



# Journal of the Senate

Number 6—Regular Session

Wednesday, March 22, 2023

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## CALL TO ORDER

The Senate was called to order by President Passidomo at 2:30 p.m. A quorum present—39:

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

Excused: Senator Garcia

## PRAYER

The following prayer was offered by Rabbi Schneur Z. Oirechman, Chabad of Tallahassee and FSU, Tallahassee:

Almighty G-d, King of the Universe:

As the honorable members of the Florida Senate gather here before Passover, the holiday of renewal and freedom, let us remember the Seven Laws of the Code of Noah, the ultimate foundation of freedom: let us worship you and you alone, not idols or false gods; let us never curse in your holy name; let us never take an innocent life; let us never violate the institution of marriage; let us never steal, lie, or cheat; let us never inflict cruelty on any living creature; and let us establish our government and society on the foundation of just laws, and on the recognition of you as the single ruler of all men and nations.

Almighty G-d, grant those assembled here the power and wisdom to enact laws that foster ultimate freedom. Empower them with integrity, grant them empathy, and render them agents of your charity. Let them always realize that in working towards just laws, they are bringing your freedom and redemption to this good earth.

Tonight we enter Nissan, the Jewish month of Passover, which resembles redemption and freedom. We invoke the inspiration of the

spiritual leader of the Chabad-Lubavitch movement, of the Menachem Schneersohn, of righteous memory, whose birthday falls in Nissan. The Rebbe always urged each of us to commit just one more act of goodness and kindness, to bring the world to redemption. In this month of Nissan, we pray for freedom and redemption—a world of healing, goodness, and kindness.

We pray that this Passover celebrates not just physical freedom but freedom from mentality of enslavement. We pray for freedom from bad habits, from those things that hold us back from fulfilling our true potential, for connection with what is beyond us, for passing over our limits to reach ever greater heights. And let us say, Amen.

## PLEDGE

Senate Pages, Hannah Desguin of Crawfordville; Camille Friall of Tallahassee; and Kristian Wydysh of Cape Coral, led the Senate in the Pledge of Allegiance to the flag of the United States of America.

## DOCTOR OF THE DAY

The President recognized Dr. Avan Armaghani of Tampa, sponsored by Senator Rouson, as the doctor of the day. Dr. Armaghani specializes in breast oncology.

## ADOPTION OF RESOLUTIONS

At the request of Senator Avila—

By Senator Avila—

**SR 710**—A resolution recognizing April 2023 and each April thereafter as “Financial Literacy Month” in Florida.

WHEREAS, the United States Census Bureau reports that Florida ranks third in the nation in population, and

WHEREAS, statistics released by the Board of Governors of the Federal Reserve System show that Florida ranks fifth in the nation in the household debt-to-income ratio, and

WHEREAS, a 2018 report issued by the Financial Industry Regulatory Authority Investor Education Foundation found that, in Florida, approximately 18 percent of individuals reported that, in the previous 12 months, their household spending exceeded their household income; approximately 46 percent of individuals reported that they did not have a rainy-day fund; and only about one in three individuals could correctly answer at least four questions on a basic five-question financial literacy quiz, and

WHEREAS, a 2021 survey conducted by the National Foundation for Credit Counseling and Wells Fargo showed that, nationwide, 47 percent of the general population reported having credit card debt, while only 44 percent reported having a budget and keeping close track of expenses, such as food, housing, and entertainment, and 38 percent of adults reported carrying credit card balances, and

WHEREAS, the Governor and the Florida Legislature have supported and promoted financial literacy education, enacting the Dorothy L. Hukill Financial Literacy Act in 2022, which requires high school students entering 9th grade in the 2023-2024 school year and thereafter to take a financial literacy course to receive a standard high school diploma, and

WHEREAS, quality personal financial education is essential to ensuring that individuals are prepared to make sound money management decisions about credit, debt, insurance, financial transactions, and planning for the future and to become responsible workers, heads of household, investors, entrepreneurs, business leaders, and citizens, and

WHEREAS, financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by an increasingly complex economy, and

WHEREAS, since 2004, the month of April has been recognized at the federal level as “Financial Literacy Month,” focusing on the promotion of financial literacy nationwide through federal programs and bringing awareness of the need for more financial education for children and adults, and

WHEREAS, awareness of the importance of financial literacy and financial literacy instruction is critically important to the residents of this state, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That April 2023 and each April thereafter is recognized as “Financial Literacy Month” in Florida.

—was introduced, read, and adopted by publication.

At the request of Senator Berman—

By Senator Berman—

**SR 1724**—A resolution recognizing August 2023 as “Amblyopia Awareness Month” in Florida.

WHEREAS, amblyopia is the most common cause of vision loss in children, and

WHEREAS, amblyopia can cause permanent vision loss if not detected and treated early in life, and

WHEREAS, the detection of amblyopia and other vision-threatening disorders, including retinoblastoma tumors, cataracts, and strabismus, in early childhood increases the chances of successful treatment, especially if the disorder is detected before a child reaches 5 years of age, and

WHEREAS, many forms of amblyopia are difficult to detect and can be identified only through proper screening techniques, and

WHEREAS, the sooner children are identified as having amblyopia or other vision-threatening disorders, the sooner treatment can commence, and

WHEREAS, millions of children in the United States are left with permanent vision loss due to undetected amblyopia and other childhood vision disorders that could have been detected with proper screening and successfully treated, and

WHEREAS, less than 20 percent of preschool children are currently screened for vision problems, despite the fact that such screening is a covered service by many health insurance plans and health maintenance organizations, and

WHEREAS, parents should be encouraged to have their children screened for vision problems before admission to preschool, and

WHEREAS, the Florida Society of Ophthalmology and the For Eye Care Foundation, Inc., believe that it is of paramount importance to promote statewide preschool vision screening, with the goal of testing all children between 3 and 5 years of age, NOW, THEREFORE,

*Be It Resolved by the Senate of the State of Florida:*

That August 2023 is recognized as “Amblyopia Awareness Month” in Florida.

—was introduced, read, and adopted by publication.

## SPECIAL RECOGNITION

Senator Pizzo recognized his sons, Jack and Julian, who were present in the gallery.

## SPECIAL ORDER CALENDAR

**SB 274**—A bill to be entitled An act relating to nursing education pathway for military combat medics; providing a short title; amending s. 464.0195, F.S.; revising a primary goal of the Florida Center for Nursing to provide that development of a statewide plan for nursing manpower must include the encouragement and coordination of the development of partnerships with hospitals which provide opportunities for nursing students to obtain clinical experience; amending s. 1004.096, F.S.; defining the term “accredited program”; requiring that the Articulation Coordinating Committee convene a workgroup to establish a process for determining postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded in accredited nursing education programs for military training and education required for service in specified positions; providing for the composition of and the provision of administrative support to the workgroup; requiring that the workgroup ensure that the award of credit for military training and education does not impair a nursing education program’s ability to comply with requirements relating to the approval of nursing education programs; requiring the workgroup to provide, by a specified date, recommendations regarding the determination process to the Board of Governors and State Board of Education for approval; requiring that, upon approval of the recommendations, the Articulation Coordinating Committee facilitate the review of military training and education received by individuals who served in specified positions and the determination of minimum postsecondary credit or career education clock hours awarded for specified military training and education; requiring that the Articulation Coordinating Committee, within a specified timeframe and annually thereafter, approve a prioritized list of postsecondary course equivalencies and the minimum postsecondary credit or career education clock hours that must be awarded for such training and education; requiring the Board of Governors and State Board of Education to adopt the prioritized list; requiring that the minimum postsecondary credit or career education clock hours be delineated in a required statewide articulation agreement; requiring state universities, Florida College System institutions, and career centers to award postsecondary credit or career education clock hours in nursing education programs based on the prioritized list; authorizing the award of additional postsecondary credit or career education clock hours; providing that such postsecondary credit or career education clock hours are transferable; providing an effective date.

—was read the second time by title. On motion by Senator Avila, by two-thirds vote, **SB 274** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**CS for SM 160**—A memorial to the United States Department of State, urging the United States Secretary of State to redesignate the Revolutionary Armed Forces of Colombia (FARC) as a Foreign Terrorist Organization pursuant to section 219 of the Immigration and Nationality Act, as amended.

—was read the second time by title. On motion by Senator Avila, **CS for SM 160** was adopted and certified to the House.

**CS for CS for SB 202**—A bill to be entitled An act relating to education; amending ss. 11.45, 212.099, and 327.371, F.S.; conforming cross-references; amending s. 1002.01, F.S.; defining the term “personalized education program”; amending s. 1002.394, F.S.; providing and revising definitions; revising student eligibility and ineligibility requirements for the Family Empowerment Scholarship Program; revising the approved uses of scholarship funds; providing that certain scholarships remain in force until certain criteria are met; requiring the closure of a scholarship account and the reversion of funds to the state under certain circumstances; authorizing reimbursements for certain expenditures until certain criteria are met; revising obligations of school districts, the Department of Education, private schools, and eligible nonprofit scholarship-funding organizations; revising responsibilities of parents; requiring scholarship funds to be deposited by funds transfers rather than through warrant endorsement; requiring certain criteria to be met before the funding of certain scholarships; revising provisions for the calculation of an award amount for certain students; prohibiting the transfer of funds to an eligible student’s account under certain conditions; deleting obsolete language; conforming provisions and cross-references to changes made by the act; amending s. 1002.395, F.S.; providing and revising definitions; revising student eligibility and ineligibility requirements for the Florida Tax Credit Scholarship Program; revising obligations of eligible nonprofit scholarship-funding organizations and the department; establishing certain limitations on the number of scholarships funded through the program; revising the approved uses of scholarship funds; revising requirements for the use of certain contributions for administrative expenses; revising the amount of funds that must be awarded through scholarships; requiring the development of specified guidelines; authorizing organizations to require the use of an online platform for specified purchases so long as such use does not limit specified choices; requiring an organization to provide reimbursement in specified circumstances; requiring organizations to submit specified quarterly reports; revising responsibilities of parents; requiring scholarship funds to be deposited by funds transfers rather than through warrant endorsement; requiring the department to annually publish a list of specified tests; revising the requirements of a specified annual report; requiring the department to notify school districts of specified estimates; prohibiting the transfer of funds to an eligible student’s account under certain conditions; providing that certain scholarships remain in force until certain criteria are met; authorizing reimbursements for certain expenditures until certain criteria are met; requiring the closure of a scholarship account and the reversion of funds to the state under certain circumstances; requiring the Office of Independent Education and Parental Choice to provide a specified number of application periods for specified purposes; deleting obsolete language; conforming provisions and cross-references to changes made by the act; amending s. 1002.40, F.S.; conforming cross-references; amending s. 1002.421, F.S.; revising the eligibility criteria and obligations of private schools participating in certain educational scholarship programs; revising the criteria for the Commissioner of Education to permanently deny or revoke the authority of certain individuals to establish or operate a private school in this state; authorizing the commissioner to include specified individuals on a specified disqualification list; authorizing that such individuals be removed from such list if they provide specified reimbursements; making technical changes; conforming cross-references; creating s. 1002.44, F.S.; authorizing public schools, including charter schools, to enroll certain students on a part-time basis; providing funding for such students; prohibiting certain students from being reported for funding; providing that such students are not considered to be in regular attendance at such schools; amending s. 1003.01, F.S.; conforming provisions and cross-references to changes made by the act; requiring the State Board of Education to develop and recommend to the Governor and the Legislature for adoption during the 2024 legislative session repeals and revisions to the Florida Early Learning-20 Education Code by a specified date; providing requirements for the state board relating to such recommendations; amending s. 1001.10, F.S.; requiring the Commissioner of Education to develop an online portal for specified purpose; providing requirements for such portal; amending s. 1002.20, F.S.; conforming a cross-reference; amending s. 1003.25, F.S.; revising the timeframe in which student records must be transferred; amending s. 1003.4282, F.S.; deleting the online course requirement for a standard high school diploma; amending s. 1006.21, F.S.; authorizing a district school board to use other

vehicles to transport students; amending s. 1006.22, F.S.; deleting a requirement that district school boards use school buses for all regular transportation; deleting provisions relating to circumstances in which students may be transported in privately owned motor vehicles; conforming a provision to changes made by the act; amending s. 1006.25, F.S.; conforming a cross-reference; amending s. 1006.27, F.S.; conforming provisions to changes made by the act; amending s. 1011.71, F.S.; authorizing that a specified district school board levy be used to pay salaries and benefits for specified employees; amending s. 1012.56, F.S.; exempting specified individuals from certain mastery of general knowledge requirements; revising the acceptable means of demonstrating mastery of subject area knowledge and mastery of professional preparation and education competence, respectively; revising requirements for the department to issue temporary certificates; revising the validity period for certain temporary certificates; amending s. 1013.64, F.S.; providing that certain construction projects are exempt from the total cost per student station requirements; amending ss. 1002.321, 1003.5716, 1003.499, 1003.27, 1003.485, and 1009.30, F.S.; conforming cross-references and provisions to changes made by the act; providing effective dates.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 202**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for CS for CS for HB 1** was withdrawn from the Committee on Appropriations.

