

<b>Tab 1</b>	<b>SB 50 by Stewart;</b> (Identical to H 00059) Provision of Homeowners' Association Rules and Covenants					
<b>Tab 2</b>	<b>SB 104 by Jones;</b> (Similar to CS/H 00047) Municipal Water and Sewer Utility Rates					
564540	A	S	L	RCS	CA, Jones	Delete L.54 - 59: 02/08 08:55 AM
<b>Tab 3</b>	<b>CS/SB 192 by EN, Garcia;</b> (Identical to CS/CS/H 00437) Anchoring Limitation Areas					
<b>Tab 4</b>	<b>CS/SB 400 by GO, Burgess (CO-INTRODUCERS) Hooper, Collins;</b> (Compare to CS/H 00151) Reemployment of Retirees in the Florida Retirement System					
<b>Tab 5</b>	<b>SB 438 by Ingoglia;</b> (Similar to CS/H 00057) Term Limits					
674530	A	S		RCS	CA, Ingoglia	Delete L.23 - 30: 02/08 01:48 PM
341278	A	S		RCS	CA, Ingoglia	Delete L.28 - 30: 02/08 01:48 PM
<b>Tab 6</b>	<b>SB 496 by Perry;</b> (Similar to CS/H 00535) Low-voltage Alarm System Projects					
640052	A	S		RS	CA, Perry	Delete L.28: 02/08 08:41 AM
690598	SA	S		RCS	CA, Perry	Delete L.28: 02/08 08:41 AM
<b>Tab 7</b>	<b>SB 576 by Ingoglia;</b> (Compare to H 00601) Investigation of Complaints Against Law Enforcement and Correctional Officers					
485116	A	S		RCS	CA, Ingoglia	Before L.19: 02/07 05:24 PM
<b>Tab 8</b>	<b>CS/SB 600 by RI, Ingoglia;</b> (Similar to CS/H 00293) Hurricane Protections for Homeowners' Associations					
<b>Tab 9</b>	<b>SB 684 by DiCeglie;</b> (Compare to CS/CS/H 00267) Residential Building Permits					
695408	A	S		RCS	CA, DiCeglie	Delete L.159 - 434: 02/08 03:54 PM
<b>Tab 10</b>	<b>SB 774 by Perry;</b> (Compare to CS/H 00179) Towing and Storage					
430566	D	S		RCS	CA, Perry	Delete everything after 02/08 01:43 PM
<b>Tab 11</b>	<b>SB 818 by Avila (CO-INTRODUCERS) Collins;</b> (Similar to H 00765) Military Leave					
<b>Tab 12</b>	<b>SB 862 by Jones;</b> (Identical to H 00811) Public Records/County Administrators and City Managers					
759884	A	S		RCS	CA, Jones	Delete L.307 - 440: 02/08 09:16 AM
<b>Tab 13</b>	<b>CS/SB 870 by GO, Boyd;</b> (Identical to CS/H 00781) Unsolicited Proposals for Public-private Partnerships					
<b>Tab 14</b>	<b>SB 1122 by Martin (CO-INTRODUCERS) Yarborough;</b> (Similar to CS/H 00395) Protection of Historical Monuments and Memorials					
551576	D	S	L	WD	CA, Martin	Delete everything after 02/08 02:16 PM
832932	D	S	L	RCS	CA, Martin	Delete everything after 02/08 02:16 PM
<b>Tab 15</b>	<b>CS/SB 1126 by CM, Martin;</b> (Identical to CS/H 01641) Regulation of Auxiliary Containers					
<b>Tab 16</b>	<b>SB 1158 by Bradley (CO-INTRODUCERS) Trumbull, Perry;</b> (Identical to CS/H 00463) Lights Displayed on Fire Department Vehicles					

**Tab 17 SB 1174 by Ingoglia;** (Identical to H 01451) Identification Documents

**Tab 18 SB 1456 by Rodriguez;** (Similar to CS/H 01297) Affordable Housing in Counties Designated as Areas of Critical State Concern

250512	A	S	RCS	CA, Rodriguez	Delete L.35 - 79.	02/08 01:26 PM
786448	A	S	RCS	CA, Rodriguez	Delete L.160 - 168:	02/08 01:26 PM

**Tab 19 CS/SB 1492 by CM, Trumbull;** (Compare to CS/H 00433) Employment Regulations

**Tab 20 CS/SB 1532 by EN, Brodeur;** (Similar to CS/H 01073) Mitigation

490056	D	S	L RCS	CA, Brodeur	Delete everything after	02/07 04:53 PM
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**Tab 21 CS/SB 1534 by JU, Bradley;** (Identical to CS/CS/H 00619) Sovereign Immunity

**Tab 22 SB 1628 by Collins;** (Compare to CS/H 01547) Local Government Actions

973824	A	S	RCS	CA, Collins	Delete L.166 - 372.	02/08 01:02 PM
<del>386876</del>	<del>A</del>	S	WD	CA, Brodeur	Delete L.373:	02/08 01:02 PM

**Tab 23 SPB 7054 by CA;** Private Activity Bonds

104328	A	S	FAV	CA, Calatayud	Delete L.676 - 843:	02/08 02:22 PM
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**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**COMMUNITY AFFAIRS**  
**Senator Calatayud, Chair**  
**Senator Osgood, Vice Chair**

**MEETING DATE:** Tuesday, February 6, 2024

**TIME:** 3:00—6:00 p.m.

**PLACE:** James E. "Jim" King, Jr Committee Room, 401 Senate Building

**MEMBERS:** Senator Calatayud, Chair; Senator Osgood, Vice Chair; Senators Baxley, Berman, Bradley, Brodeur, Martin, and Pizzo

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>SB 50</b> Stewart (Identical H 59)	Provision of Homeowners' Association Rules and Covenants; Requiring an association to provide copies of the association's rules and covenants to every member before a specified date, and every new member thereafter; authorizing an association to post a complete copy of the association's rules and covenants, or a direct link thereto, on the homepage of the association's website under certain circumstances; requiring an association to provide specified notice to its members, etc.  RI 01/29/2024 Favorable CA 02/06/2024 Favorable RC	Favorable Yeas 8 Nays 0
2	<b>SB 104</b> Jones (Similar CS/H 47, Compare CS/H 777, CS/CS/H 1277, S 1088, S 1510)	Municipal Water and Sewer Utility Rates; Requiring a municipality to charge customers receiving its utility services in another municipality the same rates, fees, and charges as it charges consumers within its municipal boundaries under certain circumstances, etc.  RI 01/29/2024 Favorable CA 02/06/2024 Fav/CS RC	Fav/CS Yeas 8 Nays 0
3	<b>CS/SB 192</b> Environment and Natural Resources / Garcia (Identical CS/CS/H 437)	Anchoring Limitation Areas; Revising anchoring limitation areas in certain sections of Biscayne Bay in Miami-Dade County; revising documentation and evidence criteria for proving the location of a vessel within an anchoring limitation area, etc.  EN 01/23/2024 Fav/CS CA 02/06/2024 Favorable RC	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Tuesday, February 6, 2024, 3:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>CS/SB 400</b> Governmental Oversight and Accountability / Burgess (Compare CS/H 151, H 853)	Reemployment of Retirees in the Florida Retirement System; Allowing a retiree to be reemployed by an employer participating in the Florida Retirement System and to receive compensation from that employer and retirement benefits after meeting the definition of termination; establishing contributions rates necessary to fund a new retirement benefit, etc.  GO 01/29/2024 Fav/CS CA 02/06/2024 Favorable AP	Favorable Yeas 8 Nays 0
5	<b>SB 438</b> Ingoglia (Similar CS/H 57, Compare HJR 19)	Term Limits; Establishing term limits for county commissioners; prohibiting specified persons from seeking certain offices until after a specified timeframe, etc.  EE 01/16/2024 Favorable CA 02/06/2024 Fav/CS RC	Fav/CS Yeas 5 Nays 3
6	<b>SB 496</b> Perry (Similar CS/H 535)	Low-voltage Alarm System Projects; Specifying that a nonelectric fence or wall must enclose the outside perimeter of a low-voltage electric fence; permitting low-voltage electric fences to be installed in areas within more than one zoning category; prohibiting a municipality, county, district, or other entity of local government from adopting or maintaining certain ordinances or rules that provide additional requirements for low-voltage alarm system projects, etc.  RI 01/09/2024 Favorable CA 02/06/2024 Fav/CS RC	Fav/CS Yeas 8 Nays 0
7	<b>SB 576</b> Ingoglia (Compare H 601)	Investigation of Complaints Against Law Enforcement and Correctional Officers; Revising the definition of "political subdivision"; prohibiting a political subdivision from adopting or attempting to enforce certain ordinances relating to the receipt, processing, or investigation of complaints against law enforcement officers or correctional officers, or relating to civilian oversight of law enforcement agency investigations of complaints of misconduct by such officers, etc.  CJ 01/23/2024 Favorable CA 02/06/2024 Fav/CS RC	Fav/CS Yeas 6 Nays 2



**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	<b>CS/SB 600</b> Regulated Industries / Ingoglia (Similar CS/H 293)	Hurricane Protections for Homeowners' Associations; Requiring the board or a committee of a homeowners' association to adopt hurricane protection specifications; requiring that such specifications conform to applicable building codes; prohibiting the board or a committee of an association from denying an application for the installation, enhancement, or replacement of certain hurricane protection; authorizing the requirement to adhere to certain guidelines regarding the external appearance of a structure or an improvement on a parcel, etc.  RI 01/29/2024 Fav/CS CA 02/06/2024 Favorable RC	Favorable Yeas 7 Nays 0
9	<b>SB 684</b> DiCeglie (Compare CS/CS/H 267, CS/H 665, CS/CS/S 812)	Residential Building Permits; Requiring certain governing bodies, by a date certain, to create a program to expedite the process for issuing residential building permits before a final plat is recorded; requiring a governing body to issue a certain number or percentage of building permits requested in an application when certain conditions are met; requiring local jurisdictions to reduce permit fees by a certain percentage under certain circumstances; revising the timeframes for approving or denying certain building permits, etc.  CA 02/06/2024 Fav/CS RI RC	Fav/CS Yeas 5 Nays 3
10	<b>SB 774</b> Perry (Compare CS/H 179, H 199, H 213, CS/H 283, S 202, CS/S 456)	Towing and Storage; 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; defining the terms "good faith effort" and "towing-storage operator"; revising the timeframe in which certain unclaimed vehicles or vessels may be sold; revising requirements for the sale or disposition of property at self-service storage facilities; specifying that failure to make good faith efforts to comply with certain notice requirements precludes the imposition of certain storage charges, etc.  TR 01/17/2024 Favorable CA 02/06/2024 Fav/CS RC	Fav/CS Yeas 8 Nays 0

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Tuesday, February 6, 2024, 3:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
11	<b>SB 818</b> Avila (Similar H 765)	Military Leave; Providing that public officials and employees of the state, a county, a municipality, or a political subdivision, respectively, are entitled to their full pay for the first 30 days of military service, if such service is equal to or greater than a specified timeframe, etc.  MS 01/16/2024 Favorable CA 02/06/2024 Favorable FP	Favorable Yeas 8 Nays 0
12	<b>SB 862</b> Jones (Identical H 811)	Public Records/County Administrators and City Managers; Providing an exemption from public records requirements for the personal identifying and location information of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers, including the names and personal identifying and location information of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; providing for future legislative review and repeal; providing for retroactive application; providing a statement of public necessity, etc.  CA 02/06/2024 Fav/CS GO RC	Fav/CS Yeas 8 Nays 0
13	<b>CS/SB 870</b> Governmental Oversight and Accountability / Boyd (Identical CS/H 781)	Unsolicited Proposals for Public-private Partnerships; Authorizing, rather than requiring, a responsible public entity to publish notice of an unsolicited proposal for a qualifying project in a specified manner and that other proposals for the same project will be accepted; authorizing a responsible public entity to proceed with an unsolicited proposal for a qualifying project without a public bidding process if the responsible public entity holds a public meeting that meets certain requirements and holds a subsequent public meeting at which it makes a certain determination; requiring the responsible public entity to consider certain factors; requiring the responsible public entity to publish a certain report in the Florida Administrative Register for a certain period of time in certain circumstances, etc.  GO 01/22/2024 Fav/CS CA 02/06/2024 Favorable RC	Favorable Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

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Tuesday, February 6, 2024, 3:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
14	<b>SB 1122</b> Martin (Similar CS/H 395)	Protection of Historical Monuments and Memorials; Citing this act as the "Historical Monuments and Memorials Protection Act"; providing limitations and requirements regarding the relocation of historical monuments and memorials by local governments; authorizing placement of contextual markers or plaques near monuments or memorials under certain conditions; prohibiting certain acts concerning historical monuments and memorials; providing civil penalties for officials who engage in certain actions; providing for suspension or removal of such officials in certain circumstances, etc.  GO 01/22/2024 Favorable CA 02/06/2024 Fav/CS FP	Fav/CS Yeas 5 Nays 0
15	<b>CS/SB 1126</b> Commerce and Tourism / Martin (Identical CS/H 1641)	Regulation of Auxiliary Containers; Defining the term "auxiliary container"; deleting obsolete provisions requiring the Department of Environmental Protection to review and update a specified report; expressly preempting the regulation of auxiliary containers to the state, etc.  CM 01/16/2024 Fav/CS CA 02/06/2024 Temporarily Postponed FP	Temporarily Postponed
16	<b>SB 1158</b> Bradley (Identical CS/H 463, Compare H 203)	Lights Displayed on Fire Department Vehicles; Authorizing that certain government-owned fire department vehicles may show or display blue lights under certain circumstances, etc.  TR 01/23/2024 Favorable CA 02/06/2024 Favorable RC	Favorable Yeas 8 Nays 0
17	<b>SB 1174</b> Ingoglia (Identical H 1451)	Identification Documents; Prohibiting counties and municipalities, respectively, from accepting certain identification cards or documents that are knowingly issued to individuals who are not lawfully present in the United States as a form of identification; providing an exception, etc.  JU 01/16/2024 Favorable CA 02/06/2024 Favorable RC	Favorable Yeas 5 Nays 3

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Tuesday, February 6, 2024, 3:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
18	<b>SB 1456</b> Rodriguez (Similar CS/H 1297)	Affordable Housing in Counties Designated as Areas of Critical State Concern; Excluding land designated as an area of critical state concern from county and municipality affordable housing provisions, respectively; providing for an ad valorem property tax exemption of a specified amount for certain property used to provide affordable housing; adding certain requirements to local comprehensive plans relating to a hurricane evaluation study; revising the powers of the land authority; providing requirements for conveying affordable housing homeownership units; excluding land designated as an area of critical state concern within a specified timeframe from award requirements made to specified sponsors or persons for the purpose of providing eligible housing as a part of a local housing assistance plan, etc.  CA 02/06/2024 Fav/CS FT AP	Fav/CS Yeas 8 Nays 0
19	<b>CS/SB 1492</b> Commerce and Tourism / Trumbull (Compare CS/H 433)	Employment Regulations; Prohibiting a political subdivision from requiring employers to meet or provide heat exposure requirements beyond those required by law; prohibiting a political subdivision from giving preference to or considering or seeking information from an employer in a competitive solicitation based on or relating to an employer's heat exposure requirements, etc.  CM 01/23/2024 Fav/CS CA 02/06/2024 Favorable RC	Favorable Yeas 5 Nays 3
20	<b>CS/SB 1532</b> Environment and Natural Resources / Brodeur (Similar CS/H 1073)	Mitigation; Defining the term "private-sector sponsor"; revising the entities to and purposes for which water quality enhancement credits may be sold; requiring the Department of Environmental Protection or water management districts to authorize the sale and use of such credits to applicants, rather than to governmental entities, to address adverse water quality impacts of certain activities; authorizing governmental entities to solicit certain proposals for mitigation bank projects on public land, etc.  EN 01/17/2024 Fav/CS CA 02/06/2024 Fav/CS RC	Fav/CS Yeas 8 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Community Affairs

Tuesday, February 6, 2024, 3:00—6:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
21	<b>CS/SB 1534</b> Judiciary / Bradley (Identical CS/CS/H 619)	Sovereign Immunity; Revising applicability; requiring that contracts with such firms must, to the extent permitted by law, provide indemnity to the department, etc.  JU 01/29/2024 Fav/CS CA 02/06/2024 Favorable RC	Favorable Yeas 8 Nays 0
22	<b>SB 1628</b> Collins (Identical H 1547)	Local Government Actions; Revising applicability provisions for the enactment or adoption of and legal challenges to county and municipal ordinances, respectively; requiring local governments to seek to minimize or eliminate the potential negative impacts of a local government action; authorizing affected entities to submit written requests to the appropriate departments for impact reviews under certain circumstances, etc.  CA 01/29/2024 Temporarily Postponed CA 02/06/2024 Fav/CS FP	Fav/CS Yeas 5 Nays 3
Consideration of proposed bill:			
23	<b>SPB 7054</b>	Private Activity Bonds; Requiring the Division of Bond Finance of the State Board of Administration to annually determine the state volume limitation and publicize such information; repealing provisions relating to procedures for obtaining allocations, requirements, limitations on allocations, and issuance reports; establishing procedures for the issuance of private activity bonds; providing requirements for notices of intent to issue private activity bonds, etc.	Submitted and Reported Favorably as Committee Bill Yeas 8 Nays 0
Other Related Meeting Documents			

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 50

INTRODUCER: Senator Stewart

SUBJECT: Provision of Homeowners' Association Rules and Covenants

DATE: February 5, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Oxamendi	Imhof	RI	<b>Favorable</b>
2.	Hackett	Ryon	CA	<b>Favorable</b>
3.			RC	

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**I. Summary:**

SB 50 requires homeowners' associations to provide, before October 1, 2024, a physical or digital copy of the association's rules and covenants to every member of the association, including new members.

In addition, homeowners' associations must give every member an updated copy of the rule or covenants if the rules or covenants are amended. Under the bill, associations may adopt rules establishing standards for the manner of distribution and timeframe for providing copies of updated rules or covenants.

The bill permits associations to meet the requirement in the bill by posting a complete copy of the association's rules and covenants, or a direct link thereto, on the homepage of the association's website, if the website is accessible to the members of the association and the association sends notice to each member of the association of its intent to utilize the website for this purpose. The notice of the association's intent to use a website to meet the requirements of the bill may be delivered electronically or by mail.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Homeowners' Associations**

Chapter 720, F.S., provides statutory recognition to corporations that operate residential communities in Florida as well as procedures for operating homeowners' associations. These

laws protect the rights of association members without unduly impairing the ability of such associations to perform their functions.<sup>1</sup>

A “homeowners’ association” is defined as a:<sup>2</sup>

Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.

Unless specifically stated to the contrary in the articles of incorporation, homeowners’ associations are also governed by ch. 607, F.S., relating to for-profit corporations, or by ch. 617, F.S., relating to not-for-profit corporations.<sup>3</sup>

Homeowners’ associations are administered by a board of directors that is elected by the members of the association.<sup>4</sup> The powers and duties of homeowners’ associations include the powers and duties provided in ch. 720, F.S., and in the governing documents of the association, which include a recorded declaration of covenants, bylaws, articles of incorporation, and duly-adopted amendments to these documents.<sup>5</sup> The officers and members of a homeowners’ association have a fiduciary relationship to the members who are served by the association.<sup>6</sup>

Unlike condominium associations, homeowners’ associations are not regulated by a state agency. Section 720.302(2), F.S., expresses the legislative intent regarding the regulation of homeowners’ associations:

The Legislature recognizes that it is not in the best interest of homeowners’ associations or the individual association members thereof to create or impose a bureau or other agency of state government to regulate the affairs of homeowners’ associations. However, in accordance with s. 720.311, [F.S.], the Legislature finds that homeowners’ associations and their individual members will benefit from an expedited alternative process for resolution of election and recall disputes and presuit mediation of other disputes involving covenant enforcement and authorizes the department to hear, administer, and determine these disputes as more fully set forth in this chapter. Further, the Legislature recognizes that certain contract rights have been created for the benefit of homeowners’ associations and members thereof before the effective date of this act and that ss. 720.301-720.407[, F.S.], are not intended to impair such contract rights, including, but not limited to, the rights of the developer to complete the community as initially contemplated.

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<sup>1</sup> See s. 720.302(1), F.S.

<sup>2</sup> Section 720.301(9), F.S.

<sup>3</sup> Section 720.302(5), F.S.

<sup>4</sup> See ss. 720.303 and 720.307, F.S.

<sup>5</sup> See ss. 720.301 and 720.303, F.S.

<sup>6</sup> Section 720.303(1), F.S.

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business the Professional Regulation has limited regulatory authority over homeowners' associations. The division's authority is limited to the arbitration of recall election disputes.<sup>7</sup>

The governing documents of a homeowners' association are:<sup>8</sup>

- The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and
- The articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.

Section 720.301(3), F.S., defines a "community" as the real property that is or will be subject to a declaration of covenants which is recorded in the county where the property is located. The term "includes all real property, including undeveloped phases, that is or was the subject of a development-of-regional-impact development order, together with any approved modification thereto."

Florida law specifies the official records that homeowners' associations must maintain.<sup>9</sup> Generally, the official records must be maintained in Florida for at least seven years.<sup>10</sup> Certain types of these records must be accessible to the members of an association.<sup>11</sup> Additionally, certain records are protected or restricted from disclosure to members, such as records protected by attorney-client privilege, personnel records, and personal identifying records of owners.<sup>12</sup>

The official records that the association must make available to the members for inspection and copying include, in relevant part, a copy of the:<sup>13</sup>

- Bylaws of the association and of each amendment to the bylaws.
- Articles of incorporation of the association and of each amendment thereto.
- Declaration of covenants and a copy of each amendment thereto.
- Current rules of the homeowners' association.

### **III. Effect of Proposed Changes:**

The bill creates s. 720.303(13), F.S., to require homeowners' associations to provide, before October 1, 2024, a physical or digital copy of the association's rules and covenants to every member of the association, including new members.

In addition, homeowners' associations must give every member an updated copy of the rule or covenants if the rules or covenants are amended. Under the bill, associations may adopt rules establishing standards for the manner of distribution and a timeframe for providing copies of updated rules or covenants.

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<sup>7</sup> See s. 720.306(9)(c), F.S.

<sup>8</sup> Section 720.301(8), F.S.

<sup>9</sup> See s. 720.303(5), F.S.

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Section 720.303(4), F.S.



The bill permits associations to meet the requirement in the bill by posting a complete copy of the association's rules and covenants, or a direct link thereto, on the homepage of the association's website, if the website is accessible to the members of the association and the association sends a notice to each member of its intent to utilize the website for this purpose.

The notice of the association's intent to use a website to meet the requirements of the bill may be delivered electronically to members who have consented to receive notices by electronic transmission and have provided an electronic mailing address to the association for that purpose, or by mail to all other members at the address identified in the official records of the association as the member's mailing address.

The bill takes effect July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Homeowners' associations will incur costs, including copying, delivery, and processing costs, in order to provide all members of the association, including new members as they become homeowners in the community, with a copy of the association's rule and covenants, and updated copies of those documents if they are amended.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 720.303 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Stewart

17-00217-24

202450\_\_

A bill to be entitled  
An act relating to provision of homeowners'  
association rules and covenants; amending s. 720.303,  
F.S.; requiring an association to provide copies of  
the association's rules and covenants to every member  
before a specified date, and every new member  
thereafter; requiring an association to provide  
members with an updated copy of amended rules or  
covenants; authorizing an association to adopt rules  
relating to the standards and manner in which such  
copies are distributed; authorizing an association to  
post a complete copy of the association's rules and  
covenants, or a direct link thereto, on the homepage  
of the association's website under certain  
circumstances; requiring an association to provide  
specified notice to its members; providing an  
effective date.

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

Section 1. Subsection (13) is added to section 720.303,  
Florida Statutes, to read:

720.303 Association powers and duties; meetings of board;  
official records; budgets; financial reporting; association  
funds; recalls.—

(13) REQUIREMENT TO PROVIDE COPIES OF RULES AND COVENANTS.—

(a) Before October 1, 2024, an association shall provide a  
physical or digital copy of the association's rules and  
covenants to every member of the association.

17-00217-24

202450\_\_

30       (b) An association shall provide a physical or digital copy  
31 of the association's rules and covenants to every new member of  
32 the association.

33       (c) If an association's rules or covenants are amended, the  
34 association must provide every member of the association with an  
35 updated copy of the amended rules or covenants. An association  
36 may adopt rules establishing standards for the manner of  
37 distribution and timeframe for providing copies of updated rules  
38 or covenants.

39       (d) The requirements of this subsection may be met by  
40 posting a complete copy of the association's rules and  
41 covenants, or a direct link thereto, on the homepage of the  
42 association's website if such website is accessible to the  
43 members of the association and the association sends notice to  
44 each member of the association of its intent to utilize the  
45 website for this purpose. Such notice must be sent in both of  
46 the following ways:

47       1. By electronic mail to any member of the association who  
48 has consented to receive notices by electronic transmission and  
49 provided an electronic mailing address to the association for  
50 that purpose.

51       2. By mail to all other members of the association at the  
52 address identified as the member's mailing address in the  
53 official records of the association.

54       Section 2. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator, Chair Alexis Calatayud  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 29, 2024

---

I respectfully request that **Senate Bill #50**, relating to Provision of Homeowners' Association Rules and Covenants be placed on:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in cursive script that reads "Linda Stewart".

---

Senator Linda Stewart  
Florida Senate, District 17

## APPEARANCE RECORD

2/6/24

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 50

Bill Number or Topic

Amendment Barcode (if applicable)

Name RITA HOFFMAN

Phone

Address 1182 Paseo del Mar

Street

Email

Casselberry FL 32707

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

I am appearing without  
compensation or sponsorship.I am a registered lobbyist,  
representing:I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

**APPEARANCE RECORD**

SB 50

Bill Number or Topic

Deliver both copies of this form to

Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

06 Feb 2024  
Meeting Date  
Community Affairs  
Committee

Name Ami Nibhanupudy

Phone 407 388 5698

Address 512 Ballantrac St  
Street

Email yosemitemami@hotmail.com

Lake Mary FL 32746  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 50

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

2/6/24

Committee

Community Affairs

Name

Wendy Burnett

Phone

Address

101 Little Wakiva St

Email

Street

LONGWOOD FL 32779

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



2/6/24

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 50

Bill Number or Topic

Community Affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Chante' Jones

Phone 850-272-0551

Address 215 S Monroe St Ste 603  
Street

Email cejones@aarp.org

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

AARP Florida

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 104

INTRODUCER: Community Affairs and Senator Jones

SUBJECT: Municipal Water and Sewer Utility Rates

DATE: February 8, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Schrader	Imhof	RI	<b>Favorable</b>
2.	Hunter	Ryon	CA	<b>Fav/CS</b>
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 104 creates an exception to the maximum rates that may be charged to municipal water and sewer utility customers who are outside of the corresponding municipality's boundaries. The bill provides that if a municipal utility provides water and sewer services to another municipality, and serves that other municipality using a facility or water or sewer plant located within that other municipality, then the utility must charge its customers within that other municipality the same rates, fees, and charges as it does for those customers within its own municipal boundaries.

The bill has an effective date of July 1, 2024.

**II. Present Situation:**

**Florida Public Service Commission**

The Florida Public Service Commission (PSC) is an arm of the legislative branch of government.<sup>1</sup> The role of the PSC is to ensure Florida's consumers receive utility services, including electric, natural gas, telephone, water, and wastewater, in a safe, affordable, and reliable manner.<sup>2</sup> In order to do so, the PSC exercises authority over public utilities<sup>3</sup> in one or

---

<sup>1</sup> Section 350.001, F.S.

<sup>2</sup> See Florida Public Service Commission, About Us, <https://www.psc.state.fl.us/about> (last visited Jan. 22, 2024).

<sup>3</sup> Under s. 366.02, F.S., a "public utility" is defined "as every person, corporation, partnership, association, or other legal entity and their lessees, trustees, or receivers supplying electricity or gas (natural, manufactured, or similar gaseous

more of the following areas: rate base or economic regulation; competitive market oversight; and monitoring of safety, reliability, and service issues.<sup>4</sup> PSC authority over municipal utilities is more limited, however.

### **Water and Wastewater Utilities**

Florida's Water and Wastewater System Regulatory Law, ch. 367, F.S., regulates water and wastewater systems in the state. Section 367.011, F.S., grants the PSC exclusive jurisdiction over each utility with respect to its authority, service, and rates. For the chapter, a "utility" is defined as "a water or wastewater utility and, except as provided in s. 367.022, F.S., includes every person, lessee, trustee, or receiver owning, operating, managing, or controlling a system, or proposing construction of a system, who is providing, or proposes to provide, water or wastewater service to the public for compensation." In 2022, the PSC had jurisdiction over 149 investor-owned water and/or waste-water utilities in 38 of Florida's 67 counties.<sup>5</sup>

Section 367.022, F.S., exempts certain types of water and wastewater operations from PSC jurisdiction and the provisions of ch. 367, F.S. (except as expressly provided in the chapter). Such exempt operations include: municipal water and wastewater systems, public lodging systems that only provide service to their guests, systems with a 100-person or less capacity, landlords that include service to their tenants without specific compensation for such service, and mobile home parks operating both as a mobile home park and a mobile home subdivision that provide "service within the park and subdivision to a combination of both tenants and lot owners, provided that the service to tenants is without specific compensation," and others.<sup>6</sup> The PSC also does not regulate utilities in counties that have exempted themselves from PSC regulation pursuant to s. 367.171, F.S. However, under s. 367.171(7), F.S., the PSC retains exclusive jurisdiction over all utility systems whose service crosses county boundaries, except for utility systems that are subject to interlocal utility agreements.

According to a 2017 research report from the University of North Carolina, there were 1,647 community water systems in Florida. Of those, 973 were privately owned. Florida had 371 publicly-owned treatment works facilities. The privately-owned community water systems served almost 1.4 million people, the government-owned community water systems served more than 18.4 million people, and the publicly-owned treatment works facilities served just over 13 million people.<sup>7</sup>

---

substance) to or for the public within this state." There are, however, several exceptions to this definition, which include, "a cooperative now or hereafter organized and existing under the Rural Electric Cooperative Law of the state; a municipality or any agency thereof; [and] any dependent or independent special natural gas district." Generally, "public utility" means investor-owned utilities.

<sup>4</sup> Florida Public Service Commission, *About the PSC*, *supra* note 2.

<sup>5</sup> Florida Public Service Commission, *2023 Facts and Figures of the Florida Utility Industry*, <https://www.floridapsc.com/pscfiles/website-files/PDF/Publications/Reports/General/FactsAndFigures/April%202023.pdf> (last visited Jan. 22, 2024).

<sup>6</sup> Section 367.022, F.S.

<sup>7</sup> University of North Carolina Environmental Finance Center, *Navigating Legal Pathways to Rate-Funded Customer Assistance Programs, A Guide for Water and Wastewater Utilities* (2017), available at <https://efc.sog.unc.edu/wp-content/uploads/sites/1172/2021/06/Nagivating-Pathways-to-Rate-Funded-CAPs.pdf> (last visited Jan. 22, 2024).

## **Municipal Water and Sewer Utilities in Florida**

A municipality<sup>8</sup> may establish a utility by resolution or ordinance under s. 180.03, F.S. A municipality may establish a service area within its municipal boundary or within five miles of its corporate limits of the municipality.<sup>9</sup>

Under s. 180.19, F.S., a municipality may permit another municipality and the owners or association of owners of lands outside of its corporate limits or within another municipality's corporate limits to connect to its utilities upon such terms and conditions as may be agreed upon between the municipalities.

### ***Municipal Water and Sewer Utility Rate Setting***

The PSC does not have jurisdiction over municipal water and sewer utilities, and as such, has no authority over the rates for such utilities. Municipally-owned water and sewer utility rates and revenues are regulated by their respective local governments, sometimes through a utility board or commission.

### ***Municipal Water and Sewer Utility Rates for Customers Outside of Corporate Limits***

Section 180.191, F.S., provides limitations on the rates that can be charged to customers outside their municipal boundaries. The first option is that such a municipality may charge the same rates inside as outside its municipal boundaries, but may add a 25 percent surcharge to those outside the boundaries.<sup>10</sup>

Alternatively, a municipality may charge rates that are just and equitable and based upon the same factors used in fixing the rates for the customers within the boundaries of the municipality. In addition, the municipality may add a 25 percent surcharge. When a municipality uses this methodology, the total of all rates, fees, and charges for the services charged to customers outside the municipal boundaries may not be more than 50 percent in excess of the total amount the municipality charges consumers within its municipal boundaries, for corresponding service.<sup>11</sup>

The rates, fees, and charges may not be set until a public hearing is held and the users, owners, tenants, occupants of property served or to be served, and all other interested parties have an opportunity to be heard on the rates, fees, and charges. Any change in the rates, fees, and charges must also have a public hearing unless the change is applied pro rata to all classes of service, both inside and outside of the municipality.<sup>12</sup>

The provisions of s. 180.191, F.S., may be enforced by civil action. Whenever any municipality violates, or if reasonable grounds exist to believe that a municipality is about to violate, s. 180.191, F.S., an aggrieved party may seek preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order.<sup>13</sup>

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<sup>8</sup> Defined by s. 180.01, F.S., "as any city, town, or village duly incorporated under the laws of the state."

<sup>9</sup> Section 180.02, F.S.

<sup>10</sup> Section 180.191(1)(a), F.S.

<sup>11</sup> Section 180.191(1)(b), F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Section 180.191(2), F.S.

### III. Effect of Proposed Changes:

**Section 1** of the bill creates an exception to the maximum rates that may be charged to municipal water and sewer utility customers that are outside of the municipality's boundaries in s. 180.191, F.S. The bill provides that if a municipal utility provides water and sewer services to a second municipality, and serves that second municipality using a facility or water or sewer plant located within that second municipality, it must charge its customers within that second municipality the same rates, fees, and charges as the customers within its own municipal boundaries.

The bill provides the following definitions:

- "Facility" means a water treatment facility, wastewater treatment facility, intake station, pumping station, well, and other physical components of a water or wastewater system. The term "facility" in the bill does not include facilities that transport water from the point of entry to a wastewater treatment facility, or from a water source or treatment facility to the customer.
- "Wastewater treatment facility" means a facility that accepts and treats domestic or industrial wastewater.
- "Water treatment facility" means a facility within a water system which can alter the physical, chemical, or bacteriological quality of water.

**Section 2** of the bill provides an effective date of the bill of July 1, 2024.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds, limit the ability of counties and municipalities to raise revenue, or reduce the percentage of state tax shared with counties and municipalities.

Subsection (b) of Art. VII, s. 18 of the Florida Constitution provides that except upon approval of each house of the Legislature by two-thirds vote of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, the mandates requirements do not apply to laws having an insignificant impact,<sup>14</sup> which is \$2.3 million or less for Fiscal Year 2024-2025.<sup>15</sup>

The Revenue Estimating Conference has not reviewed CS/SB 104. Staff estimates an indeterminate impact to municipal utility revenues. Therefore, the mandate provision may apply.

---

<sup>14</sup> FLA. CONST. art. VII, s. 18(d). An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by \$0.10. *See* Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 22, 2024).

<sup>15</sup> Based on the Demographic Estimating Conference's estimated population adopted on November 28, 2023. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/index.cfm> (last visited Jan. 22, 2024).

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Municipal water and sewer utility customers that are located in a different municipality than the municipality that operates the utility may see a water and sewer rate reduction under the provisions of the bill if that customer's municipality contains facilities or water or sewer plants for the utility.

**C. Government Sector Impact:**

Municipal governments that operate a municipal water and sewer utility, with facilities or water or sewer plants located in a second municipality, may see a reduction in utility revenue under the provisions of the bill.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

To remove a potential ambiguity in the bill as to whether a facility or plant is "providing service" to customers, the sponsor may wish to consider revisions to state that any facility or water or sewer plant located in a second municipality would give rise to the rate-restriction provisions of the bill.

**VIII. Statutes Affected:**

This bill substantially amends section 180.191 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on February 6, 2024:**

The committee substitute defines the terms “facility”, “wastewater treatment facility”, and “water treatment facility” to apply throughout the bill.

- B. **Amendments:**

None.



564540

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
	.	
	.	
	.	

---

The Committee on Community Affairs (Jones) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 54 - 59  
and insert:

(2) A municipality within this state which operates a water or sewer utility providing service to customers in another recipient municipality, which also has a facility in that recipient municipality, must charge consumers in the recipient municipality the same rates, fees, and charges as it does the consumers inside its own municipal boundaries. As used in this





564540

subsection, the term:

(a) "Facility" means a water treatment facility, wastewater treatment facility, intake station, pumping station, well, and other physical components of a water or wastewater system. The term does not include:

1. Pipes, tanks, pumps, or other facilities that transport water from a water source or treatment facility to the consumer;  
or

2. Pipes, conduits, and associated appurtenances that transport wastewater from the point of entry to a wastewater treatment facility.

(b) "Wastewater treatment facility" means a facility that accepts and treats domestic wastewater or industrial wastewater.

(c) "Water treatment facility" means a facility within a water system which can alter the physical, chemical, or bacteriological quality of water.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Between lines 7 and 8  
insert:  
defining terms;

By Senator Jones

34-00193-24

2024104\_\_

A bill to be entitled  
An act relating to municipal water and sewer utility  
rates; amending s. 180.191, F.S.; requiring a  
municipality to charge customers receiving its utility  
services in another municipality the same rates, fees,  
and charges as it charges consumers within its  
municipal boundaries under certain circumstances;  
making technical changes; providing an effective date.

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

Section 1. Present subsections (2), (3), and (4) of section  
180.191, Florida Statutes, are redesignated as subsections (3),  
(4), and (5), respectively, a new subsection (2) is added to  
that section, and subsection (1) of that section is amended, to  
read:

180.191 Limitation on rates charged consumer outside city  
limits.—

(1) Any municipality within this ~~the~~ state operating a  
water or sewer utility outside of the boundaries of such  
municipality shall charge consumers outside the boundaries  
rates, fees, and charges determined in one of the following  
manners:

(a) It may charge the same rates, fees, and charges as  
consumers inside the municipal boundaries. However, in addition  
~~thereto~~, the municipality may add a surcharge of not more than  
25 percent of such rates, fees, and charges to consumers outside  
the boundaries, except as provided in subsection (2). Fixing of  
such rates, fees, and charges in this manner does ~~shall~~ not

34-00193-24

2024104\_\_

30 require a public hearing except as may be provided for service  
31 to consumers inside the municipality.

32 (b) It may charge rates, fees, and charges that are just  
33 and equitable and that ~~which~~ are based on the same factors used  
34 in fixing the rates, fees, and charges for consumers inside the  
35 municipal boundaries, except as provided in subsection (2). In  
36 addition ~~thereto~~, the municipality may add a surcharge not to  
37 exceed 25 percent of such rates, fees, and charges for ~~said~~  
38 services to consumers outside the boundaries. However, the total  
39 of all such rates, fees, and charges for the services to  
40 consumers outside the boundaries may ~~shall~~ not be more than 50  
41 percent in excess of the total amount the municipality charges  
42 consumers served within the municipality for corresponding  
43 service. ~~No~~ Such rates, fees, and charges may not ~~shall~~ be fixed  
44 until after a public hearing at which all of the users of the  
45 water or sewer systems; owners, tenants, or occupants of  
46 property served or to be served thereby; and all others  
47 interested shall have an opportunity to be heard concerning the  
48 proposed rates, fees, and charges. Any change or revision of  
49 such rates, fees, or charges may be made in the same manner as  
50 such rates, fees, or charges were originally established, but if  
51 such change or revision is to be made substantially pro rata as  
52 to all classes of service, both inside and outside the  
53 municipality, no hearing or notice shall be required.

54 (2) Any municipality within this state which operates a  
55 water or sewer utility providing service to customers in another  
56 recipient municipality using a facility or water or sewer plant  
57 located in the recipient municipality shall charge consumers in  
58 the recipient municipality the same rates, fees, and charges as

34-00193-24

2024104\_\_

59 it does the consumers inside its own municipal boundaries.

60 Section 2. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 30, 2024

---

I respectfully request that **Senate Bill #104**, relating to Municipal Water and Sewer Utility Rates, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Shev Jones", is written above a horizontal line.

Senator Shevrin D. "Shev" Jones  
Florida Senate, District 34

Feb 6 2024

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

104

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Name Edgar G. Fernandez

Phone (786) 255-5755

Address 201 W Park Ave Ste 100  
Tallahassee FL 32301

Email Edgar.G.Antiel@fla.senate.gov

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24

community affairs

The Florida Senate

APPEARANCE RECORD

SB 104

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

chelsea rivera

Phone

504.329 8975

Address

200 38th St. S

Email

chelsea@cfjw.org

Street

st. petersburg fl

33711

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

3/18

The Florida Senate

APPEARANCE RECORD

104  
~~1088~~  
Bill Number or Topic

Meeting Date

Community Affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Volanda Cash Jackson

Phone

~~305~~ 954-985-4132

Address

1 East Broward Blvd

Email

VJACKSON@BECKERLAWFIRM.COM

Street

Ft

Laurel FL

33301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

104

Meeting Date

Deliver both copies of this form to  
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Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Jess McCarty, Executive Assistant County Attorney Phone 305-979-7110

Address 111 NW 1st Street, Suite 2800 Email jmm2@miamidade.gov

Street

Miami

FL

33128

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Miami-Dade County**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date

Community Affairs  
Committee

SB 104  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Chante' Jones

Phone 850-272-0551

Address 215 S Monroe St Ste 603  
Street

Email Cejones@aarp.org

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

AARP Florida

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
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This form is part of the public record for this meeting.

S-001 (08/10/2021)

February 6th, 2024

The Florida Senate  
**APPEARANCE RECORD**

104

Meeting Date

Community Affairs

Bill Number or Topic

Committee

Edgar G. Fernandez

Amendment Barcode (if applicable)

786 255-5755

Name

Phone

Address

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Email

Edgar@anfieldflorida.com

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
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S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 192

INTRODUCER: Environment and Natural Resources Committee and Senator Garcia

SUBJECT: Anchoring Limitation Areas

DATE: February 5, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carroll	Rogers	EN	<b>Fav/CS</b>
2.	Hunter	Ryon	CA	<b>Favorable</b>
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 192 expands the sections of Biscayne Bay that are designated as anchoring limitation areas. The bill designates as anchoring limitation areas the sections of Biscayne Bay within Miami Dade County that are within 200 yards of any part of the shore of the City of Miami Beach lying between State Road A1A and State Road 112.

The bill specifies that documentation used to prove that a vessel has not exceeded the limits of county-established anchoring limitation areas must show the vessel at least one *nautical* mile away within a certain period. Further the bill specifies that electronic evidence used as proof of location may include navigational or tracking devices if they are permanently affixed to the vessel.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Fish and Wildlife Conservation Commission**

The Florida Fish and Wildlife Conservation Commission (FWC) is governed by a board of seven members who are appointed by the Governor and confirmed by the Florida Senate.<sup>1</sup> The Division of Law Enforcement Boating and Waterways Section of FWC oversees and coordinates

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<sup>1</sup> FLA. CONST. art. IV, s. 9; *see also* s. 379.102(1), F.S.

statewide regulatory waterway markers to ensure compliance with uniform markers and state boating and resource protection zones for the benefit of all waterway users and fish and wildlife resources in the state.<sup>2</sup> The Boating and Waterways Section takes public input and provides notice of proposed local boating-restricted areas.<sup>3</sup>

FWC's boating laws are enforced by the Division of Law Enforcement and its officers, county sheriffs and deputies, municipal police officers, and any other law enforcement officer.<sup>4</sup> The Division of Law Enforcement manages Florida's waterways to ensure boating safety for residents of and visitors to the state.<sup>5</sup> This includes enforcing boating rules and regulations, coordinating boating safety campaigns and education, managing public waters and access to the waters, conducting boating accident investigations, identifying and removing derelict vessels, and investigating vessel theft and title fraud.<sup>6</sup>

### **Anchoring**

Anchoring refers to a boater's practice of seeking and using a safe harbor on the public waterway system for an undefined duration. Anchoring is accomplished using an anchor carried on the vessel.<sup>7</sup> Anchorages are areas that boaters regularly use for anchoring or mooring, whether designated or managed for that purpose or not.<sup>8</sup>

### ***Anchoring Limitation Areas***

State law designates certain densely populated urban areas as anchoring limitation areas.<sup>9</sup> These areas usually have narrow state waterways, residential docking facilities, and significant recreational boating traffic. The listed anchoring limitation areas are:

- The section of Middle River lying between Northeast 21<sup>st</sup> Court and the Intracoastal Waterway in Broward County;
- Sunset Lake in Miami-Dade County; and
- The sections of Biscayne Bay in Miami-Dade County lying between:
  - Rivo Alto Island and Di Lido Island,
  - San Marino Island and San Marco Island, and
  - San Marco Island and Biscayne Island.<sup>10</sup>

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<sup>2</sup> FWC, *Waterway Management*, <https://myfwc.com/boating/waterway/> (last visited Feb. 3, 2024).

<sup>3</sup> *Id.*

<sup>4</sup> Section 327.70(1), F.S.; see s. 943.10(1), F.S., which defines “law enforcement officer” as any person who is elected, appointed, or employed full time by any municipality or the state or any political subdivision thereof; who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The definition also includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers, part-time law enforcement officers, or auxiliary law enforcement officers but does not include support personnel employed by the employing agency.

<sup>5</sup> Fish and Wildlife Conservation Commission (FWC), *Boating*, <https://myfwc.com/boating/> (last visited Feb. 3, 2024).

<sup>6</sup> FWC, *Law Enforcement*, <https://myfwc.com/about/inside-fwc/le/> (last visited Feb. 3, 2024). See s. 327.70(1) and (4), F.S.

<sup>7</sup> Section 327.02, F.S., defines the term “vessel” to include every description of watercraft, barge, and airboat, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

<sup>8</sup> Ankersen, Hamann, & Flagg, *Anchoring Away: Government Regulation and the Rights of Navigation in Florida*, 2 (Rev. May 2012), available at <https://repository.library.noaa.gov/view/noaa/36907>. (last visited Feb 3., 2024)

<sup>9</sup> Section 327.4108(1), F.S.

<sup>10</sup> *Id.*

Counties, except for Monroe County, may establish an anchoring limitation area adjacent to urban areas that have residential docking facilities and significant recreational boating traffic.<sup>11</sup> The aggregate total of anchoring limitation areas in a county may not exceed 10 percent of the county's delineated navigable-in-fact waterways.<sup>12</sup> Each anchoring limitation area must meet the following requirements:

- Be less than 100 acres in size, not including any portion of the marked channel of the Florida Intracoastal Waterway contiguous to the anchoring limitation area;
- Not include any mooring field or marina; and
- Be clearly marked with signs and buoys.<sup>13</sup>

Unless otherwise exempt, person may not anchor a vessel for more than 45 consecutive days in any six-month period in an anchoring limitation area established by a county.<sup>14</sup>

Exceptions to anchoring prohibitions in any anchoring limitation area include the following:

- When a vessel suffers a mechanical failure that poses an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors;
- If imminent or existing weather conditions in the vicinity of the vessel pose an unreasonable risk of harm to the vessel or the persons onboard unless the vessel anchors; and
- During a regatta, tournament, or marine parade or exhibition or other special events, including, but not limited to, public music performances, local government waterfront activities, or fireworks displays.<sup>15</sup>

Vessels exempt from anchoring prohibitions in an anchoring limitation area include:

- Vessels owned or operated by a government entity for law enforcement, firefighting, military, or rescue purposes;
- Construction or dredging vessels on an active job site;
- Vessels actively engaged in commercial fishing; and
- Vessels engaged in recreational fishing if the persons onboard are actively tending hook and line fishing gear or nets.<sup>16</sup>

### ***Anchoring Limitation Area Enforcement***

For a vessel in a county-established anchoring limitation area, upon an inquiry by a law enforcement officer or agency, a vessel owner or operator must be given an opportunity to provide proof that the vessel has not exceeded the limitations for county-established anchoring limitation areas.<sup>17</sup> If a vessel owner or operator fails or refuses to provide proof that the vessel

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<sup>11</sup> Section 327.4108(2), F.S.

<sup>12</sup> *Id.* "Navigable-in-fact waterways" are waterways that are navigable in their natural or unimproved condition over which useful commerce or public recreation of a substantial and permanent character is or may be conducted in the customary mode of trade and travel on water. The term does not include lakes or streams that are theoretically navigable; have a potential for navigability; or are temporary, precarious, and unprofitable, but the term does include lakes or streams that have practical usefulness to the public as highways for transportation. *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Section 327.4108 (4), F.S.

<sup>16</sup> Section 327.4108(5), F.S.

<sup>17</sup> Section 327.4108(6), F.S.

has not exceeded the limitations, the officer or agency may issue a citation. Proof may include any of the following:

- Documentation showing that the vessel was in another location at least 1 mile away within a period of less than 45 days before the inquiry.
- Electronic evidence, including, but not limited to, navigational devices or tracking devices that show the vessel was in another location at least 1 mile away within a period of less than 45 days before the inquiry.<sup>18</sup>

For a vessel in any anchoring limitation area, a law enforcement officer or agency may remove and impound the vessel for up to 48 hours if the vessel operator was previously issued a citation for violating anchoring limitation area regulations and:

- Anchors the vessel in an anchoring limitation area within 12 hours of being issued the citation; or
- Refuses to leave the anchoring limitation area after being directed to do so by a law enforcement officer or agency.<sup>19</sup>

In addition to the civil penalty imposed by a citation, a vessel operator whose vessel has been impounded must pay all of the applicable removal and storage fees before the vessel is released.<sup>20</sup>

An owner or operator of a vessel who anchors in an anchoring limitation area commits a noncriminal infraction and is subject to a uniform boating citation and penalties. The civil penalty provided is up to a maximum of:

- \$100 for a first offense;
- \$250 for a second offense; and
- \$500 for a third or subsequent offense.<sup>21</sup>

Any person who fails to appear or otherwise properly respond to a uniform boating citation must, in addition to the charge relating to the violation of the boating laws, be charged with a second degree misdemeanor, which is punishable by a maximum fine of \$500 and no more than a 60-day imprisonment.<sup>22</sup>

## **Biscayne Bay**

Biscayne Bay is a 428-square mile estuary extending nearly the entire length of Miami-Dade County.<sup>23</sup> The Bay is home to over 500 species of fish and other marine organisms, and its extensive areas of seagrasses are an important food source for the Florida manatee and as nursery areas for many ecologically and commercially important estuarine species.<sup>24</sup> Miami-Dade

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Section 327.73(1)(z), F.S.

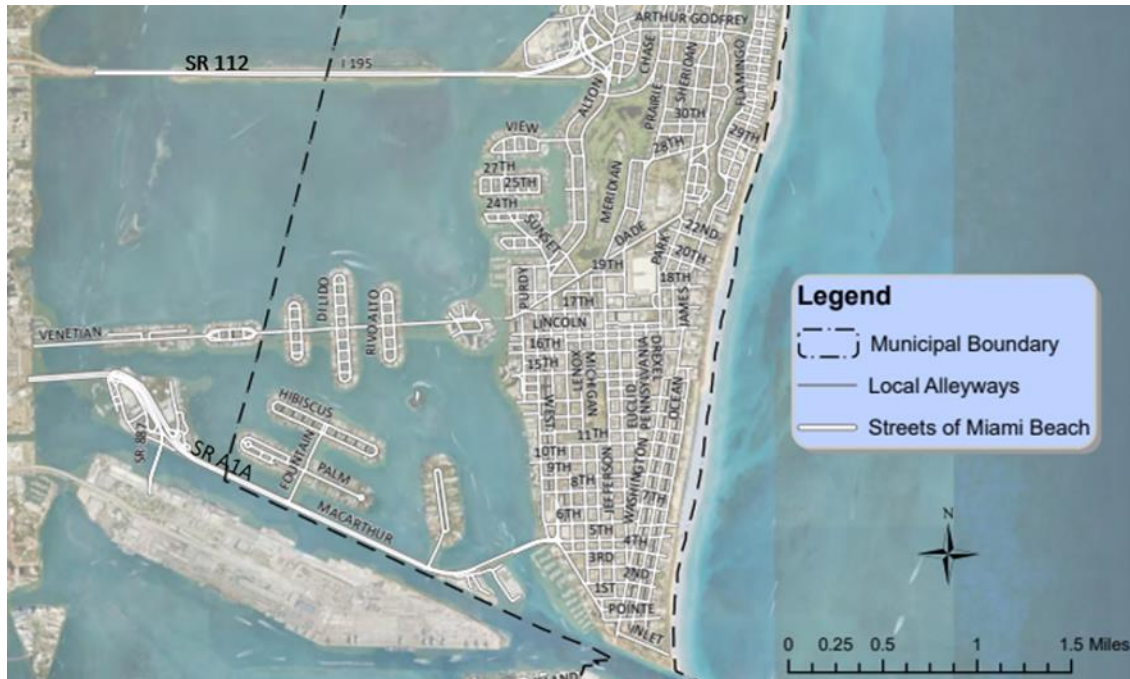
<sup>22</sup> Sections 775.082 and 775.083, F.S.

<sup>23</sup> Miami-Dade County, *About Biscayne Bay*, <https://www.miamidade.gov/global/economy/environment/about-biscayne-bay.page> (last visited Feb. 3, 2024).

<sup>24</sup> U.S. Army Corps of Engineers, *Biscayne Bay Coastal Wetlands Project*, <https://www.saj.usace.army.mil/BBCW/> (last visited Feb. 3, 2024).

County is one of Florida's most populous counties, with approximately 2.7 million residents and the county sees millions of visitors each year.<sup>25</sup>

The map below shows where the municipal boundary of the City of Miami Beach lies in Biscayne Bay, as well as State Road (SR) 112 and SR A1A.<sup>26</sup>



### III. Effect of Proposed Changes:

**Section 1** amends s. 327.4108, F.S., to revise the sections of Biscayne Bay in Miami-Dade County that are anchoring limitation areas, within which a person may not anchor a vessel at any time between one-half hour after sunset and one-half hour before sunrise. The bill provides that the anchoring limitation areas are the sections of Biscayne Bay in Miami-Dade County which are within 200 yards of any part of the shore of the City of Miami Beach lying between State Road A1A and State Road 112.

The bill specifies that documentation used to prove that a vessel has not exceeded the limits of county-established anchoring limitation areas must show that the vessel was at least one nautical mile away with a certain period. Further, the bill specifies that electronic evidence used to prove the location of a vessel may include navigational devices or tracking devices if they are permanently affixed to the vessel.

**Section 2** provides an effective date of July 1, 2024.

<sup>25</sup> Florida Department of Environmental Protection, *Biscayne Bay Aquatic Preserves*, <https://floridadep.gov/rcp/aquatic-preserve/BiscayneBayAquaticPreserves> (last visited Dec. 8, 2023); Miami-Dade County, *About Biscayne Bay*.

<sup>26</sup> City of Miami Beach, *2040 Miami Beach Comprehensive Plan*, 146 (2020), available at <https://www.miamibeachfl.gov/wp-content/uploads/2021/05/2040-Comprehensive-Plan-12-9-2020-Adopted-Compressed.pdf>. (last visited Feb 3, 2024.)



**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

Article III, section 10 of the Florida Constitution prohibits the Legislature from enacting any special law unless notice is first published or a referendum is conducted. A special law or “local law” relates to or operates upon a particular person, thing, or part of the state; it does not apply with geographic uniformity across the state and bears no reasonable relationship to differences in population or other legitimate criteria.<sup>27</sup> On the other hand, a general law of local application relates to a class of persons or things or subdivisions of the state, based upon distinctions or differences that are inherent or particular to the class or location. The Legislature is granted wide discretion in making such classifications.<sup>28</sup> If a particular condition exists in only a portion of the state, enactments that reference the limited geographic area may be general laws.<sup>29</sup> “[I]f a law utilizes a classification that is geographical in its terms but the purpose of the statute is one of statewide importance and impact, and the classification is reasonably related to the law’s purpose, it is a valid general law.”<sup>30</sup>

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

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<sup>27</sup> See *State ex rel. Landis v. Harris*, 163 So. 237, 240 (Fla. 1934); and *Lawnwood Medical Center, Inc. v. Seeger*, 990 So.2d 503 (Fla. 2008).

<sup>28</sup> *Shelton v. Reeder*, 121 So. 2d 145, 151 (Fla. 1960). But see also FLA. CONST. Art. X, s. 11s.

<sup>29</sup> *Schrader v. Florida Keys Aqueduct Authority*, 840 So.2d 1050, 1055 (Fla. 2003).

<sup>30</sup> *Id.* at 1056.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 327.4108 of the Florida Statutes.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Environment and Natural Resources on January 24, 2024:**

- Expands the anchoring limitation areas in Biscayne Bay to include the sections of Biscayne Bay in Miami-Dade County that are within 200 yards of any part of the shore of the City of Miami Beach lying between State Road A1A and State Road 112.
- Specifies that documentation used to prove that a vessel has not exceeded the limits of a county-established anchoring limitation area must show the vessel at least one nautical mile away within a certain period.
- Specifies that electronic evidence used as proof of location may include navigational or tracking devices if they are permanently affixed to the vessel.

B. Amendments:

None.

By the Committee on Environment and Natural Resources; and  
Senator Garcia

592-02426-24

2024192c1

A bill to be entitled  
An act relating to anchoring limitation areas;  
amending s. 327.4108, F.S.; revising anchoring  
limitation areas in certain sections of Biscayne Bay  
in Miami-Dade County; revising documentation and  
evidence criteria for proving the location of a vessel  
within an anchoring limitation area; providing an  
effective date.

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

Section 1. Section 1. Paragraph (c) of subsection (1) and  
paragraph (b) of subsection (6) of section 327.4108, Florida  
Statutes, are amended to read:

327.4108 Anchoring of vessels in anchoring limitation  
areas.—

(1) The following densely populated urban areas, which have  
narrow state waterways, residential docking facilities, and  
significant recreational boating traffic, are designated as and  
shall be considered to be grandfathered-in anchoring limitation  
areas, within which a person may not anchor a vessel at any time  
during the period between one-half hour after sunset and one-  
half hour before sunrise, except as provided in subsections (4)  
and (5):

(c) The sections of Biscayne Bay in Miami-Dade County that  
are within 200 yards of any part of the shore of the City of  
Miami Beach lying between State Road 1A and State Road 112÷

~~1. Rivo Alto Island and Di Lido Island.~~

~~2. San Marino Island and San Marco Island.~~

592-02426-24

2024192c1

~~3. San Marco Island and Biscayne Island.~~

(6)

(b)1. For a vessel in an anchoring limitation area established pursuant to subsection (2), upon an inquiry by a law enforcement officer or agency, a vessel owner or operator must be given an opportunity to provide proof that the vessel has not exceeded the limitations described in subsection (2). Such proof may include any of the following:

a. Documentation showing that the vessel was in another location at least 1 nautical mile away within a period of less than 45 days before the inquiry.

b. Electronic evidence, including, but not limited to, navigational devices or tracking devices permanently affixed to the vessel that show the vessel was in another location at least 1 nautical mile away within a period of less than 45 days before the inquiry.

2. If a vessel owner or operator fails or refuses to provide proof that the vessel has not exceeded the limitations described in subsection (2), the law enforcement officer or agency may issue a citation for a violation of this section.

Section 2. This act shall take effect July 1, 2024.

The Florida Senate

# APPEARANCE RECORD

2/6/24

Meeting Date

SB192

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

David O'Hara

Phone

850-544-6495

Address

4356 David Ct

Street

Email

oharad650@gmail.com

Tallahassee

City

FL

State

32309

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

192

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kingsley Ross

Phone

858 300 1378

Address

234 Harbour Pt Dr

Street

Email

kingsley.rr@hotmail.com

Crawfordville FL 32327

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
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2/8/24

Meeting Date

COMMUNITY AFFAIRS

Committee

SB 192

Bill Number or Topic

Amendment Barcode (if applicable)

Name

CHRIS ENSING

Phone

(352) 302-6165

Address

PO BOX 1995

Email

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Street

CRYSTAL RIVER

State

FL

Zip

34423

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
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☐

I am a registered lobbyist,  
representing:

☐

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/8/2024

Meeting Date

SB 192

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Kimberly Russo

Phone 843. 879.5030

Address 10587 Highway 78

Street

Email krussu@greatloop.org

Summerville SC 29483

City

State

Zip

Speaking:

☐

For



Against

☐

Information

**OR**

Waive Speaking:

☐

In Support



Against

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Feb. 8, 2024

Meeting Date

SB 192

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Rosanna Catalano

Phone (850) 322-4418

Address 201 W. Park Avenue # Suite 100

Email ro@anfieldflorida.com

Street

Tallahassee, FL

City

32301

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist,  
representing: American  
Great Loop  
Cruisers Association

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

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Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2-6-24

Meeting Date

Community Affairs

Committee

192

Bill Number or Topic

Amendment Barcode (if applicable)

Name TRAVIS MOORE

Phone 727.421.6902

Address P.O. Box 2020

Street

Email travis@moore-relations.com

St. Petersburg FL

City

State

33731

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

~~Ocean~~ Ocean

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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8-6-24

Meeting Date

SB192

Bill Number or Topic

CA

Committee

Amendment Barcode (if applicable)

Name

TIM Carr

Phone

3056737010

Address

West ave

Email

Street

Miami Beach FL 33007

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

## PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



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(travel, meals, lodging, etc.),  
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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2.6.24

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB192

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Commissioner David Suarez Phone 305-673-7010

Address 1700 Convention Center Dr Email David Suarez @ miami  
Street beachfl.gov  
Miami Beach FL 33027  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information OR Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

2-6-24  
Community Affairs  
Committee

Name

Bonnie Basham

Phone

850 933 7277

Address

10797 Wadsworth Rd

Email

Street

TLH

City

FL

State

32317

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

BoAT U.S.

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

SB 192

2-6-24

Meeting Date

FL<sup>CA</sup> Senate Committee

Committee

Deliver both copies of this form to

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Bill Number or Topic

Amendment Barcode (if applicable)

Name

Karl Hempel

Phone

850-528-7307

Address

533 Bobbin Brook Lane

Email

kfhempel@gmail.com

Street

Tallahassee FL 32312

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without compensation or sponsorship.



I am a registered lobbyist, representing:



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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SB 192

Bill Number or Topic

Amendment Barcode (if applicable)

2-6-24  
Meeting Date

Community Affairs  
Committee

Name Bonnie Basham

Phone 850 933 7277

Address 10797 Wadsworth Rd

Email CapitalIdeas@ATT.net

Jallahasser, FL 32317  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)



2/6/2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
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SB 192

Bill Number or Topic

Amendment Barcode (if applicable)

Name Denise Whitlock

Phone 850-509-4320

Address 519 North Gadsden Street

Email neicie@gmail.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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2/6/24

Meeting Date

Comm Affairs

Committee

Ron Book

Name

Phone

850-224-3427

Address

164 W. Jefferson

Email

ron@RLBookPA.com

Street

TLH

Fla

33603

34301

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

City of Miami Beach

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

Feb. 6, 2024

The Florida Senate

# APPEARANCE RECORD

SB 192

Meeting Date

Community Affairs

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Committee

Jon Moyle

Amendment Barcode (if applicable)

Name

Phone

850-217-2783

Address

118 N. GARDEN ST

Email

jmoyle@moylelaw.com

Street

TALLAHASSEE FL 32303

City

State

Zip

Speaking:

☐ For

☐ Against

☒ Information

OR

Waive Speaking:

☐ In Support

☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

FIA. INLAND NAVIGATION District

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 400

INTRODUCER: Governmental Oversight and Accountability Committee and Senators Burgess and Hooper

SUBJECT: Reemployment of Retired Law Enforcement Officers

DATE: February 5, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	McVaney	McVaney	GO	<b>Fav/CS</b>
2.	Hackett	Ryon	CA	<b>Favorable</b>
3.			AP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 400 authorizes, effective July 1, 2024, an FRS retiree, regardless of membership class, to be reemployed with an employer participating in the Florida Retirement System (FRS) after meeting the definition of termination and receive both compensation from the employer and an FRS retirement benefit. This effectively eliminates the “suspension of benefits” period typically applied during months 7 through 12 after the date of termination. The retiree must still achieve a bona fide termination of service with all FRS-participating employers.

The bill is expected to increase actuarial liabilities of the Florida Retirement System by \$23.8 million annually system-wide which will be funded by increases in the annual employer-paid contributions to the FRS Trust Fund.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**The Florida Retirement System (FRS)**

The Florida Retirement System (FRS) was established in 1970 when the Legislature consolidated the Teachers’ Retirement System, the State and County Officers and Employees’ Retirement System, and the Highway Patrol Pension Fund. In 1972, the Judicial Retirement System was

consolidated into the FRS, and in 2007, the Institute of Food and Agricultural Sciences Supplemental Retirement Program was consolidated under the Regular Class of the FRS as a closed group.<sup>1</sup> The FRS is a contributory system, with active members contributing 3 percent of their salaries.<sup>2</sup>

The FRS is a multi-employer plan, governed by ch. 121, F.S., the “Florida Retirement System Act.” As of June 30, 2023, the FRS had 646,277 active non-retired members, 455,601 annuitants, 14,499 disabled retirees, and 27,767 active participants of the Deferred Retirement Option Program (DROP).<sup>3</sup> As of June 30, 2023, the FRS consisted of 991 total employers; it is the primary retirement plan for employees of state and county government agencies, district school boards, Florida College institutions, and state universities, and includes the 180 cities and 153 special districts that have elected to join the system.<sup>4</sup>

The membership of the FRS is divided into five membership classes:

- The Regular Class<sup>5</sup> consists of 550,931 active members and 8,433 in renewed membership;
- The Special Risk Class<sup>6</sup> includes 75,495 active members and 1,168 in renewed membership;
- The Special Risk Administrative Support Class<sup>7</sup> has 93 active members and one in renewed membership;
- The Elected Officers’ Class<sup>8</sup> has 2,105 active members and 106 in renewed membership; and
- The Senior Management Service Class<sup>9</sup> has 7,714 active members and 227 in renewed membership.<sup>10</sup>

Each class is funded separately based upon the costs attributable to the members of that class.

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<sup>1</sup> Florida Department of Management Services (DMS), Division of Retirement, *Florida Retirement System Summary Plan Description*, 1 (July 1, 2023), <https://frs.fl.gov/forms/spd-pp.pdf> (last visited Jan. 5, 2024).

<sup>2</sup> Prior to 1975, members of the FRS were required to make employee contributions of either 4 percent for Regular Class employees or 6 percent for Special Risk Class members. Employees were again required to contribute to the system after July 1, 2011. *See*, ch. 2011-68, s. 33, Laws of Fla. Members in the Deferred Retirement Option Program do not contribute to the system.

<sup>3</sup> DMS, Division of Retirement, *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2022-23 Annual Comprehensive Financial Report*, at 188, available at [https://employer.frs.fl.gov/forms/2022-23\\_ACFR.pdf](https://employer.frs.fl.gov/forms/2022-23_ACFR.pdf) (last visited Jan. 5, 2024).

<sup>4</sup> DMS, Division of Retirement, *Participating Employers for Fiscal Year 2023-2024* (Oct. 2023), available at <https://employer.frs.fl.gov/forms/part-emp.pdf> (last visited Jan. 5, 2024).

<sup>5</sup> The Regular Class is for all members who are not assigned to another class. Section 121.021(12), F.S.

<sup>6</sup> The Special Risk Class is for members employed as law enforcement officers, firefighters, correctional officers, probation officers, paramedics and emergency technicians, among others. Section 121.0515, F.S. *See also*, DMS, *FRS Pension Plan Member Handbook*, 9-14 (2023), available at [https://frs.fl.gov/forms/member\\_handbook.pdf](https://frs.fl.gov/forms/member_handbook.pdf) (last visited Jan. 5, 2024).

<sup>7</sup> The Special Risk Administrative Support Class is for a special risk member who moved or was reassigned to a nonspecial risk law enforcement, firefighting, correctional, or emergency medical care administrative support position with the same agency, or who is subsequently employed in such a position under the Florida Retirement System. Section 121.0515(8), F.S.

<sup>8</sup> The Elected Officers’ Class includes elected state and county officers, and those elected municipal or special district officers whose governing body has chosen Elected Officers’ Class participation for its elected officers. Section 121.052, F.S.

<sup>9</sup> The Senior Management Service Class is for members who fill senior management level positions assigned by law to the Senior Management Service Class or authorized by law as eligible for Senior Management Service designation. Section 121.055, F.S.

<sup>10</sup> All figures are from *Florida Retirement System Pension Plan and Other State Administered Retirement Systems FY 2022-23 Annual Comprehensive Financial Report*, at 191.

Members of the FRS have two primary plan options available for participation:<sup>11</sup>

- The defined contribution plan, also known as the Investment Plan; and
- The defined benefit plan, also known as the Pension Plan.

### ***Investment Plan***

In 2000, the Public Employee Optional Retirement Program (investment plan) was created as a defined contribution plan offered to eligible employees as an alternative to the FRS Pension Plan.<sup>12</sup> The State Board of Administration (SBA) is primarily responsible for administering the investment plan.<sup>13</sup> The Board of Trustees of the SBA is comprised of the Governor as chair, the Chief Financial Officer, and the Attorney General.<sup>14</sup>

Benefits under the investment plan accrue in individual member accounts funded by both employee and employer contributions and earnings. Benefits are provided through employee-directed investments offered by approved investment providers.<sup>15</sup>

A member vests immediately in all employee contributions paid to the investment plan.<sup>16</sup> With respect to the employer contributions, a member vests after completing one work year of employment with an FRS employer.<sup>17</sup> Vested benefits are payable upon termination or death as a lump-sum distribution, direct rollover distribution, or periodic distribution.<sup>18</sup> The investment plan also provides disability coverage for both in-line-of-duty and regular disability retirement benefits.<sup>19</sup> An FRS member who qualifies for disability while enrolled in the investment plan may apply for benefits as if the employee were a member of the pension plan. If approved for retirement disability benefits, the member is transferred to the pension plan.<sup>20</sup>

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<sup>11</sup> Florida State Board of Administration (SBA), *Plan Comparison Chart* (Jul. 2020), available at <https://www.myfrs.com/pdf/forms/plancomparison.pdf> (last visited Jan. 5, 2024).

<sup>12</sup> See, ch. 2000-169, Laws of Fla.

<sup>13</sup> Section 121.4501(8), F.S.

<sup>14</sup> FLA. CONST. art. IV, s. 4.

<sup>15</sup> Section 121.4501(1), F.S.

<sup>16</sup> Section 121.4501(6)(a), F.S.

<sup>17</sup> If a member terminates employment before vesting in the investment plan, the nonvested money is transferred from the member's account to the SBA for deposit and investment by the SBA in its suspense account for up to five years. If the member is not reemployed as an eligible employee within five years, any nonvested accumulations transferred from a member's account to the SBA's suspense account are forfeited. Section 121.4501(6)(b)-(d), F.S.

<sup>18</sup> Section 121.591, F.S.

<sup>19</sup> See s. 121.4501(16), F.S.

<sup>20</sup> Pension plan disability retirement benefits, which apply for investment plan members who qualify for disability, compensate a line-of-duty disabled member up to 65 percent of the average monthly compensation as of the disability retirement date for special risk class members. Other members may receive up to 42 percent of the member's average monthly compensation for disability retirement benefits. If the disability occurs other than in the line-of-duty, the monthly benefit may not be less than 25 percent of the average monthly compensation as of the disability retirement date. Section 121.091(4)(f), F.S.

***Pension Plan***

The pension plan is a defined benefit plan administered by the Department of Management Services (DMS) through the Division of Retirement.<sup>21</sup> The State Board of Administration manages the pension fund's assets.<sup>22</sup>

Any member initially enrolled in the pension plan before July 1, 2011, vests in the pension plan after completing six years of service with an FRS employer.<sup>23</sup> For members initially enrolled on or after July 1, 2011, the member vests in the pension plan after eight years of creditable service.<sup>24</sup> Benefits payable under the pension plan are calculated based on the member's years of creditable service multiplied by the service accrual rate multiplied by the member's average final compensation.<sup>25</sup>

For non-special risk members of the pension plan initially enrolled before July 1, 2011, normal retirement (when first eligible for unreduced benefits) occurs at the earlier of 30 years of service or age 62.<sup>26</sup> Those non-special risk members initially enrolled in the pension plan on or after July 1, 2011, must complete 33 years of credible service or attain age 65.<sup>27</sup> For members in the Special Risk and Special Risk Administrative Support Classes, normal retirement is the earlier of 25 years of credible service or age 55.<sup>28</sup>

***Deferred Retirement Option Program***

The Deferred Retirement Option Program (DROP) allows eligible members of the FRS Pension Plan to participate in the program and defer receipt of retirement benefits while continuing employment with an FRS employer. The deferred monthly benefits accrue, plus interest,<sup>29</sup> in the FRS on behalf of the employee for the period of time the member participates in DROP. Upon termination of employment, the member receives the total DROP benefits and begins to receive the previously determined normal retirement benefits.<sup>30</sup>

A member may elect to participate in DROP any time after reaching the normal retirement date.<sup>31</sup> Generally, an eligible member is authorized to participate in DROP for 8 years. However, certain instructional personnel may participate in DROP for 10 years until June 30, 2029.<sup>32</sup>

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<sup>21</sup> Section 121.025, F.S.

<sup>22</sup> SBA Florida, *Florida Retirement System Pension Plan*, <https://www.sbafla.com/fsb/FundsWeManage/FRSPensionPlan.aspx> (last visited Jan. 5, 2024).

<sup>23</sup> Section 121.021(45)(a), F.S.

<sup>24</sup> Section 121.021(45)(b), F.S.

<sup>25</sup> Section 121.091, F.S. See also, DMS, *FRS Pension Plan Member Handbook*, 28 (2023), [https://frs.fl.gov/forms/member\\_handbook.pdf](https://frs.fl.gov/forms/member_handbook.pdf) (last visited Jan. 5, 2024).

<sup>26</sup> Section 121.021(29)(a)1., F.S.

<sup>27</sup> Section 121.021(29)(a)2., F.S.

<sup>28</sup> Section 121.021(29)(b), F.S.

<sup>29</sup> Currently, the interest that is applied accrues at an effective annual rate of 4 percent compounded monthly. Before July 1, 2011, the rate was 6.5 percent, and between July 1, 2011, through June 30, 2023, the rate was 1.3 percent. S. 121.091(13)(c)1., F.S.

<sup>30</sup> Section 121.091(13), F.S.

<sup>31</sup> Section 121.091(13)(a)2., F.S.

<sup>32</sup> Section 121.091(13)(b), F.S.

### ***Renewed Membership***

Effective July 1, 2017,<sup>33</sup> retirees of the investment plan, Senior Management Service Optional Annuity Program (SMSOAP), State University System Optional Retirement Program (SUSORP), or State University System Optional Retirement Program (SCCORP) may renew membership in the FRS.<sup>34</sup> Such renewed member will participate in the appropriate membership class in the investment plan, unless employed in a position eligible for participation in the SUSORP or the SCCSORP, in which case the retiree will become a renewed member of the SUSORP or the SCCSORP, as applicable. A renewed member may not qualify for disability retirement benefits and must satisfy the vesting requirements of the specific plan. A renewed member in the FRS Investment Plan who is not receiving the maximum health insurance subsidy is entitled to earn additional credit towards the subsidy.<sup>35</sup> Retired FRS Pension Plan members are not eligible for renewed membership in the FRS.<sup>36</sup>

### **Optional Retirement Programs**

Eligible employees may choose to participate in one of three retirement programs instead of participating in the FRS:

- Members of the Senior Management Service Class may elect to enroll in the Senior Management Service Optional Annuity Program;<sup>37</sup>
- Members in specified positions in the State University System may elect to enroll in the (SUSORP);<sup>38</sup> and
- Members in specified positions at a Florida College institution may elect to enroll in the SCCORP.<sup>39</sup>

---

<sup>33</sup> Different renewed membership provisions apply to FRS members who retired and were reemployed prior to July 1, 2010. Prior to July 1, 2010, retirees of the pension plan or investment plan could renew membership in either plan or in another state administered retirement system similar to newly hired members and earn service credit towards a subsequent retirement benefit. From July 1, 2010, to July 1, 2017, FRS retirees were ineligible to be enrolled as a renewed member. S. 121.122(1) and (2), F.S.

<sup>34</sup> Section 121.122(3), (4), and (5), F.S. Upon renewed membership, the employer and the renewed member are required to pay applicable contributions.

<sup>35</sup> *Id.*

<sup>36</sup> Section 121.122(2), F.S.

<sup>37</sup> The Senior Management Service Optional Annuity Program (SMSOAP) was established in 1986 for members of the Senior Management Service Class. Employees in eligible positions may irrevocably elect to participate in the SMSOAP rather than the FRS. Effective July 1, 2017, the SMSOAP is closed to new members. Section 121.055(6), F.S. *See also*, Florida DMS, *Senior Management Service Optional Annuity Program*, [https://www.dms.myflorida.com/workforce\\_operations/retirement/optional\\_retirement\\_programs/senior\\_management\\_service\\_optional\\_annuity\\_program](https://www.dms.myflorida.com/workforce_operations/retirement/optional_retirement_programs/senior_management_service_optional_annuity_program) (last visited Jan. 5, 2024).

<sup>38</sup> Eligible participants of the State University System Optional Retirement Program (SUSORP) are automatically enrolled in the SUSORP. However, the member must execute a contract with a SUSORP provider within the first 90 days of employment or the employee will default into the pension plan. If the employee decides to remain in the SUSORP, the decision is irrevocable and the member must remain in the SUSORP as long as the member remains in a SUSORP-eligible position. Section 121.35(3)(c), F.S.

<sup>39</sup> If the member is eligible for participation in a State Community College System Optional Retirement Program, the member must elect to participate in the program within 90 days of employment. Unlike the other optional programs, an employee who elects to participate in this optional retirement program has one opportunity to transfer to the FRS. Section 1012.875, F.S.



The SUSORP requires each employee to contribute 3 percent<sup>40</sup> of his or her gross compensation to the plan, and the employer must contribute the difference between the current employee contribution (3 percent) and 8.15 percent of the employee's gross monthly compensation (currently, the employer contribution is 5.15%).<sup>41</sup> The state university employer is also required to contribute an amount equal to the UAL contribution to the FRS Trust Fund.<sup>42</sup>

### ***Contribution Rates***

Employers that participate in the FRS must contribute a specific percentage of the member's monthly compensation to the Division of Retirement to be distributed into the FRS Contributions Clearing Trust Fund. The employer contribution rate is a blended contribution rate set by statute, which is the same percentage regardless of whether the member participates in the pension plan or the investment plan.<sup>43</sup> The rate is determined annually based on an actuarial study by the DMS that calculates the necessary level of funding to support all of the benefit obligations under both FRS retirement plans.

In the annual actuarial valuation of the Florida Retirement System based on July 1, 2023, plan assets and liabilities, Milliman, Inc., the state actuary, determined the following key data relating to the FRS pension plan:<sup>44</sup>

	Valuation Results (in \$ billions)			
	July 1, 2020	July 1, 2021	July 1, 2022	July 1, 2023
Actuarial Liability	\$200.3	\$209.6	\$217.4	\$226.2
Actuarial Value of Assets	\$164.3	\$174.9	\$179.2	\$184.2
Unfunded Actuarial Liability	\$36.0	\$34.7	\$38.3	\$42.0
Funded Percentage (Actuarial Value of Assets/Actuarial Liability)	82.0%	83.4%	82.4%	81.4%

The state actuary determines a rate associated with the normal cost of the pension plan (funding the prospective benefits) and a rate necessary to amortize prior unfunded actuarial liabilities (UAL) over a thirty-year period and new tranches of unfunded actuarial liabilities over a twenty-year period. The following are the current employer contribution rates<sup>45</sup> for each class and the blended rates recommended by the state actuary beginning in July 2024:<sup>46</sup>

<sup>40</sup> This contribution is tied to the FRS employee contribution required by s. 121.71(3), F.S., which is three percent as of July 1, 2011.

<sup>41</sup> Section 121.35(4)(a)4., F.S.

<sup>42</sup> Section 121.35(4)(b), F.S.

<sup>43</sup> Section 121.70(1), F.S.

<sup>44</sup> Matt Larrabee, Milliman Actuarial Valuation, *Florida Retirement System Pension Plan Actuarial Valuation as of July 1, 2023*, 3 (Dec. 1, 2023) (on file with the Senate Committee on Governmental Oversight and Accountability).

<sup>45</sup> Section 121.71(4) and (5), F.S.

<sup>46</sup> Letter to Kathy Gould, Florida DMS Division of Retirement Director, from Milliman Actuarial Services, entitled "*Blended Proposed Statutory Rates for the 2024-2025 Plan Year Reflecting a Uniform UAL Rate for All Membership Classes and DROP: Table 1*" Dec. 1, 2023 (on file with the Senate Committee on Governmental Oversight and Accountability).

Membership Class	Current Statutory Rates Effective July 1, 2023		Recommended Rates to be effective July 1, 2024	
	Normal Cost	UAL Rate	Normal Cost	UAL Rate
Regular Class	6.73%	4.78%	6.70%	4.81%
Special Risk Class	18.66%	11.95%	18.39%	12.00%
Special Risk Administrative Support Class	11.54%	26.22%	10.92%	25.90%
Elected Officer's Class	10.45%	50.21 %	10.68%	49.81%
<ul style="list-style-type: none"> <li>Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders</li> </ul>				
<ul style="list-style-type: none"> <li>Justices and Judges</li> </ul>	14.90%	27.93%	14.50%	28.39%
<ul style="list-style-type: none"> <li>County Officers</li> </ul>	12.39%	44.23%	12.22%	43.44%
Senior Management Service Class	8.56%	23.90%	8.44%	22.72%
Deferred Retirement Option Program	8.49%	10.64%	8.46%	10.51%

For all membership classes, except the DROP and certain members with renewed membership, employees contribute three percent of their compensation towards retirement.<sup>47</sup>

After employer and employee contributions are placed into the FRS Contributions Clearing Trust Fund, the allocations under the investment plan are transferred to third-party administrators to be placed in the employee's individual investment accounts, whereas contributions under the pension plan are transferred into the FRS Trust Fund.<sup>48</sup>

### Maintaining Status as a Qualified Plan

The FRS is a qualified governmental plan under section 414(d) under Internal Revenue Code. This means that the employer and employee contributions to the FRS qualify for tax deductions, and that investment earnings are tax-deferred until distributed to retirees.

"In order for a pension plan to be a qualified plan under section 401(a), the plan must be established and maintained by an employer primarily to provide systematically for the payment of definitely determinable benefits to its employees over a period of years, usually for life, *after retirement* (emphasis added) or attainment of normal retirement age . . ."<sup>49</sup>

A termination of employment must be bona fide (i.e., not a mere subterfuge in order to initiate an otherwise impermissible distribution where no substantial change in employment has occurred).<sup>50</sup> "Retirement does not include a mere reduction in the number of hours that an

<sup>47</sup> Section 121.71(3), F.S.

<sup>48</sup> See ss. 121.4503 and 121.72(1), F.S.

<sup>49</sup> Treas. Reg. section 1.401(a)-1(b)(1)(i).

<sup>50</sup> Private Letter Ruling 201147038 (Apr. 20, 2010).

employee works. Accordingly, benefits may not be distributed prior to normal retirement age solely due to a reduction in the number of hours that an employee works.”<sup>51</sup>

Current Florida law relating to the FRS requires an employee to terminate his or her employment in order to commence a retirement benefit, either before or after normal retirement age. The determination of whether a bona fide termination from employment has occurred is critical for both the tax qualification of the FRS and Florida statutory compliance purposes.<sup>52</sup>

The Internal Revenue Service (IRS), the federal agency responsible for administering the Internal Revenue Code, has not provided an objective test for determining whether a bona fide termination of employment has occurred. Instead the IRS has applied Treasury Regulation 1.409A-1(h)(1)(ii), which states whether a termination of employment has occurred is determined based on whether the facts and circumstances indicate that the employer and employee reasonably anticipated that no further services would be performed after a certain date<sup>53</sup> or that the level of bona fide services the employee would perform after such date would permanently decrease to no more than 20 percent of the average level of bona fide services performed over the immediately preceding 36-month period.<sup>54</sup> However, when applying the regulation in the context of a 401(a) plan, the IRS has opined that “if both the employer and employee know at the time of ‘retirement’ that the employee will, with reasonably [sic] certainty, continue to perform services for the employer, a termination of employment has not occurred upon ‘retirement’ and the employee has not legitimately retired.”<sup>55</sup>

To apply the requirement of a bona fide termination, Florida law states “termination” occurs “when a member ceases all employment relationships with participating employers.”<sup>56</sup> This includes a relationship with an FRS-participating employer as an officer, employee, or volunteer. If the retiree is reemployed by an FRS-participating employer within the first 6 calendar months after the month of retirement, termination is deemed not to have occurred, and the retiree must return all retirement distributions, including DROP accumulations.<sup>57</sup> Generally, if the retiree is employed by an FRS-participating employer during the 7th through 12th calendar months after the month of retirement, the retiree’s benefit for those months is suspended and is forfeited.<sup>58</sup> There are no restrictions on receiving salary and retirement benefits from FRS-participating employers after the 12<sup>th</sup> calendar month from retirement.

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<sup>51</sup> Treas. Reg. section 1.401(a)-1(b)(3).

<sup>52</sup> Memorandum to David DiSalvo, Director, Division of Retirement, *Re: Bona Fide Terminations from Employment and Bona Fide Volunteer Services* (dated January 8, 2021).

<sup>53</sup> The regulation provides that the employment relationship is treated as continuing intact while the individual is on a bona fide leave of absence if the leave does not exceed 6 months, or if longer, as long as the individual retains a right to reemployment pursuant to statute or contract. The IRS explains in the preamble to the regulation that “a bona fide leave of absence refers to a leave of absence where there is a reasonable expectation the service provider will return to service with the service recipient.” Department of the Treasury, Internal Revenue Service, *Application of Section 409A to Nonqualified Deferred Compensation Plans*, 26 CFR Part I [TD 9321], RIN 1545-BE79 (Dated April 17, 2007).

<sup>54</sup> See IRS PLR 201147038; see also *Supra* note 58

<sup>55</sup> IRS PLR 201147038.

<sup>56</sup> Section 121.021(39), F.S.

<sup>57</sup> Section 121.091(9), F.S.

<sup>58</sup> Section 121.091(9)(c), F.S.

A retiree employed in violation of the reemployment limitation period and the FRS employer employing such retiree are jointly and severally liable for reimbursement to the retirement trust fund from which the benefits were paid. Pension benefits remain suspended until repayment has been made. Benefits suspended beyond the reemployment limitation period are applied towards repaying the benefits received in violation of the reemployment limitation period.<sup>59</sup>

Florida law currently provides two exceptions to the reemployment limitation period. The first authorizes retirees to provide civic, charitable, and humanitarian services to an FRS employer during the first 12 months following retirement provided the following criteria are met:

- Before the date of retirement, there is no agreement or understanding between the employer and the retiree that the retiree will return to provide services for the employer;
- The employer or a third party does not provide any form of compensation, including any cash equivalents, to the volunteer for the volunteer service;
- Except as otherwise provided in law, a volunteer cannot be provided any employee benefits, including health or life insurance benefits. However, a volunteer may be provided certain perquisites necessary for, and for the limited purpose of, completing tasks associated with the volunteer program, such as an assigned uniform or the provision of equipment;
- The number of volunteer hours per week, including training hours, that the volunteer provides is no more than 20 percent of the number of hours that the volunteer was expected to work per week before the date of retirement;
- There is a clear distinction between the duties of a volunteer and the duties of an employee;
- The schedule of a volunteer, including the number of hours volunteered and the number and type of assignments for which he or she agrees to volunteer, is controlled by the volunteer; and
- The employer and retiree maintain adequate records to document adherence to the above criteria, which must be made available to DMS or the SBA upon request.<sup>60</sup>

The second exception to the reemployment limitation period applies to law enforcement officers that are reemployed as school resource officers and authorizes such retirees to be reemployed during months 7 through 12 after retirement and receive both a salary and retirement benefits. The reemployed retired law enforcement officer may not renew membership in the FRS except as provided in law.<sup>61</sup>

### **State and County Officers and Employees Retirement System**

The State and County Officers and Employees Retirement System (SCOERS) was consolidated into the FRS in 1970 as a closed plan.<sup>62</sup> The SCOERS retirees may be reemployed by any private or public employer after retirement and receive retirement benefits and compensation without limitation, unless the public employer participates in the FRS. The SCOERS retirees reemployed by an FRS employer are prohibited from receiving a salary from reemployment and retirement benefits for 12 months after their date of retirement. Any retiree employed in violation of the reemployment limitation period must provide notice of such reemployment to his or her

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<sup>59</sup> Section 121.091(9)(b)1. and (9)(c)3., F.S.

<sup>60</sup> Section 121.091(15), F.S.

<sup>61</sup> Section 121.091(9)(f), F.S.

<sup>62</sup> Annual Report, *supra* note 5, at 33.

employer and the DMS, and that person's retirement benefits will be suspended for the duration of the reemployment limitation period. A retiree employed in violation of the reemployment limitation period and any agency that knowingly employs such retiree are jointly and severally liable for reimbursement to the retirement trust fund from which the benefits were paid. In order to avoid liability, the FRS employer must have a written statement from the retiree that the person is not retired from a state-administered retirement system. Any benefits suspended beyond the reemployment limitation period will apply toward the repayment of benefits received in violation of the reemployment limitation period.<sup>63</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 121.091, F.S., to allow, effective July 1, 2024, an FRS retiree, regardless of membership class, to be reemployed with an FRS participating employer after meeting the definition of termination and receive both compensation from the employer and an FRS retirement benefit. This effectively eliminates the "suspension of benefits" period typically applied during months 7 through 12 after the date of termination. The retiree must still achieve a bona fide termination of service with all FRS-participating employers.

Section 1 also deletes specific language allowing a retired law enforcement officer to be employed as a school resource officer during the 7 to 12 month suspension period but continue to receive salary and retirement benefits. This language is redundant to the new provision described above.

**Section 2** increases the employer-paid contribution rates to fund the FRS. These amounts are in addition to other rates enacted to take effect July 1, 2024.

**Section 3** makes a legislative determination and declaration that this act fulfills an important state interest.

**Section 4** provides that the bill takes effect July 1, 2024.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Article VII, s. 18(a) of the State Constitution provides that: "No county or municipality shall be bound by any general law requiring such county or municipality to spend funds...unless the legislature has determined that such law fulfills an important state interest and unless: ...the expenditure is required to comply with a law that applies to all persons similarly situated...."

This bill includes legislative findings that the bill fulfills important state interests, and the bill applies to all persons similarly situated (those employers participating in the Florida

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<sup>63</sup> Section 122.16(1) and (2), F.S. The reemployment authorization does not apply to those members retired due to disability. See s. 122.16(2)(a), F.S. Employer and employee contributions are required as provided in s. 121.122, F.S. for renewed membership in the FRS. S. 122.16(2)(c), F.S.

Retirement System), including state agencies, school boards, state universities, community colleges, counties, municipalities, and special districts.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:**

**A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill is expected to increase actuarial liabilities of the Florida Retirement System by \$23.8 million annually system-wide. The state actuary completed a study to determine the actuarial impact if the suspension of benefits during the seventh through twelfth month period is eliminated for all members of the FRS. The results indicated a system-wide cost of \$23.8 million annually. The table below shows the impacts by employer group.<sup>64</sup>

Employer Group	Increase in Annual Contributions
State	\$3.7 m
School Boards	\$7.2 m
Universities and Colleges	\$2.6 m
Counties	\$8.9 m
Other	\$1.4 m
Total	\$23.8 m

<sup>64</sup> *Id* at 21.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 121.091 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Governmental Oversight and Accountability on January 29, 2024:**

The CS expands the application of the bill to allow all FRS retirees who have met the definition of termination (separated for 6 months from all FRS-participating employers) to be reemployed and receive both salary and retirement benefits. The CS also increases the employer-paid contributions to the FRS to fund the new benefits on an actuarially sound basis.

**B. Amendments:**

None.

**By** the Committee on Governmental Oversight and Accountability;  
and Senators Burgess, Hooper, and Collins

585-02592-24

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A bill to be entitled

An act relating to reemployment of retirees in the Florida Retirement System; amending s. 121.091, F.S.; allowing a retiree to be reemployed by an employer participating in the Florida Retirement System and to receive compensation from that employer and retirement benefits after meeting the definition of termination; establishing contributions rates necessary to fund a new retirement benefit; directing the Division of Law Revision to adjust accordingly the contribution rates otherwise in effect; providing a declaration of important state interest; providing an effective date.

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

Section 1. Paragraphs (c) and (f) of subsection (9) of section 121.091, Florida Statutes, are amended, and paragraph (d) of that subsection is republished, to read:

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



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of such application when the required information or documents are not received.

(9) EMPLOYMENT AFTER RETIREMENT; LIMITATION.—

(c) Any person whose retirement is effective on or after July 1, 2010, or whose participation in the Deferred Retirement Option Program terminates on or after July 1, 2010, who is retired under this chapter, except under the disability retirement provisions of subsection (4) or as provided in s. 121.053, may be reemployed by an employer that participates in a state-administered retirement system and receive retirement benefits and compensation from that employer. However, a person may not be reemployed by an employer participating in the Florida Retirement System before meeting the definition of termination in s. 121.021 ~~and may not receive both a salary from the employer and retirement benefits for 6 calendar months after meeting the definition of termination, except as provided in paragraph (f).~~ Effective July 1, 2024, a retiree may be reemployed by an employer participating in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021. However, a DROP participant shall continue employment and receive a salary during the period of participation in the Deferred Retirement Option Program, as provided in subsection (13).

1. The reemployed retiree may not renew membership in the Florida Retirement System, except as provided in s. 121.122.

2. The employer shall pay retirement contributions in an amount equal to the unfunded actuarial liability portion of the employer contribution that would be required for active members

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of the Florida Retirement System in addition to the contributions required by s. 121.76.

3. A retiree initially reemployed in violation of this paragraph and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any retirement benefits paid to the retirement trust fund from which the benefits were paid, including the Florida Retirement System Trust Fund and the Florida Retirement System Investment Plan Trust Fund, as appropriate. The employer must have a written statement from the employee that he or she is not retired from a state-administered retirement system. Retirement benefits shall remain suspended until repayment is made. Benefits suspended beyond the end of the retiree's 6-month reemployment limitation period shall apply toward the repayment of benefits received in violation of this paragraph.

(d) This subsection applies to retirees, as defined in s. 121.4501(2), of the Florida Retirement System Investment Plan, subject to the following conditions:

1. A retiree may not be reemployed with an employer participating in the Florida Retirement System until such person has been retired for 6 calendar months.

2. A retiree employed in violation of this subsection and an employer that employs or appoints such person are jointly and severally liable for reimbursement of any benefits paid to the retirement trust fund from which the benefits were paid. The employer must have a written statement from the retiree that he or she is not retired from a state-administered retirement system.

~~(f) A retired law enforcement officer may be reemployed as~~

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~~a school resource officer by an employer that participates in the Florida Retirement System and receive compensation from that employer and retirement benefits after meeting the definition of termination in s. 121.021, but may not receive both a salary from the employer and retirement benefits for 6 calendar months immediately subsequent to the date of retirement. The reemployed retired law enforcement officer may not renew membership in the Florida Retirement System, except as provided in s. 121.122.~~

Section 2. (1) In order to fund the benefit changes provided by this act, the required employer contribution rates for the members of the Florida Retirement System established in s. 121.71(4), Florida Statutes, are increased as follows:

(a) By 0.02 percentage point for the Regular Class.

(b) By 0.05 percentage point for the Special Risk Class.

(c) By 0.02 percentage point for the Special Risk Administrative Support Class.

(d) By 0.02 percentage point for the Elected Officers' Class—Legislators, Governor, Lt. Governor, Cabinet Officers, State Attorneys, Public Defenders.

(e) By 0.06 percentage point for the Elected Officers' Class—Justices, Judges.

(f) By 0.03 percentage point for the Elected Officers' Class—County Elected Officers.

(g) By 0.02 percentage point for the Senior Management Service Class.

(h) By 0.03 percentage point for the DROP.

(2) In order to fund the benefit changes provided by this act, the required employer contribution rates for the unfunded actuarial liability of the Florida Retirement System established

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in s. 121.71(5), Florida Statutes, are increased as follows:

(a) By 0.03 percentage point for the Regular Class.

(b) By 0.07 percentage point for the Special Risk Class.

(c) By 0.07 percentage point for the Special Risk  
Administrative Support Class.

(d) By 0.06 percentage point for the Elected Officers'  
Class—Legislators, Governor, Lt. Governor, Cabinet Officers,  
State Attorneys, Public Defenders.

(e) By 0.10 percentage point for the Elected Officers'  
Class—Justices, Judges.

(f) By 0.07 percentage point for the Elected Officers'  
Class—County Elected Officers.

(g) By 0.05 percentage point for the Senior Management  
Service Class.

(h) By 0.00 percentage point for DROP.

(3) The adjustments provided in subsections (1) and (2) are  
in addition to any other changes to such contribution rates  
which may be enacted into law to take effect on July 1, 2024.  
The Division of Law Revision is directed to adjust accordingly  
the contribution rates provided in s. 121.71, Florida Statutes.

Section 3. The Legislature finds that a proper and  
legitimate state purpose is served when employees, officers, and  
retirees of the state and its political subdivisions, and the  
dependents, survivors, and beneficiaries of such employees,  
officers, and retirees, are extended the basic protections  
afforded by governmental retirement systems. These persons must  
be provided benefits that are fair and adequate and that are  
managed, administered, and funded in an actuarially sound manner  
as required by s. 14, Article X of the State Constitution and

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2024400c1

146 part VII of chapter 112, Florida Statutes. Therefore, the  
147 Legislature determines and declares that this act fulfills an  
148 important state interest.

149 Section 4. This act shall take effect July 1, 2024.



*The Florida Senate*

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 31, 2024

---

I respectfully request that **Senate Bill #400**, relating to Reemployment of Retirees in the Florida Retirement System, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, appearing to read "Danny", is written over a horizontal line.

Senator Danny Burgess  
Florida Senate, District 23

Feb 6 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 400

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jennifer Cook Pritt**

Phone **8502193631**

Address **2636 Mitcham Drive**

Email **jpritt@fpca.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

**Reset Form**

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**Florida Police Chiefs Association**

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

SB 400

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Ty Silcox

Phone

904 624-4939

Address

516 S 10th Street

Email

TSilcox@FBFL.org

Street

Fernandina Beach FL

32034

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

Florida Fire Chiefs Assoc.

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

2/6/2024

**APPEARANCE RECORD**

400

Meeting Date

Bill Number or Topic

Community Affairs

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name **Matt Dunagan**

Phone **850-877-2165**

Address **2617 Mahan Drive**

Email **mdunagan@flsheriffs.org**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Sheriffs Association**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 438

INTRODUCER: Community Affairs Committee and Senator Ingoglia

SUBJECT: Term Limits

DATE: February 8, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Biehl</u>	<u>Roberts</u>	<u>EE</u>	<b>Favorable</b>
2.	<u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<b>Fav/CS</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 438 creates a term limit of 8 years for county commissioners. The new term limit will apply to counties not already subjected to term limit by county charter, and to terms of office beginning on or after November 5, 2022, except that more restrictive term limits already imposed by county charter are not extended.

The bill provides that a county commissioner who terms out must sit out for two years before running for a different district seat or at-large seat of the county commission.

The bill also provides that a charter county whose charter contains term limits for county commissioners in excess of 8 years must hold a referendum on November 5, 2024, as to whether the county should prohibit commissioners from serving longer than 8 consecutive years.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Term Limits in Florida's Constitution**

Florida's Constitution establishes term limits for the following elected officials:

- Florida Governor;
- Florida representatives;

- Florida senators;
- Florida Lieutenant Governor;
- Florida Cabinet members;
- U.S. representatives from Florida; and
- U.S. senators from Florida.<sup>1</sup>

Term limits imposed by states for federal elected officials were held to be unconstitutional, and thus unenforceable, by the U.S. Supreme Court in 1995.<sup>2</sup>

The Florida Constitution states that none of the specified officials, except for the office of Governor, which is governed by a slightly different provision, may appear on a ballot for reelection if, by the end of the current term of office, the person will have served or, but for resignation, would have served in that office for eight consecutive years.<sup>3</sup> These term limits became effective in 1992 and were prospective, so that officials reelected to a consecutive term in 1992 could serve another consecutive eight years before reaching the term limit.<sup>4</sup>

The Florida Constitution does not address the number of terms a county commissioner may serve.

### **County Commissioner Terms of Office**

The Florida Constitution provides that each board of county commissioner shall consist of five or seven members serving staggered terms of four years. After each decennial census, the board of county commissioners divides the county into districts of contiguous territory as nearly equal in population as practicable. One commissioner in each district must be elected as provided by law.<sup>5</sup>

The statutes implementing the constitutional provisions specify:

- County commissioners may be elected at-large in some counties and from single-member districts in other counties.<sup>6</sup>
- For single-member districts, each commissioner from an odd-numbered district is elected at the general election in each year the number of which is a multiplier of four. Each commissioner from an even-numbered district is elected at the general election in each even-numbered year the number of which is not a multiple of four.<sup>7</sup>

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<sup>1</sup> