intangible, from any person, firm, corporation, or other legal entity for the use and benefit of the school.

7. Recommend to the Legislature that ~~for~~ the school ~~to~~ become a residential public school.

8. Do and perform every other matter or thing requisite to the proper management, maintenance, support, and control of the school at the highest efficiency economically possible.

(8) EXEMPTION FROM STATUTES.—

(b) Additionally, the Florida School for Competitive Academics shall be in compliance with the following statutes:

1. Section 286.011, relating to public meetings and records, public inspection, and criminal and civil penalties.
2. Chapter 119, relating to public records.
3. Section 1006.12, relating to safe-school officers.
4. Section 1006.07(7), relating to threat management assessment teams.
5. Section 1006.07(9), relating to school environmental safety incident reporting.
6. Section 1006.07(10), relating to reporting of involuntary examinations.
7. Section 1006.1493, relating to the Florida Safe Schools Assessment Tool.
8. Section 1006.07(6)(d), relating to adopting active assailant response plans.
9. Section 943.082(4)(b), relating to the mobile suspicious activity reporting tool.
10. Section 1012.584, relating to youth mental health awareness and assistance training.
11. Section 1003.4282, relating to requirements for a standard high school diploma.
12. Section 1003.03(1), relating to class size maximums.
- 13.a. Section 1011.61, relating to instructional hours requirements.
- b. Notwithstanding sub-subparagraph a., the school may provide instruction that exceeds the minimum time requirements for the purposes of offering a summer program.

Reviser's note.—Paragraph (3)(e) is amended to improve clarity.

Paragraph (8)(b) is amended to confirm an editorial substitution to conform to s. 23, ch. 2023-18, Laws of Florida, which amended s. 1006.07(7) to change the term “threat assessment team” to the term “threat management team.”

Section 74. Paragraph (a) of subsection (4) and paragraph (a) of subsection (12) of section 1002.394, Florida Statutes, are amended to read:

1002.394 The Family Empowerment Scholarship Program.—

(4) AUTHORIZED USES OF PROGRAM FUNDS.—

(a) Program funds awarded to a student determined eligible pursuant to paragraph (3)(a) may be used for:

1. Tuition and fees at an eligible private school.
2. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school as defined in s. 1002.32.
3. Instructional materials, including digital materials and Internet resources.
4. Curriculum as defined in subsection (2).
5. Tuition and fees associated with full-time or part-time enrollment in an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the department pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a); the Florida Virtual School as a private paying student; or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.
6. Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.
7. Contracted services provided by a public school or school district, including classes. A student who receives contracted services under this subparagraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (6) but rather attending a public school on a part-time basis as authorized under s. 1002.44.
8. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the department. As used in this subparagraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. ~~1003.01(13)(e)~~ 1003.01(16)(e).

(12) SCHOLARSHIP FUNDING AND PAYMENT.—

(a)1. Scholarships for students determined eligible pursuant to paragraph (3)(a) may be funded once all scholarships have been funded in accordance with s. 1002.395(6)(l)2. The calculated scholarship amount for a participating student determined eligible pursuant to paragraph (3)(a) shall be based upon the grade level and school district in which the student was assigned as 100 percent of the funds per unweighted full-time equivalent in the Florida Education Finance Program for a student in the basic program established pursuant to s. 1011.62(1)(c)1., plus a per-full-time equivalent share of funds for the categorical programs established in s. 1011.62(5), (7)(a), and (16), as funded in the General Appropriations Act.

2. A scholarship of \$750 or an amount equal to the school district expenditure per student riding a school bus, as determined by the department, whichever is greater, may be awarded to an eligible student who is enrolled in a Florida public school that is different from the school to which the student was assigned or in a lab school as defined in s. 1002.32 if the school district does not provide the student with transportation to the school.

3. The organization must provide the department with the documentation necessary to verify the student's participation. Upon receiving the documentation, the department shall transfer, beginning August 1, from state funds only, the amount calculated pursuant to subparagraph 1. ~~subparagraph 2.~~ to the organization for quarterly disbursement to parents of participating students each school year in which the scholarship is in force. For a student exiting a Department of Juvenile Justice commitment program who chooses to participate in the scholarship program, the amount of the Family Empowerment Scholarship calculated pursuant to subparagraph 1. ~~subparagraph 2.~~ must be transferred from the school district in which the student last attended a public school before commitment to the Department of Juvenile Justice. When a student enters the scholarship program, the organization must receive all documentation required for the student's participation, including the private school's and the student's fee schedules, at least 30 days before the first quarterly scholarship payment is made for the student.

4. The initial payment shall be made after the organization's verification of admission acceptance, and subsequent payments shall be made upon verification of continued enrollment and attendance at the private school. Payment must be by funds transfer or any other means of payment that the department deems to be commercially viable or cost-effective. An organization shall ensure that the parent has approved a funds transfer before any scholarship funds are deposited.

5. An organization may not transfer any funds to an account of a student determined eligible pursuant to paragraph (3)(a) which has a balance in excess of \$24,000.

Reviser's note.—Paragraph (4)(a) is amended to confirm an editorial substitution to conform to the redesignation of subsections in s.

1003.01 by s. 148, ch. 2023-8, Laws of Florida. Paragraph (12)(a) is amended to correct a cross-reference. The amendment by s. 5, ch. 2023-16, Laws of Florida, redesignated subparagraphs within paragraph (a) but did not revise references to subparagraph 2. The material found in subparagraph 2., as that reference existed prior to the amendment by s. 5, ch. 2023-16, is now contained in subparagraph 1.

Section 75. Paragraphs (d) and (e) of subsection (6) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(6) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING ORGANIZATIONS.—An eligible nonprofit scholarship-funding organization:

(d)1. For the 2023-2024 school year, may fund no more than 20,000 scholarships for students who are enrolled pursuant to paragraph (7)(b). The number of scholarships funded for such students may increase by 40,000 in each subsequent school year. This subparagraph is repealed July 1, 2027.

2. Must establish and maintain separate empowerment accounts from eligible contributions for each eligible student. For each account, the organization must maintain a record of accrued interest retained in the student's account. The organization must verify that scholarship funds are used for:

a. Tuition and fees for full-time or part-time enrollment in an eligible private school.

b. Transportation to a Florida public school in which a student is enrolled and that is different from the school to which the student was assigned or to a lab school as defined in s. 1002.32.

c. Instructional materials, including digital materials and Internet resources.

d. Curriculum as defined in s. 1002.394(2).

e. Tuition and fees associated with full-time or part-time enrollment in a home education instructional program; an eligible postsecondary educational institution or a program offered by the postsecondary educational institution, unless the program is subject to s. 1009.25 or reimbursed pursuant to s. 1009.30; an approved preapprenticeship program as defined in s. 446.021(5) which is not subject to s. 1009.25 and complies with all applicable requirements of the Department of Education pursuant to chapter 1005; a private tutoring program authorized under s. 1002.43; a virtual program offered by a department-approved private online provider that meets the provider qualifications specified in s. 1002.45(2)(a); the

Florida Virtual School as a private paying student; or an approved online course offered pursuant to s. 1003.499 or s. 1004.0961.

f. Fees for nationally standardized, norm-referenced achievement tests, Advanced Placement Examinations, industry certification examinations, assessments related to postsecondary education, or other assessments.

g. Contracted services provided by a public school or school district, including classes. A student who receives contracted services under this sub-subparagraph is not considered enrolled in a public school for eligibility purposes as specified in subsection (11) but rather attending a public school on a part-time basis as authorized under s. 1002.44.

h. Tuition and fees for part-time tutoring services or fees for services provided by a choice navigator. Such services must be provided by a person who holds a valid Florida educator's certificate pursuant to s. 1012.56, a person who holds an adjunct teaching certificate pursuant to s. 1012.57, a person who has a bachelor's degree or a graduate degree in the subject area in which instruction is given, a person who has demonstrated a mastery of subject area knowledge pursuant to s. 1012.56(5), or a person certified by a nationally or internationally recognized research-based training program as approved by the Department of Education. As used in this paragraph, the term "part-time tutoring services" does not qualify as regular school attendance as defined in s. 1003.01(16)(e) ~~1003.01(13)(e)~~.

(e) For students determined eligible pursuant to paragraph (7)(b), must:

1. Maintain a signed agreement from the parent which constitutes compliance with the attendance requirements under ss. 1003.01(16) ~~1003.01(13)~~ and 1003.21(1).

2. Receive eligible student test scores and, beginning with the 2027-2028 school year, by August 15, annually report test scores for students pursuant to paragraph (7)(b) to a state university pursuant to paragraph (9)(f).

3. Provide parents with information, guidance, and support to create and annually update a student learning plan for their student. The organization must maintain the plan and allow parents to electronically submit, access, and revise the plan continuously.

4. Upon submission by the parent of an annual student learning plan, fund a scholarship for a student determined eligible.

Information and documentation provided to the Department of Education and the Auditor General relating to the identity of a taxpayer that provides an eligible contribution under this section shall remain confidential at all times in accordance with s. 213.053.

Reviser's note.—Amended to confirm editorial substitutions to conform to the redesignation of subsections in s. 1003.01 by s. 148, ch. 2023-8, Laws of Florida.

Section 76. Subsections (1) and (3) of section 1002.44, Florida Statutes, are amended to read:

1002.44 Part-time public school enrollment.—

(1) Any public school in this state, including a charter school, may enroll a student who meets the regular school attendance criteria in s. 1003.01(16)(b)-(f) ~~1003.01(13)(b)-(f)~~ on a part-time basis, subject to space and availability according to the school's capacity determined pursuant to s. 1002.31(2)(b).

(3) A student attending a public school on a part-time basis pursuant to this section is not considered to be in regular attendance at a public school as defined in s. 1003.01(16)(a) ~~1003.01(13)(a)~~.

Reviser's note.—Amended to confirm editorial substitutions to conform to the redesignation of subsections in s. 1003.01 by s. 148, ch. 2023-8, Laws of Florida.

Section 77. Paragraphs (o), (p), and (q) of subsection (2) of section 1002.82, Florida Statutes, are amended to read:

1002.82 Department of Education; powers and duties.—

(2) The department shall:

(o) ~~No later than July 1, 2019,~~ Develop a differential payment program based on the quality measures adopted by the department under paragraph (n). The differential payment may not exceed a total of 15 percent for each care level and unit of child care for a child care provider. No more than 5 percent of the 15 percent total differential may be provided to providers who submit valid and reliable data to the statewide information system in the domains of language and executive functioning using a child assessment identified pursuant to paragraph (k). Providers below the minimum program assessment score adopted for contracting purposes are ineligible for such payment.

(p) ~~No later than July 1, 2022,~~ Develop and adopt requirements for the implementation of a program designed to make available contracted slots to serve children at the greatest risk of school failure as determined by such children being located in an area that has been designated as a poverty area tract according to the latest census data. The contracted slot program may also be used to increase the availability of child care capacity based on the assessment under s. 1002.85(2)(i).

(q) Establish a single statewide information system that each coalition must use for the purposes of managing the single point of entry, tracking children's progress, coordinating services among stakeholders, determining eligibility of children, tracking child attendance, and streamlining administrative processes for providers and early learning coalitions. ~~By July 1, 2019,~~ The system, subject to ss. 1002.72 and 1002.97, shall:

1. Allow a parent to find early learning programs online, including the performance profile under s. 1002.92(3)(a) which must be integrated into the online portal under s. 1001.10(10).
2. Allow a parent to monitor the development of his or her child as the child moves among programs within the state.
3. Enable analysis at the state, regional, and local level to measure child growth over time, program impact, and quality improvement and investment decisions.

Reviser's note.—Amended to delete obsolete language.

Section 78. Paragraph (i) of subsection (1) of section 1003.02, Florida Statutes, is amended to read:

1003.02 District school board operation and control of public K-12 education within the school district.—As provided in part II of chapter 1001, district school boards are constitutionally and statutorily charged with the operation and control of public K-12 education within their school districts. The district school boards must establish, organize, and operate their public K-12 schools and educational programs, employees, and facilities. Their responsibilities include staff development, public K-12 school student education including education for exceptional students and students in juvenile justice programs, special programs, adult education programs, and career education programs. Additionally, district school boards must:

(1) Provide for the proper accounting for all students of school age, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students in the following areas:

(i) *Notification of acceleration, academic, and career planning options.* At the beginning of each school year, notify students in or entering high school and the students' parents, in a language that is understandable to students and parents, of the opportunity and benefits of advanced placement, International Baccalaureate, Advanced International Certificate of Education, and dual enrollment courses; career and professional academies; career-themed courses; the career and technical education pathway to earn a standard high school diploma under s. 1003.4282(10); work-based learning opportunities, including internships and apprenticeship and preapprenticeship programs; foundational and soft-skill credentialing programs under s. 445.06; Florida Virtual School courses; and options for early graduation under s. 1003.4281, and provide those students and parents with guidance on accessing and using Florida's online career planning and work-based learning coordination system and the contact information of a certified school counselor who can advise students and parents on those options.

Reviser's note.—Amended to confirm an editorial reinsertion to improve clarity and facilitate correct interpretation.

Section 79. Paragraph (a) of subsection (2) of section 1003.4201, Florida Statutes, is amended to read:

1003.4201 Comprehensive system of reading instruction.—Each school district must implement a system of comprehensive reading instruction for students enrolled in prekindergarten through grade 12 and certain students who exhibit a substantial deficiency in early literacy.

(2)(a) Components of the reading instruction plan may include the following:

1. Additional time per day of evidence-based intensive reading instruction for kindergarten through grade 12 students, which may be delivered during or outside of the regular school day.

2. Highly qualified reading coaches, who must be endorsed in reading, to specifically support classroom teachers in making instructional decisions based on progress monitoring data collected pursuant to s. 1008.25(9) ~~1008.25(8)~~ and improve classroom teacher delivery of effective reading instruction, reading intervention, and reading in the content areas based on student need.

3. Professional development to help instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program earn a certification, a credential, an endorsement, or an advanced degree in scientifically researched and evidence-based reading instruction.

4. Summer reading camps, using only classroom teachers or other district personnel who possess a micro-credential as specified in s. 1003.485 or are certified or endorsed in reading consistent with s. 1008.25(8)(b)3. ~~1008.25(7)(b)3.~~, for all students in kindergarten through grade 5 exhibiting a reading deficiency as determined by district and state assessments.

5. Incentives for instructional personnel and certified prekindergarten teachers funded in the Florida Education Finance Program who possess a reading certification or endorsement or micro-credential as specified in s. 1003.485 and provide educational support to improve student literacy.

6. Tutoring in reading.

Reviser's note.—Amended to correct cross-references to conform to the redesignation of subsections in s. 1008.25 by s. 15, ch. 2023-108, Laws of Florida.

Section 80. Paragraph (a) of subsection (2) of section 1003.46, Florida Statutes, is amended to read:

1003.46 Health education; instruction in acquired immune deficiency syndrome.—

(2) Throughout instruction in acquired immune deficiency syndrome, sexually transmitted diseases, or health education, when such instruction and course material contains instruction in human sexuality, a school shall:

(a) Classify males and females as provided in s. ~~1000.21(7)~~ 1000.21(9) and teach that biological males impregnate biological females by fertilizing the female egg with male sperm; that the female then gestates the offspring; and that these reproductive roles are binary, stable, and unchangeable.

The Department of Education must approve any materials used for instruction under this subsection.

Reviser's note.—Amended to conform to the reordering of definitions in s. 1000.21 by this act.

Section 81. Paragraphs (a) and (b) of subsection (9) and subsection (10) of section 1004.615, Florida Statutes, are amended to read:

1004.615 Florida Institute for Child Welfare.—

(9) By October 1 of each year, the institute shall provide a written report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which outlines its activities in the preceding year, reports significant research findings, as well as results of other programs, and provides specific recommendations for improving child protection and child welfare services.

~~(a) The institute shall include an evaluation of the results of the educational and training requirements for child protection and child welfare personnel established under this act in its report due October 1, 2017.~~

~~(b) The institute shall include an evaluation of the effects of the other provisions of this act and recommendations for improvements in child protection and child welfare services in its report due October 1, 2018.~~

(10) The institute shall submit a report with recommendations for improving the state's child welfare system. The report shall address topics including, but not limited to, enhancing working relationships between the entities involved in the child protection and child welfare system, identification of and replication of best practices, reducing paperwork, increasing the retention of child protective investigators and case managers, and caring for medically complex children within the child welfare system, with the goal of allowing the child to remain in the least restrictive and most nurturing environment. ~~The institute shall submit an interim report by February 1, 2015, and final report by October 1, 2015, to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

Reviser's note.—Amended to delete obsolete language.

Section 82. Subsection (3) of section 1004.648, Florida Statutes, is amended to read:

1004.648 Florida Energy Systems Consortium.—

(3) The consortium shall consist of the state universities as identified under s. 1000.21(9) ~~1000.21(8)~~.

Reviser's note.—Amended to conform to the reordering of definitions in s. 1000.21 by this act.

Section 83. Paragraph (d) of subsection (2), paragraphs (c) and (e) of subsection (4), and paragraph (b) of subsection (7) of section 1006.07, Florida Statutes, are amended to read:

1006.07 District school board duties relating to student discipline and school safety.—The district school board shall provide for the proper accounting for all students, for the attendance and control of students at school, and for proper attention to health, safety, and other matters relating to the welfare of students, including:

(2) CODE OF STUDENT CONDUCT.—Adopt a code of student conduct for elementary schools and a code of student conduct for middle and high schools and distribute the appropriate code to all teachers, school personnel, students, and parents, at the beginning of every school year. Each code shall be organized and written in language that is understandable to students and parents and shall be discussed at the beginning of every school year in student classes, school advisory council meetings, and parent and teacher association or organization meetings. Each code shall be based on the rules governing student conduct and discipline adopted by the district school board and shall be made available in the student handbook or similar publication. Each code shall include, but is not limited to:

(d)1. An explanation of the responsibilities of each student with regard to appropriate dress, respect for self and others, and the role that appropriate dress and respect for self and others has on an orderly learning environment. Each district school board shall adopt a dress code policy that prohibits a student, while on the grounds of a public school during the regular school day, from wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the orderly learning environment.

2. Any student who violates the dress code policy described in subparagraph 1. is subject to the following disciplinary actions:

a. For a first offense, a student shall be given a verbal warning and the school principal shall call the student's parent or guardian.

b. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal shall meet with the student's parent or guardian.

c. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to s. 1003.01(13) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

(4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.—

~~(c) Beginning with the 2021-2022 school year, Each public school, including charter schools, shall implement a mobile panic alert system capable of connecting diverse emergency services technologies to ensure real-time coordination between multiple first responder agencies. Such system, known as "Alyssa's Alert," must integrate with local public safety answering point infrastructure to transmit 911 calls and mobile activations.~~

~~(e) For the 2020-2021 fiscal year and subject to the appropriation of funds in the General Appropriations Act for this purpose, the department shall issue a competitive solicitation to contract for a mobile panic alert system that may be used by each school district. The department shall consult with the Marjory Stoneman Douglas High School Public Safety Commission, the Department of Law Enforcement, and the Division of Emergency Management in the development of the competitive solicitation for the mobile panic alert system.~~

(7) THREAT MANAGEMENT TEAMS.—Each district school board and charter school governing board shall establish a threat management team at each school whose duties include the coordination of resources and assessment and intervention with students whose behavior may pose a threat to the safety of the school, school staff, or students.

(b) A threat management team shall include persons with expertise in counseling, instruction, school administration, and law enforcement. All members of the threat management team must be involved in the threat assessment and threat management process and final decisionmaking. At least one member of the threat management team must have personal familiarity with the individual who is the subject of the threat assessment. If no member of the threat management team has such familiarity, a member of the an instructional personnel or administrative personnel, as those terms are defined in s. 1012.01(2) and (3), who is personally familiar with the individual who is the subject of the threat assessment must consult with the threat management team for the purpose of assessing the threat. The instructional or administrative personnel who provides such consultation shall not participate in the decisionmaking process.

Reviser's note.—Subparagraph (2)(d)2. is amended to conform to language in subparagraph (2)(d)1. Paragraphs (4)(c) and (e) are amended to delete obsolete language. Paragraph (7)(b) is amended to confirm an editorial substitution to improve clarity.

Section 84. Paragraphs (a) and (d) of subsection (2) of section 1006.28, Florida Statutes, are amended to read:

1006.28 Duties of district school board, district school superintendent, and school principal regarding K-12 instructional materials.—

(2) DISTRICT SCHOOL BOARD.—The district school board has the constitutional duty and responsibility to select and provide adequate instructional materials for all students in accordance with the requirements of this part. The district school board also has the following specific duties and responsibilities:

(a) *Courses of study; adoption.*—Adopt courses of study, including instructional materials, for use in the schools of the district.

1. Each district school board is responsible for the content of all instructional materials and any other materials used in a classroom, made available in a school or classroom library, or included on a reading list, whether adopted and purchased from the state-adopted instructional materials list, adopted and purchased through a district instructional materials program under s. 1006.283, or otherwise purchased or made available.

2. Each district school board must adopt a policy regarding an objection by a parent or a resident of the county to the use of a specific material, which clearly describes a process to handle all objections and provides for resolution. The objection form, as prescribed by State Board of Education rule, and the district school board's process must be easy to read and understand and be easily accessible on the homepage of the school district's website. The objection form must also identify the school district point of contact and contact information for the submission of an objection. The process must provide the parent or resident the opportunity to proffer evidence to the district school board that:

a. An instructional material does not meet the criteria of s. 1006.31(2) or s. ~~1006.40(3)(c)~~ 1006.40(3)(d) if it was selected for use in a course or otherwise made available to students in the school district but was not subject to the public notice, review, comment, and hearing procedures under s. 1006.283(2)(b)8., 9., and 11.

b. Any material used in a classroom, made available in a school or classroom library, or included on a reading list contains content which:

(I) Is pornographic or prohibited under s. 847.012;

(II) Depicts or describes sexual conduct as defined in s. 847.001(19), unless such material is for a course required by s. 1003.46 ~~or~~ s. 1003.42(2)(o) ~~1.g. or 3. 1003.42(2)(n)1.g., or s. 1003.42(2)(n)3.~~, or identified by State Board of Education rule;

(III) Is not suited to student needs and their ability to comprehend the material presented; or

(IV) Is inappropriate for the grade level and age group for which the material is used.

Any material that is subject to an objection on the basis of sub-sub-subparagraph b.(I) or sub-sub-subparagraph b.(II) must be removed within 5 school days of receipt of the objection and remain unavailable to students of that school until the objection is resolved. Parents shall have the right to read passages from any material that is subject to an objection. If the school board denies a parent the right to read passages due to content that meets the requirements under sub-sub-subparagraph b.(I), the school district shall discontinue the use of the material. If the district school board finds that any material meets the requirements under sub-subparagraph a. or that any other material contains prohibited content under sub-sub-subparagraph b. (I), the school district shall discontinue use of the material. If the district school board finds that any other material contains prohibited content under sub-sub-subparagraphs b.(II)-(IV), the school district shall discontinue use of the material for any grade level or age group for which such use is inappropriate or unsuitable.

3. Each district school board must establish a process by which the parent of a public school student or a resident of the county may contest the district school board's adoption of a specific instructional material. The parent or resident must file a petition, on a form provided by the school board, within 30 calendar days after the adoption of the instructional material by the school board. The school board must make the form available to the public and publish the form on the school district's website. The form must be signed by the parent or resident, include the required contact information, and state the objection to the instructional material based on the criteria of s. 1006.31(2) or s. ~~1006.40(3)(c)~~ 1006.40(3)(d). Within 30 days after the 30-day period has expired, the school board must, for all petitions timely received, conduct at least one open public hearing before an unbiased and qualified hearing officer. The hearing officer may not be an employee or agent of the school district. The hearing is not subject to the provisions of chapter 120; however, the hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer. The school board's decision after convening a hearing is final and not subject to further petition or review.

4. Meetings of committees convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the district school board must be noticed and open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.

5. Meetings of committees convened for the purpose of resolving an objection by a parent or resident to specific materials must be noticed and

open to the public in accordance with s. 286.011. Any committees convened for such purposes must include parents of students who will have access to such materials.

6. If a parent disagrees with the determination made by the district school board on the objection to the use of a specific material, a parent may request the Commissioner of Education to appoint a special magistrate who is a member of The Florida Bar in good standing and who has at least 5 years' experience in administrative law. The special magistrate shall determine facts relating to the school district's determination, consider information provided by the parent and the school district, and render a recommended decision for resolution to the State Board of Education within 30 days after receipt of the request by the parent. The State Board of Education must approve or reject the recommended decision at its next regularly scheduled meeting that is more than 7 calendar days and no more than 30 days after the date the recommended decision is transmitted. The costs of the special magistrate shall be borne by the school district. The State Board of Education shall adopt rules, including forms, necessary to implement this subparagraph.

(d) *School library media services; establishment and maintenance.*— Establish and maintain a program of school library media services for all public schools in the district, including school library media centers, or school library media centers open to the public, and, in addition such traveling or circulating libraries as may be needed for the proper operation of the district school system. Beginning January 1, 2023, school librarians, media specialists, and other personnel involved in the selection of school district library materials must complete the training program developed pursuant to s. 1006.29(6) before reviewing and selecting age-appropriate materials and library resources. Upon written request, a school district shall provide access to any material or book specified in the request that is maintained in a district school system library and is available for review.

1. Each book made available to students through a school district library media center or included in a recommended or assigned school or grade-level reading list must be selected by a school district employee who holds a valid educational media specialist certificate, regardless of whether the book is purchased, donated, or otherwise made available to students.

2. Each district school board shall adopt procedures for developing library media center collections and post the procedures on the website for each school within the district. The procedures must:

a. Require that book selections meet the criteria in s. 1006.40(3)(c) ~~1006.40(3)(d)~~.

b. Require consultation of reputable, professionally recognized reviewing periodicals and school community stakeholders.

c. Provide for library media center collections, including classroom libraries, based on reader interest, support of state academic standards and aligned curriculum, and the academic needs of students and faculty.

d. Provide for the regular removal or discontinuance of books based on, at a minimum, physical condition, rate of recent circulation, alignment to state academic standards and relevancy to curriculum, out-of-date content, and required removal pursuant to subparagraph (a)2.

3. Each elementary school must publish on its website, in a searchable format prescribed by the department, a list of all materials maintained and accessible in the school library media center or a classroom library or required as part of a school or grade-level reading list.

4. Each district school board shall adopt and publish on its website the process for a parent to limit his or her student's access to materials in the school or classroom library.

Reviser's note.—Amended to correct cross-references to conform to the redesignation of s. 1006.40(3)(d) as s. 1006.40(3)(c) by s. 32, ch. 2023-245, Laws of Florida. Paragraph (a) is further amended to correct cross-references to conform to the redesignation of s. 1003.42(2)(n) as s. 1003.42(2)(o) by s. 6, ch. 2023-39, Laws of Florida, and to conform to Florida Statutes citation style.

Section 85. Paragraph (d) of subsection (5) and paragraph (c) of subsection (6) of section 1008.25, Florida Statutes, are amended to read:

1008.25 Public school student progression; student support; coordinated screening and progress monitoring; reporting requirements.—

(5) READING DEFICIENCY AND PARENTAL NOTIFICATION.—

(d) The parent of any student who exhibits a substantial deficiency in reading, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency.

4. That if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless he or she is exempt from mandatory retention for good cause.

5. Strategies, including multisensory strategies and programming, through a read-at-home plan the parent can use in helping his or her child succeed in reading. The read-at-home plan must provide access to the resources identified in paragraph (e) (f).

6. That the statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and the school district in knowing when a child is reading at or above grade level and ready for grade promotion.

7. The district's specific criteria and policies for a portfolio as provided in subparagraph (7)(b)4. and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts. A school must immediately begin collecting evidence for a portfolio when a student in grade 3 is identified as being at risk of retention or upon the request of the parent, whichever occurs first.

8. The district's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level.

9. Information about the student's eligibility for the New Worlds Reading Initiative under s. 1003.485 and the New Worlds Scholarship Accounts under s. 1002.411 and information on parent training modules and other reading engagement resources available through the initiative.

After initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement.

(6) MATHEMATICS DEFICIENCY AND PARENTAL NOTIFICATION.—

(c) The parent of a student who exhibits a substantial deficiency in mathematics, as described in paragraph (a), must be notified in writing of the following:

1. That his or her child has been identified as having a substantial deficiency in mathematics, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in mathematics.

2. A description of the current services that are provided to the child.

3. A description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of mathematics deficiency.

4. Strategies, including multisensory strategies and programming, through a home-based plan the parent can use in helping his or her child succeed in mathematics. The home-based plan must provide access to the resources identified in paragraph (d) ~~(e)~~.

After the initial notification, the school shall apprise the parent at least monthly of the student's progress in response to the intensive interventions and supports. Such communications must be in writing and must explain any additional interventions or supports that will be implemented to accelerate the student's progress if the interventions and supports already being implemented have not resulted in improvement.

Reviser's note.—Paragraph (5)(d) is amended to correct a cross-reference to conform to the fact that paragraph (f) does not exist; paragraph (e) provides a list of resources to be incorporated into a home-based plan for use by the parent of a student identified as having a substantial reading deficiency. Paragraph (6)(c) is amended to correct a cross-reference to conform to the fact that paragraph (e) does not exist; paragraph (d) provides a list of resources to be incorporated into a home-based plan for use by the parent of a student identified as having a substantial mathematics deficiency.

Section 86. Paragraph (c) of subsection (1) of section 1009.21, Florida Statutes, is amended to read:

1009.21 Determination of resident status for tuition purposes.—Students shall be classified as residents or nonresidents for the purpose of assessing tuition in postsecondary educational programs offered by charter technical career centers or career centers operated by school districts, in Florida College System institutions, and in state universities.

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

(c) "Institution of higher education" means any charter technical career center as defined in s. 1002.34, career center operated by a school district as defined in s. 1001.44, Florida College System institution as defined in s. 1000.21(5), or state university as defined in s. 1000.21(9) ~~1000.21(8)~~.

Reviser's note.—Amended to conform to the reordering of definitions in s. 1000.21 by this act.

Section 87. Subsection (6) of section 1009.286, Florida Statutes, is amended to read:

1009.286 Additional student payment for hours exceeding baccalaureate degree program completion requirements at state universities.—

(6) For purposes of this section, the term “state university” includes the institutions identified in s. ~~1000.21(9)~~ 1000.21(8) and the term “Florida College System institution” includes the institutions identified in s. 1000.21(5).

Reviser’s note.—Amended to conform to the reordering of definitions in s. 1000.21 by this act.

Section 88. Paragraph (b) of subsection (3) of section 1009.30, Florida Statutes, is amended to read:

1009.30 Dual Enrollment Scholarship Program.—

(3)

(b) The program shall reimburse institutions for tuition and related instructional materials costs for dual enrollment courses taken by public school, private school, home education program ~~secondary students~~, or personalized education program secondary students during the summer term.

Reviser’s note.—Amended to confirm an editorial deletion to improve clarity.

Section 89. Paragraph (c) of subsection (2) and paragraph (b) of subsection (5) of section 1009.895, Florida Statutes, are amended to read:

1009.895 Open Door Grant Program.—

(2) ELIGIBILITY.—In order to be eligible for the program, a student must:

(c) Be enrolled at a school district postsecondary technical career center under s. 1001.44, a Florida College System institution under s. 1000.21(5) ~~1000.21(3)~~, or a charter technical career center under s. 1002.34.

An institution may not impose additional criteria to determine a student’s eligibility to receive a grant under this section.

(5) INSTITUTIONAL REPORTING.—Each institution shall report to the department by the established date:

(b) ~~Submit a report with~~ Data from the previous fiscal year on program completion and credential attainment by students participating in the grant program that, at a minimum, includes:

1. A list of the programs offered.
2. The number of students who enrolled in the programs.
3. The number of students who completed the programs.

4. The number of students who attained workforce credentials, categorized by credential name and relevant occupation, after completing training programs.

Reviser's note.—Paragraph (2)(c) is amended to conform to the reordering of definitions in s. 1000.21 by s. 136, ch. 2023-8, Laws of Florida. Paragraph (5)(b) is amended to confirm an editorial deletion to improve clarity.

Section 90. Subsection (13) of section 1011.62, Florida Statutes, is amended, and subsection (15) of that section is reenacted, to read:

1011.62 Funds for operation of schools.—If the annual allocation from the Florida Education Finance Program to each district for operation of schools is not determined in the annual appropriations act or the substantive bill implementing the annual appropriations act, it shall be determined as follows:

(13) MENTAL HEALTH ASSISTANCE ALLOCATION.—The mental health assistance allocation is created to provide funding to assist school districts in implementing their implementation of their school-based mental health assistance program pursuant to s. 1006.041. These funds shall be allocated annually in the General Appropriations Act or other law to each eligible school district. Each school district shall receive a minimum of \$100,000, with the remaining balance allocated based on each school district's proportionate share of the state's total unweighted full-time equivalent student enrollment.

(15) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT FOR CURRENT OPERATION.—The total annual state allocation to each district for current operation for the Florida Education Finance Program shall be distributed periodically in the manner prescribed in the General Appropriations Act.

(a) If the funds appropriated for current operation of the Florida Education Finance Program, including funds appropriated pursuant to subsection (18), are not sufficient to pay the state requirement in full, the department shall prorate the available state funds to each district in the following manner:

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

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

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

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

(c) The amount thus obtained shall represent the net annual state allocation to each district; however, notwithstanding any of the provisions herein, each district shall be guaranteed a minimum level of funding in the amount and manner prescribed in the General Appropriations Act.

Reviser's note.—Subsection (13) is amended to confirm an editorial substitution to improve clarity. Section 41, ch. 2023-245, Laws of Florida, purported to amend subsection (15), but did not publish paragraphs (b) and (c). Absent affirmative evidence of legislative intent to repeal them, subsection (15) is reenacted to confirm that the omission was not intended.

Section 91. Subsection (2) of section 1012.71, Florida Statutes, is amended to read:

1012.71 The Florida Teachers Classroom Supply Assistance Program.

(2) The amount of funds per classroom teacher for the Florida Teachers Classroom Supply Assistance Program shall be specified in the General Appropriations Act. Classroom teachers shall use the funds to purchase, on behalf of the school district or charter school, classroom materials and supplies for the public school students assigned to them, and the funds may not be used to purchase equipment. The funds shall be used to supplement the materials and supplies otherwise available to classroom teachers.

Reviser's note.—Amended to confirm editorial insertions to improve clarity and sentence structure.

Section 92. Section 1012.993, Florida Statutes, is amended to read:

1012.993 Interstate Teacher Mobility Compact.—The Governor is authorized and directed to execute the Interstate Teacher Mobility Compact on behalf of this state with any other state or states legally joining therein in the form substantially as follows:

ARTICLE I

PURPOSE

The purpose of this compact is to facilitate the mobility of teachers across the member states with the goal of supporting teachers through a new pathway to licensure. Through this compact, the member states seek to establish a collective regulatory framework which expedites and enhances the ability of teachers from a variety of backgrounds to move across state lines. This compact is intended to achieve the following objectives and should be interpreted accordingly. The member states hereby ratify the same intentions by subscribing hereto:

- (1) Create a streamlined pathway to licensure mobility for teachers;
- (2) Support the relocation of eligible military spouses;
- (3) Facilitate and enhance the exchange of licensure, investigative, and disciplinary information between the member states;
- (4) Enhance the power of state and district level education officials to hire qualified, competent teachers by removing barriers to the employment of out-of-state teachers;
- (5) Support the retention of teachers in the profession by removing barriers to relicensure in a new state; and
- (6) Maintain state sovereignty in the regulation of the teaching profession.

ARTICLE II

DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall govern the terms herein:

- (1) “Active military member” means any person with a full-time duty status in the uniformed armed services of the United States, including members of the National Guard and Reserve.

(2) “Adverse action” means any limitation or restriction imposed by a member state’s licensing authority, including the revocation, suspension, reprimand, probation, or limitation on the licensee’s ability to work as a teacher.

(3) “Bylaws” means the bylaws established by the commission.

(4) “Career and technical education” means a current, valid authorization issued by a member state’s licensing authority allowing an individual to serve as a teacher in K-12 public educational settings in a specific career and technical education area.

(5) “Commissioner” means the delegate of a member state.

(6) “Eligible license” means a license to engage in the teaching profession which requires at least a bachelor’s degree and the completion of a state-approved program for teacher licensure.

(7) “Eligible military spouse” means the spouse of any individual in full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty moving as a result of military mission or military career progression requirements, or are on their terminal move as a result of separation or retirement, including surviving spouses of deceased military members.

(8) “Executive committee” means a group of commissioners elected or appointed to act on behalf of, and within the powers granted to them by, the commission as provided herein.

(9) “Licensing authority” means an official, agency, board, or other entity of a state that is responsible for the licensing and regulation of teachers authorized to teach in K-12 public educational settings.

(10) “Member state” means any state that has adopted this compact, including all agencies and officials of such a state.

(11) “Receiving state” means any state where a teacher has applied for licensure under this compact.

(12) “Rule” means any regulation adopted by the commission under this compact which shall have the force of law in each member state.

(13) “State” means a state, territory, or possession of the United States and the District of Columbia.

(14) “State practice laws” means a member state’s laws, rules, and regulations that govern the teaching profession, define the scope of such profession, and create the method and grounds for imposing discipline.

(15) “Teacher” means an individual who currently holds an authorization from a member state which forms the basis for employment in the K-12

public schools of the state to provide instruction in a specific subject area, grade level, or student population.

(16) “Unencumbered license” means a current, valid authorization issued by a member state’s licensing authority allowing an individual to serve as a teacher in K-12 public education settings. An unencumbered license is not a restricted, probationary, provisional, substitute, or temporary credential.

ARTICLE III

LICENSURE UNDER THE COMPACT

(1) Licensure under this compact pertains only to the initial grant of a license by the receiving state. Nothing herein applies to any subsequent or ongoing compliance requirements that a receiving state might require for teachers.

(2) Each member state shall, in accordance with rules of the commission, define, compile, and update, as necessary, a list of eligible licenses and career and technical education licenses that the member state is willing to consider for equivalency under this compact and provide the list to the commission. The list shall include those licenses that a receiving state is willing to grant teachers from other member states, pending a determination of equivalency by the receiving state’s licensing authority.

(3) Upon the receipt of an application for licensure by a teacher holding an unencumbered license, the receiving state shall determine which of the receiving state’s eligible licenses the teacher is qualified to hold and shall grant such a license or licenses to the applicant. Such a determination shall be made in the sole discretion of the receiving state’s licensing authority and may include a determination that the applicant is not eligible for any of the receiving state’s licenses. For all teachers who hold an unencumbered license, the receiving state shall grant one or more unencumbered licenses that, in the receiving state’s sole discretion, are equivalent to the license held by the teacher in any other member state.

(4) For active duty military members and eligible military spouses who hold a license that is not unencumbered, the receiving state shall grant an equivalent license or licenses that, in the receiving state’s sole discretion, is equivalent to the license or licenses held by the teacher in any other member state, except where the receiving state does not have an equivalent license.

(5) For a teacher holding an unencumbered career and technical education license, the receiving state shall grant an unencumbered license equivalent to the career and technical education license held by the applying teacher and issued by another member state, as determined by the receiving state in its sole discretion, except where a career and technical education teacher does not hold a bachelor’s degree and the receiving state requires a

bachelor's degree for licenses to teach career and technical education. A receiving state may require career and technical education teachers to meet state industry recognized requirements, if required by law in the receiving state.

ARTICLE IV

LICENSURE NOT UNDER THE COMPACT

(1) Except as provided in Article III, nothing in this compact shall be construed to limit or inhibit the power of a member state to regulate licensure or endorsements overseen by the member state's licensing authority.

(2) When a teacher is required to renew a license received pursuant to this compact, the state granting such a license may require the teacher to complete state-specific requirements as a condition of licensure renewal or advancement in that state.

(3) For purposes of determining compensation, a receiving state may require additional information from teachers receiving a license under the provisions of this compact.

(4) Nothing in this compact shall be construed to limit the power of a member state to control and maintain ownership of its information pertaining to teachers or limit the application of a member state's laws or regulations governing the ownership, use, or dissemination of information pertaining ~~pertain~~ to teachers.

(5) Nothing in this compact shall be construed to invalidate or alter any existing agreement or other cooperative arrangement which a member state may already be a party to or limit the ability of a member state to participate in any future agreement or other cooperative arrangement to:

(a) Award teaching licenses or other benefits based on additional professional credentials, including, but not limited to, the National Board Certification;

(b) Participate in the exchange of names of teachers whose license has been subject to an adverse action by a member state; or

(c) Participate in any agreement or cooperative arrangement with a nonmember state.

ARTICLE V

TEACHER QUALIFICATIONS AND REQUIREMENTS
FOR LICENSURE UNDER THE COMPACT

(1) Except as provided for active military members or eligible military spouses under subsection (4) of Article III, a teacher may only be eligible to receive a license under this compact where that teacher holds an unencumbered license in a member state.

(2) A teacher eligible to receive a license under this compact shall, unless otherwise provided herein:

(a) Upon their application to receive a license under this compact, undergo a criminal background check in the receiving state in accordance with the laws and regulations of the receiving state; and

(b) Provide the receiving state with information in addition to the information required for licensure for the purposes of determining compensation, if applicable.

ARTICLE VI

DISCIPLINE AND ADVERSE ACTIONS

Nothing in this compact shall be deemed or construed to limit the authority of a member state to investigate or impose disciplinary measures on teachers according to the state practice laws thereof.

ARTICLE VII

ESTABLISHMENT OF THE INTERSTATE
TEACHER MOBILITY COMPACT COMMISSION

(1) The interstate compact member states hereby create and establish a joint public agency known as the Interstate Teacher Mobility Compact Commission:

(a) The commission is a joint interstate governmental agency comprised of states that have enacted the Interstate Teacher Mobility Compact.

(b) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(2)(a) Each member state shall have and be limited to one delegate to the commission, who shall be given the title of commissioner.

(b) The commissioner shall be the primary administrative officer of the state licensing authority or their designee.

(c) Any commissioner may be removed or suspended from office as provided by the law of the state from which the commissioner is appointed.

(d) The member state shall fill any vacancy occurring in the commission within 90 days.

(e) Each commissioner shall be entitled ~~entitle~~ to one vote about the adoption of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A commissioner shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for commissioners' participation in meetings by telephone or other means of communication.

(f) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(g) The commission shall establish by rule a term of office for commissioners.

(3) The commission shall have the following powers and duties:

(a) Establish a code of ethics for the commission.

(b) Establish a fiscal year of the commission.

(c) Establish bylaws for the commission.

(d) Maintain its financial records in accordance with the bylaws of the commission.

(e) Meet and take such actions as are consistent with the provisions of this compact, the bylaws, and rules of the commission.

(f) Adopt uniform rules to implement and administer this compact. The rules shall have the force and effect of law and shall be binding in all member states. In the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect of law.

(g) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any member state licensing authority to sue or be sued under applicable law shall not be affected.

(h) Purchase and maintain insurance and bonds.

(i) Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state or an associated nongovernmental organization that is open to membership by all states.

(j) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(k) Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use, any property, real, personal or mixed, provided that at all times the commission shall avoid any appearance of impropriety.

(l) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal or mixed.

(m) Establish a budget and make expenditures.

(n) Borrow money.

(o) Appoint committees, including standing committees composed of members and such other interested persons as may be designated in this interstate compact, rules, or bylaws.

(p) Provide and receive information from, and cooperate with, law enforcement agencies.

(q) Establish and elect an executive committee.

(r) Establish and develop a charter for an executive information governance committee to advise on facilitating the exchange of information, the use of information, data privacy, and technical support needs, and provide reports as needed.

(s) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of teacher licensure.

(t) Determine whether a state's adopted language is materially different from the model compact language such that the state would not qualify for participation in the compact.

(4)(a) The executive committee shall have the power to act on behalf of the commission according to the terms of this compact.

(b) The executive committee shall be composed of eight voting members as follows:

1. The chair of the commission.
2. The vice chair ~~vicechair~~ of the commission.
3. The treasurer of the commission.

4. Five members who are elected by the commission from the current membership as follows:

a. Four voting members representing geographic regions in accordance with commission rules.

b. One at-large voting member in accordance with commission rules.

(c) The commission may add or remove members of the executive committee as provided in commission rules.

(d) The executive committee shall meet at least once annually.

(e) The executive committee shall have the following duties and responsibilities:

1. Recommend to the entire commission changes to the rules or bylaws, changes to the compact legislation, fees paid by interstate compact member states such as annual dues, and any compact fee charged by the member states on behalf of the commission.

2. Ensure commission administration services are appropriately provided, contractual or otherwise.

3. Prepare and recommend the budget.

4. Maintain financial records on behalf of the commission.

5. Monitor compliance of member states and provide reports to the commission.

6. Perform other duties as provided in the rules or bylaws.

(5)(a) All meetings of the commission shall be open to the public, and public notice of meetings shall be given in accordance with commission bylaws.

(b) The commission shall keep minutes of commission meetings and shall provide a full and accurate summary of actions taken ~~take~~, and the reasons thereof, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes.

(6)(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same, provided that at all times the commission shall avoid any appearance of impropriety or conflicts of interest.

(c) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission, in accordance with the rules of the commission.

(d) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to all accounting procedures established under the commission bylaws. All receipts and disbursements of funds of the commission shall be reviewed annually in accordance with commission bylaws, and a report of the review shall be included in and become part of the annual report of the commission.

(7)(a) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities. Nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(b) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities. Nothing in this paragraph shall be construed to prohibit that person from retaining his or her own counsel and provided ~~provide~~ further that the actual or alleged act, error, or omission did not result from the person's intentional, willful, or wanton misconduct.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

ARTICLE VIII

RULEMAKING

(1) The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this compact and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

(2) The commission shall adopt reasonable rules to achieve the intent and purpose of this compact. In the event the commission exercises its rulemaking authority in a manner that is beyond the purpose and intent of this compact, or the powers granted hereunder, then such action by the commission shall be invalid and have no force and effect of law in the member states.

(3) If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt this compact within 4 years of the date of the adoption of the rule, then such rule shall have no further force and effect in any member state.

(4) Rules or amendments to the rules shall be adopted or ratified at a regular or special meeting of the commission in accordance with the commission’s rules and bylaws.

(5) Upon a determination that an emergency exists, the commission may consider and adopt an emergency rule with 48 hours’ notice, with opportunity for comment, provided the usual rulemaking procedures shall be retroactively applied to the rule as soon as reasonably possible, in no event ~~even~~ later than 90 days after the effective date of the rule. For the purposes of this subsection, an emergency rule is one that must be adopted immediately to:

- (a) Meet an imminent threat to the public health, safety, or welfare;
- (b) Prevent a loss of commission or member state funds;
- (c) Meet a deadline for the adoption of an administrative rule that is established by federal law or rule; or
- (d) Protect the public health or safety.

ARTICLE IX

FACILITATING THE EXCHANGE OF INFORMATION

(1) The commission shall provide for facilitating the exchange of information to administer and implement the provisions of this compact

in accordance with the rules of the commission, consistent with generally accepted data protection principles.

(2) Nothing in this compact shall be deemed or construed to alter, limit, or inhibit the power of a member state to control and maintain ownership of its licensee information or alter, limit, or inhibit the laws or regulations governing licensee information in member states.

ARTICLE X

OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

(1)(a) The executive and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate this compact's purpose and intent. The provisions of this compact shall have standing as statutory law.

(b) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings. Nothing herein shall affect or limit the selection or propriety of venue in any action against a licensee for professional malpractice, misconduct, or any such similar matter.

(c) All courts and all administrative agencies shall take judicial notice of this compact, the rules of the commission, and any information provided to a member state pursuant thereto in any judicial or quasi-judicial proceeding in a member state pertaining to the subject matter of this compact, or which may affect the powers, responsibilities, or actions of the commission.

(d) The commission shall be entitled to receive service of process in any proceeding regarding the enforcement or interpretation of this compact and shall have standing to intervene in such a proceeding for all purposes. Failure to provide the commission service of process shall render a judgment or an order void as to the commission, this compact, or adopted rules.

(2)(a) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the adopted rules, the commission shall:

1. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and any other action to be taken by the commission; and

2. Provide remedial training and specific technical assistance regarding the default.

(b) If a state in default fails to cure the default, the defaulting state may be terminated from this compact upon an affirmative vote of a majority of the commissioners of the member states, and all rights, privileges, and benefits conferred on that state by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(c) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the Governor, the Majority and Minority Leaders of the State Legislature, and the state licensing authority of the ~~of the~~ defaulting state and to each of the member states.

(d) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(e) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from this compact unless agreed upon in writing between the commission and the defaulting state.

(f) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

(g) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

(h)1. Upon the request of a member state, the commission shall attempt to resolve disputes related to this compact that arise among member states and between member and nonmember states.

2. The commission shall adopt a rule providing for both binding and nonbinding alternative dispute resolution for disputes as appropriate.

(i)1. The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By a majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of this compact and its adopted rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees. The remedies herein shall not be the exclusive

remedies of the commission. The commission may pursue any other remedies available under federal or state law.

ARTICLE XI

EFFECTUATION, WITHDRAWAL, AND AMENDMENT

(1) This compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state.

(a) On or after the effective date of this compact, the commission shall convene and review the enactment of each of the charter member states to determine if the statute enacted by such charter member state is materially different from the model compact statute.

(b) A charter member state whose enactment is found to be materially different from the model compact statute shall be entitled ~~entitled~~ to the default process set forth in Article X.

(c) Member states enacting the compact subsequent to the charter member states shall be subject to the process set forth in Article VII(3)(t) ~~Article VII(X)(a)~~ to determine if their enactments are materially different from the model compact statute and whether they qualify for participation in the compact.

(2) If any member state is later found to be in default, or is terminated or withdraws from the compact, the commission ~~commissioner~~ shall remain in existence and the compact shall remain in effect even if the number of member states should be less than 10.

(3) Any state that joins this compact after the commission's initial adoption of the rules and bylaws shall be subject to the rules and bylaws as they exist on the date on which this compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day this compact becomes law in that state, as the rules and bylaws may be amended as provided in this compact.

(4) Any member state may withdraw from this compact by enacting a statute repealing the same.

(a) A member state's withdrawal shall not take effect until 6 months after the enactment of the repealing statute.

(b) Withdrawal shall not affect the continuing requirement of the withdrawing state's licensing authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of the withdrawal.

(5) This compact may be amended by member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

ARTICLE XII

CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed to effectuate the purpose thereof. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or a state seeking membership in this compact or the United States Constitution or the applicability thereof to any other government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected effected. If this compact shall be held contrary to the constitution of any member state, this compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

ARTICLE XIII

CONSISTENT EFFECT AND CONFLICT WITH OTHER STATE LAWS

(1) Nothing herein shall prevent or inhibit the enforcement of any other law of a member state that is not inconsistent with this compact.

(2) Any laws, statutes, regulations, or other legal requirements in a member state in conflict with this compact are superseded to the extent of the conflict.

(3) All permissible agreements between the commission and the member states are binding in accordance with their terms.

Reviser's note.—Amended to conform to context, to confirm editorial substitutions to improve clarity and facilitate correct interpretation, to confirm an editorial deletion to eliminate a repetition of words, and to correct a cross-reference to conform to the fact that the provision for the duty of the commission to determine whether a state's adopted language is materially different from the model compact such that the state would not qualify for participation in the compact, is found in Article VII(3)(t) of the compact as passed by the Florida Legislature, codified as s. 1012.993.

Section 93. Paragraph (a) of subsection (2) of section 1013.64, Florida Statutes, is amended to read:

1013.64 Funds for comprehensive educational plant needs; construction cost maximums for school district capital projects.—Allocations from the Public Education Capital Outlay and Debt Service Trust Fund to the various boards for capital outlay projects shall be determined as follows:

(2)(a) The department shall establish, as a part of the Public Education Capital Outlay and Debt Service Trust Fund, a separate account, in an amount determined by the Legislature, to be known as the “Special Facility Construction Account.” The Special Facility Construction Account shall be used to provide necessary construction funds to school districts which have urgent construction needs but which lack sufficient resources at present, and cannot reasonably anticipate sufficient resources within the period of the next 3 years, for these purposes from currently authorized sources of capital outlay revenue. A school district requesting funding from the Special Facility Construction Account shall submit one specific construction project, not to exceed one complete educational plant, to the Special Facility Construction Committee. A district may not receive funding for more than one approved project in any 3-year period or while any portion of the district’s participation requirement is outstanding. The first year of the 3-year period shall be the first year a district receives an appropriation. ~~During the 2019-2020 school year, a school district that sustained hurricane damage in the 2018-2019 school year may request funding from the Special Facility Construction Account for a new project before the completion of the district’s participation requirement for an outstanding project.~~ The department shall encourage a construction program that reduces the average size of schools in the district. The request must meet the following criteria to be considered by the committee:

1. The project must be deemed a critical need and must be recommended for funding by the Special Facility Construction Committee. Before developing construction plans for the proposed facility, the district school board must request a preapplication review by the Special Facility Construction Committee or a project review subcommittee convened by the chair of the committee to include two representatives of the department and two staff members from school districts not eligible to participate in the program. A school district may request a preapplication review at any time; however, if the district school board seeks inclusion in the department’s next annual capital outlay legislative budget request, the preapplication review request must be made before February 1. Within 90 days after receiving the preapplication review request, the committee or subcommittee must meet in the school district to review the project proposal and existing facilities. To determine whether the proposed project is a critical need, the committee or subcommittee shall consider, at a minimum, the capacity of all existing facilities within the district as determined by the Florida Inventory of School Houses; the district’s pattern of student growth; the district’s existing and projected capital outlay full-time equivalent student enrollment as determined by the demographic, revenue, and education estimating conferences established in s. 216.136; the district’s existing satisfactory student stations; the use of all existing district property and facilities; grade level

configurations; and any other information that may affect the need for the proposed project.

2. The construction project must be recommended in the most recent survey or survey amendment cooperatively prepared by the district and the department, and approved by the department under the rules of the State Board of Education. If a district employs a consultant in the preparation of a survey or survey amendment, the consultant may not be employed by or receive compensation from a third party that designs or constructs a project recommended by the survey.

3. The construction project must appear on the district's approved project priority list under the rules of the State Board of Education.

4. The district must have selected and had approved a site for the construction project in compliance with s. 1013.36 and the rules of the State Board of Education.

5. The district shall have developed a district school board adopted list of facilities that do not exceed the norm for net square feet occupancy requirements under the State Requirements for Educational Facilities, using all possible programmatic combinations for multiple use of space to obtain maximum daily use of all spaces within the facility under consideration.

6. Upon construction, the total cost per student station, including change orders, must not exceed the cost per student station as provided in subsection (6) unless approved by the Special Facility Construction Committee. At the discretion of the committee, costs that exceed the cost per student station for special facilities may include legal and administrative fees, the cost of site improvements or related offsite improvements, the cost of complying with public shelter and hurricane hardening requirements, cost overruns created by a disaster as defined in s. 252.34(2), costs of security enhancements approved by the school safety specialist, and unforeseeable circumstances beyond the district's control.

7. There shall be an agreement signed by the district school board stating that it will advertise for bids within 30 days of receipt of its encumbrance authorization from the department.

8. For construction projects for which Special Facilities Construction Account funding is sought before the 2019-2020 fiscal year, the district shall, at the time of the request and for a continuing period necessary to meet the district's participation requirement, levy the maximum millage against its nonexempt assessed property value as allowed in s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Beginning with construction projects for which Special Facilities Construction Account funding is sought in the 2019-2020 fiscal year, the district shall, for a minimum of 3 years before submitting the request and for a continuing period necessary to meet its

participation requirement, levy the maximum millage against the district's nonexempt assessed property value as authorized under s. 1011.71(2) or shall raise an equivalent amount of revenue from the school capital outlay surtax authorized under s. 212.055(6). Any district with a new or active project, funded under the provisions of this subsection, shall be required to budget no more than the value of 1 mill per year to the project until the district's participation requirement relating to the local discretionary capital improvement millage or the equivalent amount of revenue from the school capital outlay surtax is satisfied.

9. If a contract has not been signed 90 days after the advertising of bids, the funding for the specific project shall revert to the Special Facility New Construction Account to be reallocated to other projects on the list. However, an additional 90 days may be granted by the commissioner.

10. The department shall certify the inability of the district to fund the survey-recommended project over a continuous 3-year period using projected capital outlay revenue derived from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2).

11. The district shall have on file with the department an adopted resolution acknowledging its commitment to satisfy its participation requirement, which is equivalent to all unencumbered and future revenue acquired from s. 9(d), Art. XII of the State Constitution, as amended, paragraph (3)(a) of this section, and s. 1011.71(2), in the year of the initial appropriation and for the 2 years immediately following the initial appropriation.

12. Phase I plans must be approved by the district school board as being in compliance with the building and life safety codes before June 1 of the year the application is made.

Reviser's note.—Amended to delete obsolete language.

Section 94. This act shall take effect on the 60th day after adjournment sine die of the session of the Legislature in which enacted.

Approved by the Governor February 15, 2024.

Filed in Office Secretary of State February 15, 2024.