On motion by Senator Simon—

**CS for CS for CS for CS for HB 1**—A bill to be entitled An act relating to education; amending ss. 11.45, 212.099, and 327.371, F.S.; conforming cross-references; amending s. 1002.01, F.S.; defining the term “personalized education program”; amending s. 1002.394, F.S.; providing and revising definitions; revising student eligibility and ineligibility requirements for the Family Empowerment Scholarship Program; revising the approved uses of scholarship funds; providing that certain scholarships remain in force until certain criteria are met; requiring the closure of a scholarship account and the reversion of funds to the state under certain circumstances; authorizing reimbursements for certain expenditures until certain criteria are met; revising obligations of school districts, the Department of Education, private schools, and eligible nonprofit scholarship-funding organizations; revising responsibilities of parents; requiring scholarship funds to be deposited by funds transfers rather than through warrant endorsement; requiring certain criteria to be met before the funding of certain scholarships; revising provisions for the calculation of an award amount for certain students; prohibiting the transfer of funds to an eligible student’s account under certain conditions; deleting obsolete language; conforming provisions and cross-references to changes made by the act; amending s. 1002.395, F.S.; providing and revising definitions; revising student eligibility and ineligibility requirements for the Florida Tax Credit Scholarship Program; revising obligations of eligible nonprofit scholarship-funding organizations and the department; establishing certain limitations on the number of scholarships funded through the program; revising the approved uses of scholarship funds; revising requirements for the use of certain contributions for administrative expenses; revising the amount of funds that must be awarded through scholarships; requiring the development of specified guidelines; authorizing organizations to require the use of an online platform for specified purchases so long as such use does not limit specified choices; requiring an organization to provide reimbursement in specified circumstances; requiring organizations to submit specified quarterly reports; revising responsibilities of parents; requiring scholarship funds to be deposited by funds transfers rather than through warrant endorsement; requiring the department to annually publish a list of specified tests; revising the requirements of a specified annual report; requiring the department to notify school districts of specified estimates; prohibiting the transfer of funds to an eligible student’s account under certain conditions; providing that certain scholarships remain in force until certain criteria are met; authorizing reimbursements for certain expenditures until certain criteria are met; requiring the closure of a scholarship account and the reversion of funds to the state under certain circumstances; requiring the Office of Independent Education and Parental Choice to provide a specified number of application periods for specified purposes; deleting obsolete language; conforming provisions and cross-references to changes made by the act; amending s. 1002.40, F.S.; conforming cross-references; amending s. 1002.421, F.S.; revising the eligibility criteria and obligations of private schools participating in certain edu-

cational scholarship programs; revising the criteria for the Commissioner of Education to permanently deny or revoke the authority of certain individuals to establish or operate a private school in the state; authorizing the commissioner to include specified individuals on a specified disqualification list; authorizing such individuals to be removed from such list if they provide specified reimbursements; conforming cross-references; creating s. 1002.44, F.S.; authorizing public schools, including charter schools, to enroll certain students on a part-time basis; providing funding for such students; prohibiting certain students from being reported for funding; providing that such students are not considered to be in regular attendance at such schools; amending s. 1003.01, F.S.; conforming provisions and cross-references to changes made by the act; requiring the State Board of Education to develop and recommend to the Governor and the Legislature for adoption during the 2024 legislative session repeals and revisions to the Florida Early Learning-20 Education Code by a specified date.; providing requirements for the state board relating to such recommendations; amending s. 1001.10, F.S.; requiring the Commissioner of Education to develop an online portal for specified purpose; providing requirements for such portal; amending s. 1002.20, F.S.; conforming a cross-reference; amending s. 1003.25, F.S.; revising the timeframe in which student records must be transferred; amending s. 1003.4282, F.S.; deleting the online course requirement for a standard high school diploma; amending s. 1006.21, F.S.; authorizing a district school board to use other vehicles to transport students; amending s. 1006.22, F.S.; deleting a requirement that district school boards use school buses for all regular transportation; deleting provisions relating to circumstances in which students may be transported in privately owned motor vehicles; conforming a provision to changes made by the act; amending ss. 1006.25 and 1006.27, F.S.; conforming a cross-reference and provisions to changes made by the act; amending s. 1011.71, F.S.; authorizing a specified district school board levy to be used to pay salaries and benefits for specified employees; amending s. 1012.56, F.S.; exempting specified individuals from certain mastery of general knowledge requirements; revising the acceptable means of demonstrating mastery of subject area knowledge and mastery of professional preparation and education competence, respectively; revising requirements for the department to issue temporary certificates; revising the validity period for certain temporary certificates; amending s. 1013.64, F.S.; providing that certain construction projects are exempt from the total cost per student station requirements; amending ss. 1002.321, 1003.5716, 1003.499, 1003.27, 1003.485, and 1009.30, F.S.; conforming cross-references and provisions to changes made by the act; providing effective dates.

—a companion measure, was substituted for **CS for CS for SB 202** and read the second time by title.

Pursuant to Rule 4.19, **CS for CS for CS for CS for HB 1** was placed on the calendar of Bills on Third Reading.

**CS for SB 234**—A bill to be entitled An act relating to statutorily required reports; amending s. 286.001, F.S.; defining the term “state entity”; revising the procedure for filing statutorily required or authorized reports; deleting provisions requiring that abstracts be filed for statutorily required or authorized reports; requiring state entities to redact exempt or confidential and exempt information from reports before filing; providing that the Division of Library and Information Services of the Department of State or the department, or any contractor thereof, is not responsible for redaction and may not be held liable for the failure of a state entity to redact exempt or confidential and exempt information from its reports; requiring state entities to submit a specified accompanying statement identifying the applicable provisions for such redactions; requiring the state entity to retain or archive reports in accordance with certain schedules; requiring the division to compile and annually update a list of all statutorily required reports and their submission dates; requiring the division to publish such list on the department’s website; requiring the division to compile, beginning on a specified date, bibliographic information on received reports in a specified system; requiring the division to update the bibliographic information on a quarterly basis; requiring that the bibliographic information be distributed quarterly to the Governor and the Legislature, beginning on a specified date; providing legislative findings and intent; requiring the division to implement and maintain a publicly available, Internet-based system for such reports by a specified date; specifying features and functions for such system; deleting a provision

requiring state entities to create, store, manage, update, retrieve, and disseminate statutorily required or authorized reports in an electronic format; deleting a provision related to construction; providing an appropriation; providing an effective date.

—was read the second time by title. On motion by Senator Avila, by two-thirds vote, **CS for SB 234** was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—39

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

Nays—None

**CS for CS for SB 236**—A bill to be entitled An act relating to civil remedies; amending s. 57.104, F.S.; creating a rebuttable presumption that a lodestar fee is a sufficient and reasonable attorney fee in most civil actions; providing an exception; creating s. 86.121, F.S.; authorizing a court to award attorney fees in certain declaratory actions; prohibiting the transfer, assignment, or acquisition of the right to such attorney fees except by specified persons; amending s. 95.11, F.S.; reducing the statute of limitations for negligence actions; providing applicability of certain provisions to actions involving servicemembers; amending s. 624.155, F.S.; providing standards for bad faith actions; providing for the distribution of proceeds when two or more third-party claims arising out of a single occurrence exceed policy limits; creating s. 624.1552, F.S.; providing for applicability of specified offer of judgment provisions to civil actions involving insurance contracts; creating s. 768.0427, F.S.; providing definitions; providing standards for the admissibility of evidence to prove the cost of damages for medical expenses in certain civil actions; requiring certain disclosures with respect to claims for medical expenses for treatment rendered under letters of protection; specifying the damages that may be recovered by a claimant for the reasonable and necessary cost of medical care; creating s. 768.0701, F.S.; requiring the trier of fact to consider the fault of certain persons who contribute to an injury; creating s. 768.0706, F.S.; providing definitions; providing that the owner or principal operator of a multifamily residential property which substantially implements specified security measures on that property has a presumption against liability for negligence in connection with certain criminal acts that occur on the premises; requiring the Florida Crime Prevention Training Institute of the Department of Legal Affairs to develop a proposed curriculum or best practices for owners or principal operators; providing construction; amending s. 768.81, F.S.; providing that a party in a negligence action who is at fault by a specified amount may not recover damages under a comparative negligence action; providing applicability; repealing ss. 626.9373 and 627.428, F.S., relating to attorney fees awarded against surplus lines insurers and insurers, respectively; amending s. 627.756, F.S.; providing for the award of costs and attorney fees in certain actions; amending ss. 475.01, 475.611, 517.191, 624.123, 624.488, 627.062, 627.401, 627.441, 627.727, 627.736, and 628.6016, F.S.; conforming provisions to changes made by the act; repealing ss. 631.70 and 631.926, F.S., relating to attorney fees; amending s. 632.638, F.S.; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision; providing applicability and construction; providing an effective date.

—was read the second time by title.

Pending further consideration of **CS for CS for SB 236**, pursuant to Rule 3.11(3), there being no objection, **CS for CS for HB 837** was withdrawn from the Committee on Fiscal Policy.

On motion by Senator Hutson—

**CS for CS for HB 837**—A bill to be entitled An act relating to civil remedies; amending s. 57.104, F.S.; creating a rebuttable presumption that a lodestar fee is a sufficient and reasonable attorney fee in most civil actions; providing an exception; creating s. 86.121, F.S.; authorizing a court to award attorney fees in certain declaratory actions; prohibiting the transfer, assignment, or acquisition of the right to such attorney fees except by specified persons; providing applicability; amending s. 95.11, F.S.; reducing the statute of limitations for negligence actions; providing applicability of certain provisions to actions involving servicemembers; amending s. 624.155, F.S.; providing standards for bad faith actions; providing for the distribution of proceeds when two or more third-party claims arising out of a single occurrence exceed policy limits; creating s. 624.1552, F.S.; providing for applicability of specified offer of judgement provisions to civil actions involving insurance contracts; creating s. 768.0427, F.S.; providing definitions; providing standards for the admissibility of evidence to prove the cost of damages for medical expenses in certain civil actions; requiring certain disclosures with respect to claims for medical expenses for treatment rendered under letters of protection; specifying the damages that may be recovered by a claimant for the reasonable and necessary cost of medical care; creating s. 768.0701, F.S.; requiring the trier of fact to consider the fault of certain persons who contribute to an injury; creating s. 768.0706, F.S.; providing definitions; providing that the owner or principal operator of a multifamily residential property which substantially implements specified security measures on that property has a presumption against liability for negligence in connection with certain criminal acts that occur on the premises; requiring the Florida Crime Prevention Training Institute of the Department of Legal Affairs to develop a proposed curriculum or best practices for owners or principal operators; providing construction; amending s. 768.81, F.S.; providing that a party in a negligence action who is at fault by a specified amount may not recover damages under a comparative negligence action; providing applicability; repealing ss. 626.9373 and 627.428, F.S., relating to attorney fees awarded against surplus lines insurers and insurers, respectively; amending s. 627.756, F.S.; providing for the award of costs and attorney fees in certain actions; amending ss. 475.01, 475.611, 517.191, 624.123, 624.488, 627.062, 627.401, 627.441, 627.727, 627.736, and 628.6016, F.S.; conforming provisions to changes made by the act; repealing ss. 631.70 and 631.926, F.S., relating to attorney fees; amending s. 632.638, F.S.; conforming provisions to changes made by the act; providing a directive to the Division of Law Revision; providing applicability and construction; providing an effective date.

—a companion measure, was substituted for **CS for CS for SB 236** and read the second time by title.

Senator Grall moved the following amendment:

**Amendment 1 (113938) (with title amendment)**—Delete everything after the enacting clause and insert:

Section 1. Section 57.104, Florida Statutes, is amended to read:

57.104 Computation of attorney attorneys' fees.—

(1) In any action in which attorney attorneys' fees are to be determined or awarded by the court, the court shall consider, among other things, time and labor of any legal assistants who contributed non-clerical, meaningful legal support to the matter involved and who are working under the supervision of an attorney. For purposes of this section "legal assistant" means a person, who under the supervision and direction of a licensed attorney engages in legal research, and case development or planning in relation to modifications or initial proceedings, services, processes, or applications; or who prepares or interprets legal documents or selects, compiles, and uses technical information from references such as digests, encyclopedias, or practice manuals and analyzes and follows procedural problems that involve independent decisions.

(2) In any action in which attorney fees are determined or awarded by the court, there is a strong presumption that a lodestar fee is sufficient and reasonable. This presumption may be overcome only in a rare and exceptional circumstance with evidence that competent counsel could not otherwise be retained.

Section 2. Section 86.121, Florida Statutes, is created to read:

86.121 Attorney fees; actions for declaratory relief to determine insurance coverage after total coverage denial of claim.—

(1) In an action brought for declaratory relief in state or federal court to determine insurance coverage after the insurer has made a total coverage denial of a claim:

(a) Either party is entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar.

(b) The court shall award reasonable attorney fees to the named insured, omnibus insured, or named beneficiary under a policy issued by the insurer upon rendition of a declaratory judgment in favor of the named insured, omnibus insured, or named beneficiary. This right may not be transferred to, assigned to, or acquired in any other manner by anyone other than a named or omnibus insured or a named beneficiary. A defense offered by an insurer pursuant to a reservation of rights does not constitute a coverage denial of a claim. Such fees are limited to those incurred in the action brought under this chapter for declaratory relief to determine coverage of insurance issued under the Florida Insurance Code.

(2) This section does not apply to any action arising under a residential or commercial property insurance policy.

Section 3. Subsections (3), (4), and (10) of section 95.11, Florida Statutes, are amended, and subsection (12) is added to that section, to read:

95.11 Limitations other than for the recovery of real property.—Actions other than for recovery of real property shall be commenced as follows:

(3) WITHIN FOUR YEARS.—

~~(a) An action founded on negligence.~~

~~(a)~~(b) An action relating to the determination of paternity, with the time running from the date the child reaches the age of majority.

~~(b)~~(c) An action founded on the design, planning, or construction of an improvement to real property, with the time running from the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest; except that, when the action involves a latent defect, the time runs from the time the defect is discovered or should have been discovered with the exercise of due diligence. In any event, the action must be commenced within 10 years after the date of actual possession by the owner, the date of the issuance of a certificate of occupancy, the date of abandonment of construction if not completed, or the date of completion of the contract or termination of the contract between the professional engineer, registered architect, or licensed contractor and his or her employer, whichever date is latest. However, counterclaims, cross-claims, and third-party claims that arise out of the conduct, transaction, or occurrence set out or attempted to be set out in a pleading may be commenced up to 1 year after the pleading to which such claims relate is served, even if such claims would otherwise be time barred. With respect to actions founded on the design, planning, or construction of an improvement to real property, if such construction is performed pursuant to a duly issued building permit and if a local enforcement agency, state enforcement agency, or special inspector, as those terms are defined in s. 553.71, has issued a final certificate of occupancy or certificate of completion, then as to the construction which is within the scope of such building permit and certificate, the correction of defects to completed work or repair of completed work, whether performed under warranty or otherwise, does not extend the period of time within which an action must be commenced. Completion of the contract means the later of the date of final performance of all the contracted services or the date that final payment for such services becomes due without regard to the date final payment is made.

~~(c)~~(d) An action to recover public money or property held by a public officer or employee, or former public officer or employee, and obtained during, or as a result of, his or her public office or employment.

(d)(e) An action for injury to a person founded on the design, manufacture, distribution, or sale of personal property that is not permanently incorporated in an improvement to real property, including fixtures.

(e)(f) An action founded on a statutory liability.

(f)(g) An action for trespass on real property.

(g)(h) An action for taking, detaining, or injuring personal property.

(h)(i) An action to recover specific personal property.

(i)(j) A legal or equitable action founded on fraud.

(j)(k) A legal or equitable action on a contract, obligation, or liability not founded on a written instrument, including an action for the sale and delivery of goods, wares, and merchandise, and on store accounts.

(k)(l) An action to rescind a contract.

(l)(m) An action for money paid to any governmental authority by mistake or inadvertence.

(m)(n) An action for a statutory penalty or forfeiture.

(n)(o) An action for assault, battery, false arrest, malicious prosecution, malicious interference, false imprisonment, or any other intentional tort, except as provided in subsections (4), (5), and (7).

(o)(p) Any action not specifically provided for in these statutes.

(p)(q) An action alleging a violation, other than a willful violation, of s. 448.110.

(4) WITHIN TWO YEARS.—

(a) *An action founded on negligence.*

(b)(a) An action for professional malpractice, other than medical malpractice, whether founded on contract or tort; provided that the period of limitations shall run from the time the cause of action is discovered or should have been discovered with the exercise of due diligence. However, the limitation of actions herein for professional malpractice shall be limited to persons in privity with the professional.

(c)(b) An action for medical malpractice shall be commenced within 2 years from the time the incident giving rise to the action occurred or within 2 years from the time the incident is discovered, or should have been discovered with the exercise of due diligence; however, in no event shall the action be commenced later than 4 years from the date of the incident or occurrence out of which the cause of action accrued, except that this 4-year period shall not bar an action brought on behalf of a minor on or before the child's eighth birthday. An "action for medical malpractice" is defined as a claim in tort or in contract for damages because of the death, injury, or monetary loss to any person arising out of any medical, dental, or surgical diagnosis, treatment, or care by any provider of health care. The limitation of actions within this subsection shall be limited to the health care provider and persons in privity with the provider of health care. In those actions covered by this paragraph in which it can be shown that fraud, concealment, or intentional misrepresentation of fact prevented the discovery of the injury the period of limitations is extended forward 2 years from the time that the injury is discovered or should have been discovered with the exercise of due diligence, but in no event to exceed 7 years from the date the incident giving rise to the injury occurred, except that this 7-year period shall not bar an action brought on behalf of a minor on or before the child's eighth birthday. This paragraph shall not apply to actions for which ss. 766.301-766.316 provide the exclusive remedy.

(d)(e) An action to recover wages or overtime or damages or penalties concerning payment of wages and overtime.

(e)(f) An action for wrongful death.

(f)(e) An action founded upon a violation of any provision of chapter 517, with the period running from the time the facts giving rise to the cause of action were discovered or should have been discovered with the

exercise of due diligence, but not more than 5 years from the date such violation occurred.

(g)(f) An action for personal injury caused by contact with or exposure to phenoxy herbicides while serving either as a civilian or as a member of the Armed Forces of the United States during the period January 1, 1962, through May 7, 1975; the period of limitations shall run from the time the cause of action is discovered or should have been discovered with the exercise of due diligence.

(h)(g) An action for libel or slander.

(10) FOR INTENTIONAL TORTS RESULTING IN DEATH FROM ACTS DESCRIBED IN S. 782.04 OR S. 782.07.—Notwithstanding paragraph (4)(e) (4)(d), an action for wrongful death seeking damages authorized under s. 768.21 brought against a natural person for an intentional tort resulting in death from acts described in s. 782.04 or s. 782.07 may be commenced at any time. This subsection shall not be construed to require an arrest, the filing of formal criminal charges, or a conviction for a violation of s. 782.04 or s. 782.07 as a condition for filing a civil action.

(12) FOR ACTIONS INVOLVING SERVICEMEMBERS.—*Any action involving a servicemember as defined in s. 250.01, in which the servicemember is a party, is subject to s. 250.5201 and part IV of chapter 250, which includes the Servicemembers Civil Relief Act, 50 U.S.C. ss. 501 et seq., providing for protections to members of the United States Armed Forces, the United States Reserve Forces, or the National Guard during terms of federal or state active duty which materially affect the servicemember's ability to appear.*

Section 4. Section 624.155, Florida Statutes, is amended to read:

624.155 Civil remedy.—

(1) Any person may bring a civil action against an insurer when such person is damaged:

(a) By a violation of any of the following provisions by the insurer:

1. Section 626.9541(1)(i), (o), or (x);
2. Section 626.9551;
3. Section 626.9705;
4. Section 626.9706;
5. Section 626.9707; or
6. Section 627.7283.

(b) By the commission of any of the following acts by the insurer:

1. Not attempting in good faith to settle claims when, under all the circumstances, it could and should have done so, had it acted fairly and honestly toward its insured and with due regard for her or his interests;
2. Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made; or
3. Except as to liability coverages, failing to promptly settle claims, when the obligation to settle a claim has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage.

Notwithstanding the provisions of the above to the contrary, a person pursuing a remedy under this section need not prove that such act was committed or performed with such frequency as to indicate a general business practice.

(2) Any party may bring a civil action against an unauthorized insurer if such party is damaged by a violation of s. 624.401 by the unauthorized insurer.

(3)(a) As a condition precedent to bringing an action under this section, the department and the authorized insurer must have been given 60 days' written notice of the violation. Notice to the authorized

insurer must be provided by the department to the e-mail address designated by the insurer under s. 624.422.

(b) The notice shall be on a form provided by the department and shall state with specificity the following information, and such other information as the department may require:

1. The statutory provision, including the specific language of the statute, which the authorized insurer allegedly violated.
2. The facts and circumstances giving rise to the violation.
3. The name of any individual involved in the violation.
4. Reference to specific policy language that is relevant to the violation, if any. If the person bringing the civil action is a third party claimant, she or he shall not be required to reference the specific policy language if the authorized insurer has not provided a copy of the policy to the third party claimant pursuant to written request.
5. A statement that the notice is given in order to perfect the right to pursue the civil remedy authorized by this section.

(c) No action shall lie if, within 60 days after the insurer receives notice from the department in accordance with this subsection, the damages are paid or the circumstances giving rise to the violation are corrected.

(d) The authorized insurer that is the recipient of a notice filed pursuant to this section shall report to the department on the disposition of the alleged violation.

(e) The applicable statute of limitations for an action under this section shall be tolled for a period of:

1. Sixty days after the insurer receives from the department the notice required by this subsection.
2. Sixty days after the date appraisal is invoked pursuant to paragraph (f).

(f) A notice required under this subsection may not be filed within 60 days after appraisal is invoked by any party in a residential property insurance claim.

*(4)(a) In an action for bad faith failure to settle a liability insurance claim, including any such action brought under the common law, if the insurer initiates settlement negotiations by tendering the lesser of the policy limits or the amount demanded by the claimant in exchange for a general release of the insured within 90 days after receiving actual notice of the loss, the failure to tender the policy limits sooner does not constitute bad faith.*

*(b) If an insurer does not tender the lesser of the policy limits or the amount demanded by the claimant within the 90-day timeframe provided in paragraph (a), the existence of the 90-day timeframe and that no bad faith action could lie had the insurer tendered the lesser of policy limits or the amount demanded by the claimant pursuant to paragraph (a) is inadmissible in any action seeking to establish bad faith on the part of the insurer.*

*(c) If the insurer fails to tender pursuant to paragraph (a) within the 90-day period, any applicable statute of limitations is extended for an additional 90 days.*

*(5) In any bad faith action, whether such action is brought under this section or is based on the common-law remedy for bad faith:*

- (a) Mere negligence alone is insufficient to constitute bad faith.*
- (b) The focus of the bad faith claim is on the conduct of an insurer, but in determining whether the insurer actually could have settled the claim, the jury may consider the totality of the circumstances, including:*

- 1. Whether any conditions placed on the settlement by the claimant were unreasonable or impossible to perform within the time permitted; and*

- 2. Whether the insured failed to cooperate with the insurer's efforts to meet the conditions after being fully advised by the insurer about the purpose and importance of doing so.*

*(6)(a) If two or more third-party claimants have competing claims arising out of a single occurrence, which in total may exceed the available policy limits of an insured who may be liable to the third-party claimants, and the insurer initiates settlement negotiations by globally tendering the applicable policy limits in exchange for a general release of the insured within 90 days after receiving actual notice of the loss, the failure to tender policy limits sooner does not constitute bad faith.*

*(b) If an insurer does not globally tender the policy limits within the 90-day timeframe provided in paragraph (a), the existence of the 90-day timeframe and that no bad faith action could lie had the insurer tendered the lesser of policy limits or the amount demanded by the claimant pursuant to paragraph (a) is inadmissible in any action seeking to establish bad faith on the part of the insurer.*

*(c) If two or more third-party claimants have competing claims arising out of a single occurrence, which in total may exceed the available policy limits of an insured who may be liable to the third-party claimants, and the claimants are unwilling to globally settle within the policy limits, thereafter, the insurer must attempt to minimize the magnitude of possible excess judgments against the insured. The insurer is entitled to great discretion to decide how much to offer each respective claimant in its attempt to protect the insured. The insurer may, in its effort to minimize the excess liability of the insured, use its discretion to offer the full available policy limits to one or more claimants to the exclusion of other claimants and may leave the insured exposed to some liability after all the policy limits are paid. An insurer does not act in bad faith simply because it is unable to settle all claims in a competing claimant case.*

*(d) An insurer is not liable beyond the available policy limits for failure to pay all or any portion of the available policy limits to one or more of the third-party claimants if, pursuant to a binding arbitration that has been agreed to by the insurer and all the third-party claimants, the insurer makes the entire amount of the policy limits available for payment to the competing third-party claimants before a qualified arbitrator agreed to by the insurer and such third-party claimants at the expense of the insurer. The third-party claimants are entitled to a pro-rated share of the policy limits as determined by the arbitrator, who must consider the comparative fault, if any, of each third-party claimant and the total likely outcome at trial based upon the total of the economic and noneconomic damages submitted to the arbitrator for consideration. A third-party claimant whose claim is resolved by the arbitrator must execute and deliver a general release to the insured party whose claim is resolved by the proceeding.*

*(7)(4) In any insurance bad faith action, whether brought under this section or the common law, upon adverse adjudication at trial or upon appeal, the authorized insurer shall be liable for damages, together with court costs and reasonable attorney ~~attorney's~~ fees incurred by the plaintiff.*

*(8)(5) No Punitive damages may not shall be awarded under this section unless the acts giving rise to the violation occur with such frequency as to indicate a general business practice and these acts are:*

- (a) Willful, wanton, and malicious;*
- (b) In reckless disregard for the rights of any insured; or*
- (c) In reckless disregard for the rights of a beneficiary under a life insurance contract.*

Any person who pursues a claim under this subsection shall post in advance the costs of discovery. Such costs shall be awarded to the authorized insurer if no punitive damages are awarded to the plaintiff.

*(9)(6) This section does shall not be construed to authorize a class action suit against an authorized insurer or a civil action against the commission, the office, or the department or any of their employees, or to create a cause of action when an authorized health insurer refuses to pay a claim for reimbursement on the ground that the charge for a service was unreasonably high or that the service provided was not medically necessary.*

(10)(7) In the absence of expressed language to the contrary, this section shall not be construed to authorize a civil action or create a cause of action against an authorized insurer or its employees who, in good faith, release information about an insured or an insurance policy to a law enforcement agency in furtherance of an investigation of a criminal or fraudulent act relating to a motor vehicle theft or a motor vehicle insurance claim.

(11)(8) The civil remedy specified in this section does not preempt any other remedy or cause of action provided for pursuant to any other statute or pursuant to the common law of this state. Any person may obtain a judgment under either the common-law remedy of bad faith or this statutory remedy, but ~~is shall not be entitled to a judgment under both remedies. This section does shall not be construed to create a common-law cause of action.~~ The damages recoverable pursuant to this section shall include those damages which are a reasonably foreseeable result of a specified violation of this section by the authorized insurer and may include an award or judgment in an amount that exceeds the policy limits.

(12)(9) A surety issuing a payment or performance bond on the construction or maintenance of a building or roadway project is not an insurer for purposes of subsection (1).

Section 5. Section 624.1552, Florida Statutes, is created to read:

624.1552 *Civil actions involving an insurance contract; applicability of offer of judgment provisions.—The provisions of s. 768.79 apply to any civil action involving an insurance contract.*

Section 6. Section 768.0427, Florida Statutes, is created to read:

768.0427 *Admissibility of evidence to prove medical expenses in personal injury or wrongful death actions; disclosure of letters of protection; recovery of past and future medical expenses damages.—*

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

(a) “Factoring company” means a person who purchases a health care provider’s accounts receivable at a discount below the invoice value of such accounts.

(b) “Health care coverage” means any third-party health care or disability services financing arrangement, including, but not limited to, arrangements with entities certified or authorized under federal law or under the Florida Insurance Code; state or federal health care benefit programs; workers’ compensation; and personal injury protection.

(c) “Health care provider” means any of the following professionals and entities, and professionals and entities similarly licensed in another jurisdiction:

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 existed on the effective date of this act.
4. A health care practitioner as defined in s. 456.001.
5. A health care professional licensed under part IV of chapter 468.
6. A home health aide as defined in s. 400.462.
7. A provider licensed under chapter 394 or chapter 397 and its clinical and nonclinical staff providing inpatient or outpatient services.
8. A continuing care facility licensed under chapter 651.
9. A pharmacy permitted under chapter 465.

(d) “Letter of protection” means any arrangement by which a health care provider renders treatment in exchange for a promise of payment for the claimant’s medical expenses from any judgment or settlement of a

personal injury or wrongful death action. The term includes any such arrangement, regardless of whether referred to as a letter of protection.

(2) **ADMISSIBLE EVIDENCE OF MEDICAL TREATMENT OR SERVICE EXPENSES.**—Evidence offered to prove the amount of damages for past or future medical treatment or services in a personal injury or wrongful death action is admissible as provided in this subsection.

(a) Evidence offered to prove the amount of damages for past medical treatment or services that have been satisfied is limited to evidence of the amount actually paid, regardless of the source of payment.

(b) Evidence offered to prove the amount necessary to satisfy unpaid charges for incurred medical treatment or services shall include, but is not limited to, evidence as provided in this paragraph.

1. If the claimant has health care coverage other than Medicare or Medicaid, evidence of the amount which such health care coverage is obligated to pay the health care provider to satisfy the charges for the claimant’s incurred medical treatment or services, plus the claimant’s share of medical expenses under the insurance contract or regulation.

2. If the claimant has health care coverage but obtains treatment under a letter of protection or otherwise does not submit charges for any health care provider’s medical treatment or services to health care coverage, evidence of the amount the claimant’s health care coverage would pay the health care provider to satisfy the past unpaid medical charges under the insurance contract or regulation, plus the claimant’s share of medical expenses under the insurance contract or regulation, had the claimant obtained medical services or treatment pursuant to the health care coverage.

3. If the claimant does not have health care coverage or has health care coverage through Medicare or Medicaid, evidence of 120 percent of the Medicare reimbursement rate in effect on the date of the claimant’s incurred medical treatment or services, or, if there is no applicable Medicare rate for a service, 170 percent of the applicable state Medicaid rate.

4. If the claimant obtains medical treatment or services under a letter of protection and the health care provider subsequently transfers the right to receive payment under the letter of protection to a third party, evidence of the amount the third party paid or agreed to pay the health care provider in exchange for the right to receive payment pursuant to the letter of protection.

5. Any evidence of reasonable amounts billed to the claimant for medically necessary treatment or medically necessary services provided to the claimant.

(c) Evidence offered to prove the amount of damages for any future medical treatment or services the claimant will receive shall include, but is not limited to, evidence as provided in this paragraph.

1. If the claimant has health care coverage other than Medicare or Medicaid, or is eligible for any such health care coverage, evidence of the amount for which the future charges of health care providers could be satisfied if submitted to such health care coverage, plus the claimant’s share of medical expenses under the insurance contract or regulation.

2. If the claimant does not have health care coverage or has health care coverage through Medicare or Medicaid, or is eligible for such health care coverage, evidence of 120 percent of the Medicare reimbursement rate in effect at the time of trial for the medical treatment or services the claimant will receive, or, if there is no applicable Medicare rate for a service, 170 percent of the applicable state Medicaid rate.

3. Any evidence of reasonable future amounts to be billed to the claimant for medically necessary treatment or medically necessary services.

(d) This subsection does not impose an affirmative duty upon any party to seek a reduction in billed charges to which the party is not contractually entitled.

(e) Individual contracts between providers and authorized commercial insurers or authorized health maintenance organizations are not subject to discovery or disclosure and are not admissible into evidence.



(3) **LETTERS OF PROTECTION; REQUIRED DISCLOSURES.**—*In a personal injury or wrongful death action, as a condition precedent to asserting any claim for medical expenses for treatment rendered under a letter of protection, the claimant must disclose:*

- (a) *A copy of the letter of protection.*
- (b) *All billings for the claimant’s medical expenses, which must be itemized and, to the extent applicable, coded according to:*

1. *For health care providers billing at the provider level, the American Medical Association’s Current Procedural Terminology (CPT), or the Healthcare Common Procedure Coding System (HCPCS), in effect on the date the services were rendered.*

2. *For health care providers billing at the facility level for expenses incurred in a clinical or outpatient setting, including when billing through an Ambulatory Payment Classification (APC) or Enhanced Ambulatory Patient Grouping (EAPG), the International Classification of Diseases (ICD) diagnosis code and, if applicable, the American Medical Association’s Current Procedural Terminology (CPT), in effect on the date the services were rendered.*

3. *For health care providers billing at the facility level for expenses incurred in an inpatient setting, including when billing through a Diagnosis Related Group (DRG), the International Classification of Diseases (ICD) diagnosis and procedure codes in effect on the date in which the claimant is discharged.*

(c) *If the health care provider sells the accounts receivable for the claimant’s medical expenses to a factoring company or other third party:*

- 1. *The name of the factoring company or other third party who purchased such accounts.*
- 2. *The dollar amount for which the factoring company or other third party purchased such accounts, including any discount provided below the invoice amount.*

(d) *Whether the claimant, at the time medical treatment was rendered, had health care coverage and, if so, the identity of such coverage.*

(e) *Whether the claimant was referred for treatment under a letter of protection and, if so, the identity of the person who made the referral. If the referral is made by the claimant’s attorney, disclosure of the referral is permitted, and evidence of such referral is admissible notwithstanding s. 90.502. Moreover, in such situation, the financial relationship between a law firm and a medical provider, including the number of referrals, frequency, and financial benefit obtained, is relevant to the issue of the bias of a testifying medical provider.*

(4) **DAMAGES RECOVERABLE FOR MEDICAL TREATMENT OR SERVICE EXPENSES.**—*The damages that may be recovered by a claimant in a personal injury or wrongful death action for the reasonable and necessary cost or value of medical care rendered may not include any amount in excess of the evidence of medical treatment and services expenses admitted pursuant to subsection (2), and also may not exceed the sum of the following:*

- (a) *Amounts actually paid by or on behalf of the claimant to a health care provider who rendered medical treatment or services;*
- (b) *Amounts necessary to satisfy charges for medical treatment or services that are due and owing but at the time of trial are not yet satisfied; and*
- (c) *Amounts necessary to provide for any reasonable and necessary medical treatment or services the claimant will receive in the future.*

Section 7. Section 768.0706, Florida Statutes, is created to read:  
 768.0706 *Multifamily residential property safety and security; presumption against liability.*—

- (1) *As used in this section, the term:*
- (a) *“Crime prevention through environmental design” has the same meaning as in s. 163.503(6).*

(b) *“Multifamily residential property” means a residential building, or group of residential buildings, such as apartments, townhouses, or condominiums, consisting of at least five dwelling units on a particular parcel.*

(c) *“Parcel” means real property for which a distinct parcel identification number is assigned to the property by the property appraiser for the county in which the property is located.*

(2) *The owner or principal operator of a multifamily residential property which substantially implements the following security measures on that property has a presumption against liability in connection with criminal acts that occur on the premises which are committed by third parties who are not employees or agents of the owner or operator:*

(a)1. *A security camera system at points of entry and exit which records, and maintains as retrievable for at least 30 days, video footage to assist in offender identification and apprehension.*

2. *A lighted parking lot illuminated at an intensity of at least an average of 1.8 foot-candles per square foot at 18 inches above the surface from dusk until dawn or controlled by photocell or any similar electronic device that provides light from dusk until dawn.*

3. *Lighting in walkways, laundry rooms, common areas, and porches. Such lighting must be illuminated from dusk until dawn or controlled by photocell or any similar electronic device that provides light from dusk until dawn.*

4. *At least a 1-inch deadbolt in each dwelling unit door.*

5. *A locking device on each window, each exterior sliding door, and any other doors not used for community purposes.*

6. *Locked gates with key or fob access along pool fence areas.*

7. *A peephole or door viewer on each dwelling unit door that does not include a window or that does not have a window next to the door.*

(b) *By January 1, 2025, the owner or principal operator of a multifamily residential property has a crime prevention through environmental design assessment that is no more than 3 years old completed for the property. Such assessment must be performed by a law enforcement agency or a Florida Crime Prevention Through Environmental Design Practitioner designated by the Florida Crime Prevention Training Institute of the Department of Legal Affairs. The owner or principal operator must remain in substantial compliance with the assessment for purposes of this paragraph.*

(c)1. *By January 1, 2025, the owner or principal operator of a multifamily residential property provides proper crime deterrence and safety training to its current employees. After January 1, 2025, the owner or principal operator must provide such training to an employee within 60 days after his or her hire date for purposes of this paragraph.*

2. *For purposes of this paragraph, “proper crime deterrence and safety training” means training which trains and familiarizes employees with the security principles, devices, measures, and standards set forth under paragraph (a), and which is reviewed at least every 3 years and updated as necessary. The owner or principal operator may request a law enforcement agency or the Florida Crime Prevention Through Environmental Design Practitioner performing the assessment under paragraph (b) to review the training curriculum.*

(3) *For purposes of establishing the presumption against liability under subsection (2), the burden of proof is on the owner or principal operator to demonstrate that the owner or principal operator has substantially implemented the security measures specified in subsection (2).*

(4) *The Florida Crime Prevention Training Institute of the Department of Legal Affairs shall develop a proposed curriculum or best practices for owners or principal operators to implement such training. The state has no liability in connection with providing a proposed training curriculum under this subsection.*

(5) *This section does not establish a private cause of action.*

Section 8. Subsection (2) of section 768.81, Florida Statutes, is amended, and subsection (6) is added to that section, to read:

768.81 Comparative fault.—

(2) EFFECT OF CONTRIBUTORY FAULT.—In a negligence action, contributory fault chargeable to the claimant diminishes proportionately the amount awarded as economic and noneconomic damages for an injury attributable to the claimant's contributory fault, but does not bar recovery, *subject to subsection (6)*.

(6) GREATER PERCENTAGE OF FAULT.—*In a negligence action to which this section applies, any party found to be greater than 50 percent at fault for his or her own harm may not recover any damages. This subsection does not apply to an action for damages for personal injury or wrongful death arising out of medical negligence pursuant to chapter 766.*

Section 9. *Section 626.9373, Florida Statutes, is repealed.*

Section 10. *Section 627.428, Florida Statutes, is repealed.*

Section 11. Subsection (1) of section 627.756, Florida Statutes, is amended to read:

627.756 Bonds for construction contracts; attorney fees in case of suit.—

(1) *In a suit brought by an owner, a contractor, a subcontractor, a laborer, or a materialman against a surety insurer under payment or performance bonds written by the insurer under the laws of this state to indemnify against pecuniary loss by breach of a building or construction contract, upon the rendition of a judgment or decree by any of the courts of this state against the surety insurer and in favor of the owner, contractor, subcontractor, laborer, or materialman, the trial court or, in the event of an appeal in which the owner, contractor, subcontractor, laborer, or materialman prevails, the appellate court, shall adjudge or decree against the surety insurer and in favor of the owner, contractor, subcontractor, laborer, or materialman a reasonable sum as fees or compensation for the attorney prosecuting the suit in which the recovery is had. Owners, contractors, subcontractors, laborers, and materialmen shall be deemed to be insureds or beneficiaries for the purposes of this section.*

Section 12. Paragraphs (a) and (j) of subsection (1) of section 475.01, Florida Statutes, are amended to read:

475.01 Definitions.—

(1) As used in this part:

(a) “Broker” means a person who, for another, and for a compensation or valuable consideration directly or indirectly paid or promised, expressly or impliedly, or with an intent to collect or receive a compensation or valuable consideration therefor, appraises, auctions, sells, exchanges, buys, rents, or offers, attempts or agrees to appraise, auction, or negotiate the sale, exchange, purchase, or rental of business enterprises or business opportunities or any real property or any interest in or concerning the same, including mineral rights or leases, or who advertises or holds out to the public by any oral or printed solicitation or representation that she or he is engaged in the business of appraising, auctioning, buying, selling, exchanging, leasing, or renting business enterprises or business opportunities or real property of others or interests therein, including mineral rights, or who takes any part in the procuring of sellers, purchasers, lessors, or lessees of business enterprises or business opportunities or the real property of another, or leases, or interest therein, including mineral rights, or who directs or assists in the procuring of prospects or in the negotiation or closing of any transaction which does, or is calculated to, result in a sale, exchange, or leasing thereof, and who receives, expects, or is promised any compensation or valuable consideration, directly or indirectly therefor; and all persons who advertise rental property information or lists. A broker renders a professional service and is a professional within the meaning of s. 95.11(4)(b) ~~s. 95.11(4)(a)~~. Where the term “appraise” or “appraising” appears in the definition of the term “broker,” it specifically excludes those appraisal services which must be performed only by a state-licensed or state-certified appraiser, and those appraisal services which may be performed by a registered trainee appraiser as defined in part II. The term “broker” also includes any person who is a general partner, officer, or director of a partnership or corporation which acts as a broker. The term “broker” also includes any person or entity who undertakes to list or sell one or more timeshare periods per

year in one or more timeshare plans on behalf of any number of persons, except as provided in ss. 475.011 and 721.20.

(j) “Sales associate” means a person who performs any act specified in the definition of “broker,” but who performs such act under the direction, control, or management of another person. A sales associate renders a professional service and is a professional within the meaning of s. 95.11(4)(b) ~~s. 95.11(4)(a)~~.

Section 13. Paragraph (h) of subsection (1) of section 475.611, Florida Statutes, is amended to read:

475.611 Definitions.—

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

(h) “Appraiser” means any person who is a registered trainee real estate appraiser, a licensed real estate appraiser, or a certified real estate appraiser. An appraiser renders a professional service and is a professional within the meaning of s. 95.11(4)(b) ~~s. 95.11(4)(a)~~.

Section 14. Subsection (7) of section 517.191, Florida Statutes, is amended to read:

517.191 Injunction to restrain violations; civil penalties; enforcement by Attorney General.—

(7) Notwithstanding s. 95.11(4)(f) ~~s. 95.11(4)(e)~~, an enforcement action brought under this section based on a violation of any provision of this chapter or any rule or order issued under this chapter shall be brought within 6 years after the facts giving rise to the cause of action were discovered or should have been discovered with the exercise of due diligence, but not more than 8 years after the date such violation occurred.

Section 15. Subsection (4) of section 624.123, Florida Statutes, is amended to read:

624.123 Certain international health insurance policies; exemption from code.—

(4) Any international health insurance policy or application solicited, provided, entered into, issued, or delivered pursuant to this subsection is exempt from all provisions of the insurance code, except that such policy, contract, or agreement is subject to the provisions of ss. 624.155, 624.316, 624.3161, 626.951, 626.9511, 626.9521, 626.9541, 626.9551, 626.9561, 626.9571, 626.9581, 626.9591, 626.9601, 627.413, 627.4145, ~~627.428~~, and 627.6043.

Section 16. Subsection (4) of section 624.488, Florida Statutes, is amended to read:

624.488 Applicability of related laws.—In addition to other provisions of the code cited in ss. 624.460-624.488:

(4) Sections 627.291, 627.413, 627.4132, 627.416, 627.418, 627.420, 627.421, 627.425, 627.426, 627.4265, 627.427, ~~627.428~~, 627.702, and 627.706; part XI of chapter 627; ss. 627.912, 627.913, and 627.918;

apply to self-insurance funds. Only those sections of the code that are expressly and specifically cited in ss. 624.460-624.489 apply to self-insurance funds.

Section 17. Paragraph (b) of subsection (3) of section 627.062, Florida Statutes, is amended to read:

627.062 Rate standards.—

(3)

(b) Individual risk rates and modifications to existing approved forms are not subject to this part or part II, except for paragraph (a) and ss. 627.402, 627.403, 627.4035, 627.404, 627.405, 627.406, 627.407, 627.4085, 627.409, 627.4132, 627.4133, 627.415, 627.416, 627.417, 627.419, 627.425, 627.426, 627.4265, and 627.427, ~~and 627.428~~; but are subject to all other applicable provisions of this code and rules adopted thereunder.

Section 18. Subsections (3), (4), and (5) of section 627.401, Florida Statutes, are amended to read:

627.401 Scope of this part.—No provision of this part of this chapter applies to:

(3) Wet marine and transportation insurance, except ss. 627.409 and 627.420, and ~~627.428~~.

(4) Title insurance, except ss. 627.406, 627.415, 627.416, 627.419, and 627.427, and ~~627.428~~.

(5) Credit life or credit disability insurance, except s. 627.419(5) ~~ss. 627.419(5) and 627.428~~.

Section 19. Subsection (2) of section 627.441, Florida Statutes, is amended to read:

627.441 Commercial general liability policies; coverage to contractors for completed operations.—

(2) A liability insurer must offer coverage at an appropriate additional premium for liability arising out of current or completed operations under an owner-controlled insurance program for any period beyond the period for which the program provides liability coverage, as specified in s. 255.0517(2)(b). The period of such coverage must be sufficient to protect against liability arising out of an action brought within the time limits provided in s. 95.11(3)(b) ~~s. 95.11(3)(c)~~.

Section 20. Subsection (8) of section 627.727, Florida Statutes, is amended to read:

627.727 Motor vehicle insurance; uninsured and underinsured vehicle coverage; insolvent insurer protection.—

~~(8) The provisions of s. 627.428 do not apply to any action brought pursuant to this section against the uninsured motorist insurer unless there is a dispute over whether the policy provides coverage for an uninsured motorist proven to be liable for the accident.~~

Section 21. Subsection (8) of section 627.736, Florida Statutes, is amended to read:

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

(8) APPLICABILITY OF PROVISION REGULATING ATTORNEY FEES.—With respect to any dispute under the provisions of ss. 627.730-627.7405 between the insured and the insurer, or between an assignee of an insured's rights and the insurer, the provisions of s. 768.79 ~~ss. 627.428 and 768.79~~ apply, except as provided in subsections (10) and (15), and except that any attorney fees recovered must:

- (a) Comply with prevailing professional standards;
- (b) Not overstate or inflate the number of hours reasonably necessary for a case of comparable skill or complexity; and
- (c) Represent legal services that are reasonable and necessary to achieve the result obtained.

Upon request by either party, a judge must make written findings, substantiated by evidence presented at trial or any hearings associated therewith, that any award of attorney fees complies with this subsection. ~~Notwithstanding s. 627.428~~, Attorney fees recovered under ss. 627.730-627.7405 must be calculated without regard to a contingency risk multiplier.

Section 22. Subsection (4) of section 628.6016, Florida Statutes, is amended to read:

628.6016 Applicability of related laws.—In addition to other provisions of the code cited in ss. 628.6011-628.6018:

(4) Sections 627.291, 627.413, 627.4132, 627.416, 627.418, 627.420, 627.421, 627.425, 627.426, 627.4265, 627.427, ~~627.428~~, 627.702, and 627.706; part XI of chapter 627; ss. 627.912, 627.913, and 627.918; and

apply to assessable mutual insurers; however, ss. 628.255, 628.411, and 628.421 do not apply. No section of the code not expressly and specifically cited in ss. 628.6011-628.6018 applies to assessable mutual in-

surers. The term “assessable mutual insurer” shall be substituted for the term “commercial self-insurer” as appropriate.

Section 23. *Section 631.70, Florida Statutes, is repealed.*

Section 24. *Section 631.926, Florida Statutes, is repealed.*

Section 25. Subsection (11) of section 632.638, Florida Statutes, is amended to read:

632.638 Applicability of other code provisions.—In addition to other provisions contained or referred to in this chapter, the following chapters and provisions of this code apply to fraternal benefit societies, to the extent applicable and not in conflict with the express provisions of this chapter and the reasonable implications thereof:

~~(11) Section 627.428;~~

Section 26. *The Division of Law Revision is directed to replace the phrase “the effective date of this act” wherever it occurs in this act with the date this act becomes a law.*

Section 27. *The amendments made by this act to s. 95.11, Florida Statutes, apply to causes of action accruing after the effective date of this act.*

Section 28. *The amendments made by this act to s. 624.155, Florida Statutes, do not apply to causes of action arising out of insurance policies issued or renewed before the effective date of this act.*

Section 29. *This act shall not be construed to impair any right under an insurance contract in effect on or before the effective date of this act. To the extent that this act affects a right under an insurance contract, this act applies to an insurance contract issued or renewed after the effective date of this act.*

Section 30. *Except as otherwise expressly provided in this act, this act shall apply to causes of action which accrue after the effective date of this act.*

Section 31. This act shall take effect upon becoming a law.

And the title is amended as follows:

Delete everything before the enacting clause and insert: A bill to be entitled An act relating to civil remedies; amending s. 57.104, F.S.; creating a rebuttable presumption that a lodestar fee is a sufficient and reasonable attorney fee in most civil actions; providing an exception; creating s. 86.121, F.S.; authorizing a court to award attorney fees in certain declaratory actions; prohibiting the transfer, assignment, or acquisition of the right to such attorney fees except by specified persons; amending s. 95.11, F.S.; reducing the statute of limitations for negligence actions; providing applicability of certain provisions to actions involving servicemembers; amending s. 624.155, F.S.; providing standards for bad faith actions; providing for the distribution of proceeds when two or more third-party claims arising out of a single occurrence exceed policy limits; revising applicability and conditions for the award of damages, court costs, and attorney fees in certain civil actions; creating s. 624.1552, F.S.; providing for applicability of specified offer of judgment provisions to civil actions involving insurance contracts; creating s. 768.0427, F.S.; providing definitions; providing standards for the admissibility of evidence to prove the cost of damages for medical expenses in certain civil actions; requiring certain disclosures with respect to claims for medical expenses for treatment rendered under letters of protection; specifying the damages that may be recovered by a claimant for the reasonable and necessary cost of medical care; creating s. 768.0706, F.S.; providing definitions; providing that the owner or principal operator of a multifamily residential property which substantially implements specified security measures on that property has a presumption against liability for negligence in connection with certain criminal acts that occur on the premises; requiring the Florida Crime Prevention Training Institute of the Department of Legal Affairs to develop a proposed curriculum or best practices for owners or principal operators; providing construction; amending s. 768.81, F.S.; providing that a party in a negligence action who is at fault by a specified amount may not recover damages under a comparative negligence action; providing applicability; repealing ss. 626.9373 and 627.428, F.S., relating to attorney fees awarded against surplus lines insurers and insurers, respectively; amending s. 627.756, F.S.; providing for the award of costs and attorney fees in certain actions; amending ss. 475.01, 475.611, 517.191, 624.123, 624.488, 627.062, 627.401, 627.441, 627.727, 627.736,

and 628.6016, F.S.; conforming cross-references and provisions to changes made by the act; repealing ss. 631.70 and 631.926, F.S., relating to attorney fees; amending s. 632.638, F.S.; conforming a cross-reference; providing a directive to the Division of Law Revision; providing applicability and construction; providing an effective date.

### MOTIONS

On motion by Senator Mayfield, the rules were waived and time of adjournment was extended until completion of the Special Order Calendar, Third Reading, announcements, and motions.

The question recurred on **Amendment 1 (113938)** which failed.

The vote was:

#### Yeas—16

Berman	Gruters	Powell
Book	Jones	Rouson
Bradley	Martin	Thompson
Brodeur	Osgood	Torres
Davis	Pizzo	
Grall	Polsky	

#### Nays—23

Madam President	Calatayud	Perry
Albritton	Collins	Rodriguez
Avila	DiCeglie	Simon
Baxley	Harrell	Stewart
Boyd	Hooper	Trumbull
Broxson	Hutson	Wright
Burgess	Ingoglia	Yarborough
Burton	Mayfield	

Senator Berman moved the following amendment which failed:

**Amendment 2 (129080) (with title amendment)**—Between lines 635 and 636 insert:

(5) *ADMISSIBLE EVIDENCE OF LIABILITY INSURANCE AND POLICY LIMITS.*—If evidence of a claimant's health care coverage is admitted into evidence pursuant to subsection (2) or subsection (4), evidence of the existence of liability insurance and liability insurance policy limits of each defendant is also admissible.

And the title is amended as follows:

Delete line 29 and insert: necessary cost of medical care; providing that evidence of the existence of liability insurance and liability insurance policy limits of each defendant is admissible under certain circumstances; creating s. 768.0701,

Pursuant to Rule 4.19, **CS for CS for HB 837** was placed on the calendar of Bills on Third Reading.

**CS for CS for SB 130**—A bill to be entitled An act relating to domestic violence; providing a short title; amending s. 61.13, F.S.; requiring the court with jurisdiction over the proceeding to consider certain factors in deciding whether shared parental responsibility is detrimental to the child; making technical and conforming changes; providing additional conduct regarding domestic violence which the court must consider when ordering a parenting plan; amending s. 741.30, F.S.; providing an additional factor that the court must consider in determining whether a petitioner of a domestic violence injunction is in imminent danger; conforming a provision to changes made by the act; providing an effective date.

—was read the second time by title.

### CO-INTRODUCERS

All Senators voting yea, not previously shown as co-introducers, were recorded as co-introducers of **CS for CS for SB 130**.

#### Yeas—34

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

On motion by Senator Berman, by two-thirds vote, **CS for CS for SB 130** was read the third time by title, passed, and certified to the House.

The vote on passage was:

#### Yeas—39

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

#### Nays—None

**CS for SB 242**—A bill to be entitled An act relating to fiscal accountability; amending s. 215.985, F.S.; requiring state entities to post any documents submitted on the contract tracking system which indicate the use of state funds as remuneration under certain contracts, beginning on a specified date; deleting a provision requiring state entities to publish payments on the contract tracking system; amending s. 216.1366, F.S.; requiring that contracts for services executed, amended, or extended beginning on a specified date require contractors to provide specified documentation to be included in the contract tracking system and posted to the contractor's website, if applicable; defining terms; providing an effective date.

—was read the second time by title. On motion by Senator Avila, by two-thirds vote, **CS for SB 242** was read the third time by title, passed, and certified to the House. The vote on passage was:

#### Yeas—39

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

#### Nays—None

**MOTIONS**

On motion by Senator Broxson, Senate Rule 2.39 was waived for all bills on the agenda to be considered by the Committee on Appropriations on Tuesday, March 28, 2023:

- The deadline for filing main amendments to any bill on the agenda is 1:00 p.m., Friday, March 24, 2023.
- The deadline for filing adhering amendments to any bill on the agenda is 1:00 p.m., Monday, March 27, 2023.
- All amendments to the General Appropriations Bill must be balanced as explained.

**BILLS ON SPECIAL ORDERS**

Pursuant to Rule 4.17(1), the Rules Chair, Majority Leader, and Minority Leader submit the following bills to be placed on the Special Order Calendar for Wednesday, March 22, 2023: SB 274, CS for SM 160, CS for CS for SB 202, CS for SB 234, CS for CS for SB 236, CS for CS for SB 130, CS for SB 242.

Respectfully submitted,  
*Debbie Mayfield*, Rules Chair  
*Ben Albritton*, Majority Leader  
*Lauren Book*, Minority Leader

**REPORTS OF COMMITTEES**

The Appropriations Committee on Criminal and Civil Justice recommends the following pass: SB 62

The Appropriations Committee on Education recommends the following pass: SB 244

**The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.**

The Committee on Military and Veterans Affairs, Space, and Domestic Security recommends the following pass: SB 1020

**The bill was referred to the Appropriations Committee on Agriculture, Environment, and General Government under the original reference.**

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 414

**The bill was referred to the Appropriations Committee on Criminal and Civil Justice under the original reference.**

The Committee on Education Postsecondary recommends the following pass: SB 750; SB 1060; SB 1654

**The bills were referred to the Appropriations Committee on Education under the original reference.**

The Committee on Community Affairs recommends the following pass: SB 1614

**The bill was referred to the Committee on Banking and Insurance under the original reference.**

The Committee on Ethics and Elections recommends the following pass: SJR 1066

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 1310

The Committee on Judiciary recommends the following pass: SB 10

**The bills contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.**

The Committee on Judiciary recommends the following pass: SB 1442

The Committee on Regulated Industries recommends the following pass: SB 1028

**The bills contained in the foregoing reports were referred to the Committee on Criminal Justice under the original reference.**

The Committee on Judiciary recommends the following pass: SB 4

**The bill was referred to the Committee on Education Pre-K -12 under the original reference.**

The Committee on Community Affairs recommends the following pass: SB 974

The Committee on Regulated Industries recommends the following pass: SB 1450

**The bills contained in the foregoing reports were referred to the Committee on Finance and Tax under the original reference.**

The Appropriations Committee on Criminal and Civil Justice recommends the following pass: CS for SB 486

The Appropriations Committee on Education recommends the following pass: CS for SB 290; CS for SB 936

**The bills contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.**

The Committee on Community Affairs recommends the following pass: SB 540

**The bill was referred to the Committee on Judiciary under the original reference.**

The Committee on Community Affairs recommends the following pass: SB 1666

**The bill was referred to the Committee on Military and Veterans Affairs, Space, and Domestic Security under the original reference.**

The Committee on Community Affairs recommends the following pass: CS for SB 494

The Committee on Governmental Oversight and Accountability recommends the following pass: SB 596; CS for SB 598; CS for SB 664; SB 892; SB 1616

The Committee on Judiciary recommends the following pass: SB 542; SB 708; SB 1220; SB 1438

The Committee on Military and Veterans Affairs, Space, and Domestic Security recommends the following pass: CS for SB 732; SM 1382

**The bills contained in the foregoing reports were referred to the Committee on Rules under the original reference.**

The Committee on Rules recommends the following pass: CS for CS for SB 226; SM 848; SM 1036; SB 1210

**The bills were placed on the Calendar.**

The Committee on Children, Families, and Elder Affairs recommends committee substitutes for the following: SB 1010; SB 1412

**The bills with committee substitute attached were referred to the Appropriations Committee on Health and Human Services under the original reference.**

The Committee on Transportation recommends committee substitutes for the following: SB 96; SB 838; SB 1070; SB 1250; SB 1532

**The bills with committee substitute attached were referred to the Appropriations Committee on Transportation, Tourism, and Economic Development under the original reference.**

The Committee on Judiciary recommends a committee substitute for the following: SB 600

**The bill with committee substitute attached was referred to the Committee on Banking and Insurance under the original reference.**

The Committee on Criminal Justice recommends a committee substitute for the following: SB 764

The Committee on Transportation recommends a committee substitute for the following: SB 712

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Commerce and Tourism under the original reference.**

The Committee on Ethics and Elections recommends committee substitutes for the following: SB 1110; SB 1372

The Committee on Transportation recommends a committee substitute for the following: SB 760

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Community Affairs under the original reference.**

The Committee on Transportation recommends a committee substitute for the following: SB 1258

**The bill with committee substitute attached was referred to the Committee on Environment and Natural Resources under the original reference.**

The Committee on Agriculture recommends a committee substitute for the following: SB 1676

The Appropriations Committee on Transportation, Tourism, and Economic Development recommends a committee substitute for the following: CS for SB 588

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Fiscal Policy under the original reference.**

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 1278

**The bill with committee substitute attached was referred to the Committee on Governmental Oversight and Accountability under the original reference.**

The Committee on Children, Families, and Elder Affairs recommends a committee substitute for the following: SB 870

The Committee on Military and Veterans Affairs, Space, and Domestic Security recommends a committee substitute for the following: CS for SB 538

**The bills with committee substitute attached contained in the foregoing reports were referred to the Committee on Rules under the original reference.**

The Committee on Rules recommends a committee substitute for the following: SB 164

**The bill with committee substitute attached was placed on the Calendar.**

## INTRODUCTION AND REFERENCE OF BILLS

### FIRST READING

**Senate Bills 7000-7024**—Previously introduced.

By the Appropriations Committee on Education—

**SB 7026**—A bill to be entitled An act relating to higher education finances; amending s. 1001.706, F.S.; requiring the Board of Governors to develop regulations for university boards of trustees relating to contracting for the construction of new facilities or for work on existing facilities; amending s. 1009.26, F.S.; authorizing a state university to waive the out-of-state fee for a student who is an intercollegiate athlete receiving a scholarship; amending ss. 1011.45 and 1013.841, F.S.; revising the list of authorized expenditures that may be included in a carry forward spending plan for state universities and Florida College System institutions, respectively; amending s. 1012.976, F.S.; revising a limitation on compensation for state university employees; amending s. 1013.45, F.S.; providing that certain educational facility contracting and construction techniques applicable to school districts also apply to Florida College System institutions; amending s. 1013.64, F.S.; deleting cost and size limitations applicable to minor facilities; providing an effective date.

—was referred to the Committee on Appropriations.

By the Appropriations Committee on Health and Human Services—

**SB 7028**—A bill to be entitled An act relating to trust funds; amending s. 20.425, F.S.; creating the State Opioid Settlement Trust Fund within the Agency for Health Care Administration; providing the purpose of the trust fund; specifying the funding source for the trust fund; providing for the reversion of certain funds to the Department of Financial Services Opioid Settlement Clearing Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Appropriations Committee on Health and Human Services—

**SB 7030**—A bill to be entitled An act relating to trust funds; amending s. 20.195, F.S.; creating the State Opioid Settlement Trust Fund within the Department of Children and Families; providing the purpose of the trust fund; specifying the funding source for the trust fund; providing for the reversion of certain funds to the Department of Financial Services Opioid Settlement Clearing Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Appropriations Committee on Health and Human Services—

**SB 7032**—A bill to be entitled An act relating to trust funds; amending s. 20.435, F.S.; creating the State Opioid Settlement Trust

Fund within the Department of Health; providing the purpose of the trust fund; specifying the funding source for the trust fund; providing for the reversion of certain funds to the Department of Financial Services Opioid Settlement Clearing Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Appropriations Committee on Criminal and Civil Justice—

**SB 7034**—A bill to be entitled An act relating to trust funds; creating s. 944.74, F.S.; creating the Opioid Settlement Trust Fund within the Department of Corrections; providing the purpose of the trust fund; providing sources of funds; providing for the reversion of funds in the Opioid Settlement Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Appropriations Committee on Criminal and Civil Justice—

**SB 7036**—A bill to be entitled An act relating to trust funds; creating s. 985.693, F.S.; creating the Opioid Settlement Trust Fund within the Department of Juvenile Justice; providing the purpose of the trust fund; providing sources of funds; providing for the reversion of funds in the Opioid Settlement Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

By the Appropriations Committee on Criminal and Civil Justice—

**SB 7038**—A bill to be entitled An act relating to trust funds; creating s. 943.368, F.S.; creating the Opioid Settlement Trust Fund within the Department of Law Enforcement; providing the purpose of the trust fund; providing sources of funds; providing for the reversion of funds in the Opioid Settlement Trust Fund; providing for future review and termination or re-creation of the trust fund; providing an effective date.

—was referred to the Committee on Appropriations.

**COMMITTEE SUBSTITUTES**

**FIRST READING**

By the Committee on Transportation; and Senator DiCeglie—

**CS for SB 96**—A bill to be entitled An act relating to transportation-related facility designations; providing honorary designations of certain transportation facilities in specified counties; directing the Department of Transportation to erect suitable markers; providing an effective date.

By the Committee on Rules; and Senators Polsky, Berman, and Book—

**CS for SB 164**—A bill to be entitled An act relating to controlled substance testing; amending s. 893.145, F.S.; revising the definition of the term “drug paraphernalia” to exclude certain narcotic-drug-testing products; providing an effective date.

By the Committees on Military and Veterans Affairs, Space, and Domestic Security; and Children, Families, and Elder Affairs; and Senator Trumbull—

**CS for CS for SB 538**—A bill to be entitled An act relating to provisional child care licensing; amending s. 402.309, F.S.; requiring a local licensing agency or the Department of Children and Families, as applicable, to issue a provisional license or registration for a family day care home under certain circumstances; providing an effective date.

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Transportation; and Senator Rodriguez—

**CS for CS for SB 588**—A bill to be entitled An act relating to enforcement of school zone speed limits; amending s. 316.003, F.S.; revising the definition of the term “local hearing officer”; defining the term “speed detection system”; amending s. 316.008, F.S.; authorizing a county or municipality to enforce the speed limit in a school zone during specified periods through the use of a speed detection system; providing a rebuttable presumption; authorizing a county or a municipality to install, or contract with a vendor to install, speed detection systems in school zones; amending s. 316.0776, F.S.; specifying conditions for the placement or installation of speed detection systems; requiring the Department of Transportation to establish certain specifications by a specified date; requiring counties and municipalities that install speed detection systems in school zones to provide certain notice to the public; specifying signage requirements; requiring counties and municipalities that have never conducted a speed detection system program to make a public announcement and conduct a public awareness campaign before commencing enforcement under the program; limiting penalties in effect during the public awareness campaign; creating s. 316.1894, F.S.; requiring local governments to use funds generated from a certain program for school crossing guard recruitment and retention; providing that the law enforcement agency in the local government administering the program has certain discretion regarding designing and managing the program; creating s. 316.1896, F.S.; authorizing counties and municipalities to authorize traffic infraction enforcement officers to issue traffic citations for certain violations; requiring certain violations to be evidenced by a speed detection system; providing construction; specifying notification requirements and procedures; authorizing a person who receives a notification of violation to request a hearing within a specified timeframe; defining the term “person”; providing for the waiver of a challenge or dispute as to the delivery of the notification of violation; requiring counties and municipalities to pay certain funds to the Department of Revenue; providing for the distribution of funds; specifying requirements for issuance of a traffic citation; providing for the waiver of a challenge or dispute as to the delivery of the traffic citation; specifying notification requirements and procedures; specifying that the registered owner of a motor vehicle is responsible and liable for paying a traffic citation; providing exceptions; requiring an owner of a motor vehicle to furnish an affidavit under certain circumstances; specifying requirements for such affidavit; requiring the county or municipality to dismiss the notice or citation and provide proof such dismissal under certain circumstances; requiring the county or municipality to notify the registered owner that the notice or citation will not be dismissed under certain circumstances; authorizing the county or municipality to issue a certain person a notification of violation; providing that the affidavit is admissible in a proceeding for the purpose of proving who was operating the motor vehicle at the time of the violation; providing that the owner of a leased vehicle is not responsible for paying a traffic citation or submitting an affidavit; specifying a timeframe for a county or a municipality to issue a notification under certain circumstances; requiring certain persons to issue an affidavit; providing a criminal penalty for submitting a false affidavit; providing that certain photographs or videos and evidence of speed are admissible in certain proceedings; providing a rebuttable presumption; providing construction; specifying requirements and procedures for hearings; providing procedures for appeal; prohibiting speed detection systems in school zones from being capable of automated or user-controlled remote surveillance; providing that certain recorded photographs or videos may be used only for a certain purpose; requiring certain photographs or video to be destroyed within a certain timeframe; requiring the vendor of a speed detection system to provide certain written notice; providing that certain registered motor vehicle information may be used only for certain purposes; requiring counties and municipalities that operate a speed detection system to submit a certain report to the department; requiring the department to provide a certain report to the Legislature; amending s. 316.1906, F.S.; revising the definition of the term “officer”; exempting a speed detection system from the design requirements for radar units; specifying requirements for speed detection systems; requiring a law enforcement agency and its agents operating a speed detection system to maintain a log of results of the system’s self-tests; requiring a law enforcement agency and its agents to perform independent calibration tests of such systems within a specified timeframe; providing for the admissibility of certain evidence in certain proceedings; amending s. 318.18, F.S.; providing a civil penalty for a

certain speed limit violation; amending s. 322.27, F.S.; prohibiting points from being imposed against a driver license for certain infractions enforced by a traffic infraction enforcement officer; prohibiting such infractions from being used to set motor vehicle insurance rates; amending s. 316.306, F.S.; conforming a cross-reference; amending s. 316.640, F.S.; conforming a provision to changes made by the act; amending s. 316.650, F.S.; conforming provisions to changes made by the act; requiring the chief administrative officer to provide certain data within 5 business days; amending ss. 318.14, 318.21, and 655.960, F.S.; conforming cross-references and provisions to changes made by the act; providing an effective date.

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By the Committee on Judiciary; and Senator Martin—

**CS for SB 600**—A bill to be entitled An act relating to an assignment for the benefit of creditors; amending s. 727.101, F.S.; revising legislative intent; amending s. 727.104, F.S.; revising requirements for the commencement of proceedings for general assignments; authorizing courts to determine compliance with a specified rule; amending s. 727.105, F.S.; authorizing assignees to rely on certain orders, judgments, decrees, rules, and documents; specifying that the assignee is not personally liable for certain good faith compliance, acts, or omissions; limiting the assets a creditor or other party in interest may pursue in an action against an assignee; providing requirements for a creditor or other party in interest in certain actions against an assignee; providing requirements for claims against an assignee or any agent or professional of the assignee; providing construction; amending s. 727.106, F.S.; excluding certain creditors from being required to turn over assets of the estate upon notice of an assignment proceeding; amending s. 727.110, F.S.; requiring assignees to serve a copy of a notice of rejection by negative notice; authorizing the court to specify an effective date of rejection in its order of rejection; providing an effective date.

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By the Committee on Transportation; and Senators Avila and Garcia—

**CS for SB 712**—A bill to be entitled An act relating to motor vehicle sales; amending s. 320.60, F.S.; revising and providing definitions; amending s. 320.605, F.S.; providing legislative intent; amending s. 320.64, F.S.; prohibiting an applicant or a licensee from certain actions in the allocation or distribution of motor vehicles to franchised motor vehicle dealers; revising the definition of the term “unfair”; prohibiting applicants and licensees from engaging in certain activities of motor vehicle dealers; authorizing an applicant, a licensee, or their common entity to sell or activate certain motor vehicle accessories or features through remote electronic transmission; providing for revenue-sharing regarding such sale or activation; providing for the calculation of the dealer margin structure; providing applicability; amending s. 320.642, F.S.; conforming cross-references; amending s. 320.645, F.S.; revising provisions prohibiting a manufacturer, a distributor, or an importer from owning, operating, or controlling a motor vehicle dealership in this state; specifying when certain licenses may be and are prohibited from being issued; revising exceptions to certain prohibitions on licensees; providing applicability; providing that a motor vehicle dealer association has standing to intervene under certain circumstances; making technical changes; deleting the definition of the term “independent person”; conforming cross-references; amending s. 320.67, F.S.; requiring the Department of Highway Safety and Motor Vehicles to conduct an inquiry relating to certain written complaints; providing purposes of the department’s use of a subpoena; authorizing the department to allow a written response to the complaint; requiring the department to commence the inquiry by a certain timeframe; requiring the department to provide a certain written response to the complainant by a certain date; requiring the department to take certain action if the department determines that a licensee violated certain statutes; authorizing a motor vehicle dealer association to file an administrative action regarding such complaint in certain circumstances; providing construction; amending ss. 681.102 and 681.113, F.S.; conforming cross-references; providing an effective date.

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By the Committee on Transportation; and Senator Perry—

**CS for SB 760**—A bill to be entitled An act relating to wrecker and towing-storage operators; amending s. 321.051, F.S.; prohibiting the

Division of the Florida Highway Patrol from excluding wrecker operators from the wrecker operator system or from being designated as an authorized wrecker operator based solely on a prior felony conviction; providing an exception; amending s. 713.78, F.S.; defining the term “towing-storage operator”; authorizing a towing-storage operator to charge certain fees; providing that a lien can only be placed on specified fees; requiring a towing-storage operator to accept specified payment methods; removing certain requirements for law enforcement agencies and the Department of Highway Safety and Motor Vehicles; revising the timeframe in which certain unclaimed vehicles or vessels may be sold; specifying that a vehicle is considered a motor vehicle for certain purposes; revising the timeframe in which a notice of lien must be sent for certain unclaimed vehicles or vessels; revising the timeframe in which a towing-storage operator must provide certain notice to the public agency of jurisdiction; requiring that such notice be sent by certified mail; requiring the posting of a bond or other security be done in a specified manner; revising the timeframe in which public notice of the sale of a vehicle or vessel must be published; restricting the imposition of storage charges under certain circumstances; revising provisions regarding permission to inspect vehicle or vessel; providing means by which a rental car company may appoint its agent; providing when a vehicle must be made available for inspection; requiring a towing-storage operator to maintain certain records for a specified period of time; providing the exclusive remedy for certain liens; conforming cross-references; making technical changes; amending s. 559.917, F.S.; providing procedures and requirements for acquiring a bond to release certain liens; providing definitions; amending ss. 83.19, 83.805, 677.210, and 715.07 F.S.; conforming provisions to changes made by the act; amending s. 715.07, F.S.; conforming a cross-reference; providing an effective date.

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By the Committee on Criminal Justice; and Senator Simon—

**CS for SB 764**—A bill to be entitled An act relating to interference with sporting or entertainment events; creating s. 871.05, F.S.; providing definitions; prohibiting certain actions during covered sporting and entertainment events; providing criminal penalties; prohibiting profiting from violations; providing for seizure and forfeiture of specified assets; providing an effective date.

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By the Committee on Transportation; and Senator Collins—

**CS for SB 838**—A bill to be entitled An act relating to proceeds funding motorcycle safety education; amending s. 320.08, F.S.; requiring that the motorcycle safety education fee be used for a safety and education program administered by a certain not-for-profit corporation; providing requirements of the administrator of such program; requiring the Department of Highway Safety and Motor Vehicles to enter into a certain contract for a specified purpose; specifying the requirements of the safety awareness and education programs; requiring the administrator of the programs to file an annual report with the Legislature; amending s. 320.086, F.S.; conforming cross-references; requiring the department to select an administrator and enter into a contract by a specified date; requiring the department to transmit the safety education fee to the program administrator quarterly; specifying the first payment date; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senators Burton and Garcia—

**CS for SB 870**—A bill to be entitled An act relating to surrendered newborn infants; amending s. 383.50, F.S.; revising the definition of the term “newborn infant”; defining the term “newborn infant safety device”; authorizing certain hospitals, emergency medical services stations, and fire stations to use newborn infant safety devices to accept surrendered newborn infants if the device meets specified criteria; requiring such hospitals, emergency medical services stations, and fire stations to monitor the inside of the device 24 hours per day and physically check and test the devices at specified intervals; providing additional requirements for certain fire stations using such devices; conforming provisions to changes made by the act; authorizing a parent to leave a newborn infant with medical staff or a licensed health care professional at a hospital after the delivery of the newborn infant under certain circumstances; conforming provisions to changes made by the act; authorizing a parent to surrender a newborn infant by calling 911



and requesting an emergency medical services provider to meet at a specified location to retrieve the newborn infant; requiring the parent to stay with the newborn infant until the emergency medical services provider arrives; amending s. 63.0423, F.S.; conforming a cross-reference; making conforming changes; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senator Gruters—

**CS for SB 1010**—A bill to be entitled An act relating to substance abuse and mental health services; amending s. 397.487, F.S.; specifying the purpose of certain inspections by credentialing entities; revising authorizations relating to onsite monitoring of certified recovery residences by credentialing entities; revising requirements relating to the removal and replacement of certified recovery residence administrators; revising requirements relating to credentialing entities denying, revoking, or suspending certifications or imposing sanctions on a recovery residence; requiring credentialing entities to keep specified records and make such records available to the Division of Administrative Hearings upon request; amending s. 397.4871, F.S.; authorizing credentialing entities to approve certain certified recovery residence administrators to actively manage up to a specified number of residents if certain requirements are met; prohibiting certain certified recovery residence administrators who have been removed from a recovery residence from continuing to actively manage more than a specified number of residents without being reapproved by a credentialing entity; providing an effective date.

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By the Committee on Transportation; and Senator Hooper—

**CS for SB 1070**—A bill to be entitled An act relating to license taxes; amending s. 320.08001, F.S.; defining the terms “electric vehicle” and “plug-in hybrid vehicle”; conforming a provision to changes made by the act; imposing specified additional annual license taxes on electric vehicles; increasing such tax at a certain time; imposing specified additional annual license tax on plug-in hybrid electric vehicles; increasing such tax at a certain time; authorizing persons and entities to biennially renew vehicle registrations for electric vehicles and plug-in hybrid electric vehicles; providing for the distribution of proceeds from the additional license taxes; specifying requirements for the use of the proceeds by local governments; providing that certain vehicles are exempt from specified license taxes; providing applicability; amending s. 320.07, F.S.; conforming provisions to changes made by the act; providing for future expiration; providing an effective date.

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By the Committee on Ethics and Elections; and Senator Ingoglia—

**CS for SB 1110**—A bill to be entitled An act relating to term limits; creating s. 124.012, F.S.; establishing term limits for county commissioners; providing for construction; amending s. 1001.35, F.S.; revising term limits for district school board members; providing an effective date.

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By the Committee on Transportation; and Senator DiCeglie—

**CS for SB 1250**—A bill to be entitled An act relating to the Department of Transportation; amending s. 287.057, F.S.; revising the contractual services and commodities that are not subject to specified competitive-solicitation requirements; amending s. 288.9606, F.S.; providing construction regarding the proceeds of bonds of the Florida Development Finance Corporation; revising purposes for which the corporation may, without certain authorization from a public agency, issue revenue bonds or other evidence of indebtedness; amending s. 311.101, F.S.; authorizing the department to provide up to 100 percent of project costs for certain eligible projects in rural areas of opportunity; amending s. 316.0777, F.S.; defining the term “law enforcement agency”; authorizing installation of an automated license plate recognition system within the right-of-way of any road on the State Highway System for a specified purpose; providing that such installations are solely within the department’s discretion and must be in accordance with placement and installation guidelines developed by the department; requiring removal of such a system within a specified timeframe at the expense of the requesting law enforcement agency upon notification by the department; providing that the department is not liable for any

damages resulting from the requesting law enforcement agency’s operation of such a system; providing for a maximum period of retention of certain records generated through the use of an automated license plate recognition system; amending s. 332.007, F.S.; authorizing the department, subject to the availability of appropriated funds, to fund certain projects at specified publicly owned, publicly operated airports with no scheduled commercial service; providing prioritization criteria; providing for allocation of any remaining funds; amending s. 330.29, F.S.; requiring that department rules governing public airport site approval include a specified requirement relating to a memorandum of understanding or letter of agreement regarding air traffic pattern separation procedures between specified parties; providing applicability; amending s. 334.044, F.S.; revising the department’s powers and duties; amending s. 337.11, F.S.; increasing the maximum cost of contracts for construction and maintenance the department may enter into without advertising and receiving competitive bids; amending s. 339.135, F.S.; abrogating the expiration of provisions authorizing the approval of certain work program amendments submitted by the department; amending s. 341.052, F.S.; requiring that public transportation development plans of eligible providers of public transit block grants be consistent with the long-range transportation plans of the metropolitan planning area in which the providers are located; amending s. 341.071, F.S.; revising requirements of annual public transit provider reports; requiring each public transit provider to publish on its website, rather than in the local newspaper, certain performance measures; repealing part IV of ch. 348, F.S., relating to the Santa Rosa Bay Bridge Authority; transferring the governance and control of the Santa Rosa Bay Bridge Authority to the department; transferring the remaining assets, facilities, property, and property rights of the authority to the department; providing that the department succeeds to all powers of the authority; authorizing the department to review other contracts, financial obligations, and contractual obligations and liabilities of the authority and to assume legal liability for such obligations determined by the department to be necessary for the continued operation of the bridge system; authorizing the department to transfer the bridge system, or any portion thereof, to become part of the turnpike system; providing effective dates.

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By the Committee on Transportation; and Senators Trumbull, Burgess, Gruters, and Ingoglia—

**CS for SB 1258**—A bill to be entitled An act relating to the use of phosphogypsum; amending s. 336.044, F.S.; authorizing the Department of Transportation to undertake demonstration projects using phosphogypsum in road construction aggregate material to determine its feasibility as a paving material; creating s. 337.02611, F.S.; requiring the department to conduct a study on the suitability of using phosphogypsum as a construction aggregate material; providing requirements for the study; providing that such materials may be used as a construction aggregate material in accordance with specified regulations if the department determines it suitable for such use; amending s. 403.7045, F.S.; prohibiting phosphogypsum from being regulated as solid waste if used in accordance with an allowed use under specified federal regulations and approvals; providing that phosphogypsum may be placed in stack systems permitted by the department; providing an effective date.

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By the Committee on Children, Families, and Elder Affairs; and Senators Simon and Rouson—

**CS for SB 1278**—A bill to be entitled An act relating to direct-support organizations of the Department of Children and Families; amending s. 402.57, F.S.; authorizing the Department of Children and Families to establish a direct-support organization for a specified purpose; specifying criteria for the direct-support organization; requiring the direct-support organization to operate under written contract with the department; providing requirements for the contract; requiring the Secretary of Children and Families to appoint a board of directors for the direct-support organization; providing for appointment of board members; authorizing the department to allow the direct-support organization to use, without charge, the department’s fixed property, facilities, and personnel services, subject to certain requirements; defining the term “personnel services”; authorizing the direct-support organization to collect, expend, and provide funds for specified purposes; prohibiting the use of such funds for lobbying purposes; authorizing moneys to be held in a separate depository account in the name of

the direct-support organization, subject to certain requirements; requiring the direct-support organization to provide for annual audits; providing for future repeal; providing an effective date.

By the Committee on Ethics and Elections; and Senator Ingoglia—

**CS for SB 1372**—A bill to be entitled An act relating to political advertisements for nonpartisan office; amending s. 97.021, F.S.; revising the definition of the term “nonpartisan office”; amending s. 106.143, F.S.; requiring that a political advertisement paid for by a candidate for nonpartisan office include a certain statement; deleting provisions that prohibit political advertisements for candidates running for nonpartisan office from disclosing the candidates’ political party affiliation and that prohibit such candidates from campaigning based on party affiliation; providing an effective date.

By the Committee on Children, Families, and Elder Affairs; and Senator Bradley—

**CS for SB 1412**—A bill to be entitled An act relating to mental health; amending s. 394.461, F.S.; authorizing the Department of Children and Families to issue a conditional designation for up to a certain number of days to allow the implementation of certain corrective measures by receiving facilities, treatment facilities, and receiving systems; amending s. 916.107, F.S.; requiring the sheriff to administer or to permit the department to administer the appropriate psychotropic medication to forensic clients before admission to a state mental health treatment facility; amending s. 916.12, F.S.; revising what an expert is required to specifically report on for recommended treatment for a defendant to attain competence to proceed, if the expert finds that a defendant is incompetent to proceed; providing report requirements; amending s. 916.13, F.S.; revising the circumstances under which every defendant who is charged with a felony and who is adjudicated incompetent to proceed may be involuntarily committed for treatment upon specified findings by the court; requiring a court to review the examining expert’s report before issuing a commitment order; decreasing the timeframe in which an administrator or his or her designee is required to file a certain report with the court; requiring that a defendant be transported to the committing court’s jurisdiction within a certain number of days after certain occurrences; requiring that the referring mental health facility transfer the defendant with medication and assist in discharge planning with medical teams at the receiving county jail to ensure continuity of care; reenacting ss. 394.658(1)(a), 916.106(9), and 916.17(1) and (2), F.S., relating to the Criminal Justice, Mental Health, and Substance Abuse Reinvestment Grant Program requirements; the definition of the term “forensic client” or “client”; and conditional release; respectively, to incorporate the amendment made to s. 916.13, F.S., in references thereto; providing an effective date.

By the Committee on Transportation; and Senators Burgess and Collins—

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

By the Committee on Agriculture; and Senators Burton and Rodriguez—

**CS for SB 1676**—A bill to be entitled An act relating to hemp; amending s. 500.03, F.S.; revising the definition of the term “food”; providing that hemp extract is considered a food subject to certain requirements; amending s. 581.217, F.S.; revising legislative findings for the state hemp program; revising and defining terms; revising the requirements that hemp extract must meet before being distributed and sold in this state; providing that hemp extract may only be sold to businesses in this state which meet certain permitting requirements; providing that hemp extract distributed or sold in this state must meet certain requirements; prohibiting products intended for human ingestion

which contain hemp extract from being sold to persons under a specified age; providing a requirement for products intended for human ingestion or inhalation; requiring the Department of Agriculture and Consumer Services to adopt rules; removing obsolete provisions; reenacting s. 893.02(3), F.S., relating to the definition of the term “cannabis,” to incorporate the amendment made to s. 581.217, F.S., in a reference thereto; providing an effective date.

## REFERENCE CHANGES PURSUANT TO RULE 4.7(2)

By the Committee on Criminal Justice; and Senator Simon—

**CS for SB 764**—A bill to be entitled An act relating to interference with sporting or entertainment events; creating s. 871.05, F.S.; providing definitions; prohibiting certain actions during covered sporting and entertainment events; providing criminal penalties; prohibiting profiting from violations; providing for seizure and forfeiture of specified assets; providing an effective date.

—was referred to the Committee on Rules.

By the Committee on Criminal Justice; and Senator Martin—

**CS for SB 1334**—A bill to be entitled An act relating to battery by strangulation; creating s. 784.031, F.S.; prohibiting battery by strangulation; providing applicability; providing criminal penalties; amending s. 921.0022, F.S.; ranking the offense on the offense severity ranking chart of the Criminal Punishment Code; providing an effective date.

—was referred to the Appropriations Committee on Criminal and Civil Justice; and the Committee on Rules.

By the Committee on Criminal Justice; and Senators Martin and Book—

**CS for SB 1342**—A bill to be entitled An act relating to capital sexual battery; amending s. 794.011, F.S.; revising how certain capital felonies are punished; requiring that specified procedures be followed to determine a sentence of death or life imprisonment without the possibility of parole in specified capital felony cases; requiring a prosecutor to give certain notice if he or she intends to seek the death penalty; providing notice requirements; creating s. 921.1425, F.S.; providing legislative findings and intent; requiring a court to conduct a separate sentencing proceeding to determine whether a defendant should be sentenced to death or life imprisonment without the possibility of parole upon the defendant’s conviction or adjudication of guilt for a capital felony; providing proceeding requirements; authorizing the presentation of certain evidence during such proceedings; requiring a jury to make specified determinations, findings, and recommendations; requiring a recommendation to the court of a sentence of death if at least eight jurors determine that the defendant should be sentenced to death; requiring a recommendation to the court of a sentence of life imprisonment without the possibility of parole if fewer than eight jurors determine that the defendant should be sentenced to death; requiring the court to impose the jury’s recommended sentence if the recommendation is for a sentence of life imprisonment without the possibility of parole; authorizing the court to impose a sentence of life imprisonment without the possibility of parole or a sentence of death if the recommended sentence is for death; authorizing the court to impose a sentence of death only if the jury unanimously finds at least two aggravating factors beyond a reasonable doubt; requiring a court to enter a written order addressing specified information; specifying that a judgment of conviction and sentence of death is subject to automatic review by the Florida Supreme Court; specifying aggravating factors; specifying mitigating circumstances; authorizing the prosecution to introduce and argue victim impact evidence to the jury; providing construction; providing applicability; amending s. 921.141, F.S.; conforming a provision to changes made by the act; providing an effective date.

—was referred to the Committee on Rules.

**ENROLLING REPORTS**

SB 32, SB 34, SB 36, SB 38, SB 40, SB 42, and SB 44 have been enrolled, signed by the required constitutional officers, and presented to the Governor on March 22, 2023.

*Tracy C. Cantella, Secretary*

**CORRECTION AND APPROVAL OF JOURNAL**

The Journals of March 15 and March 21 were corrected and approved.

**CO-INTRODUCERS**

Senators Book—SB 4, SB 164, SB 224, SM 848, SB 914; Burgess—SB 224; Garcia—SB 326, SB 338, SB 340; Gruters—SB 474; Perry—SM 848; Pizzo—SB 224; Polsky—SB 178; Powell—SB 224; Rouson—SB 178, SB 224; Torres—SB 706; Trumbull—SB 224

**ADJOURNMENT**

On motion by Senator Mayfield, the Senate adjourned at 6:42 p.m. for the purpose of holding committee meetings and conducting other Senate business to reconvene at 1:30 p.m., Thursday, March 23 or upon call of the President.

# JOURNAL OF THE SENATE

## Daily Numeric Index for

March 22, 2023

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BF — Bill Failed  
BP — Bill Passed  
CO — Co-Introducers  
CR — Committee Report  
CS — Committee Substitute, First Reading

FR — First Reading  
MO — Motion  
RC — Reference Change  
SM — Special Master Reports  
SO — Bills on Special Orders

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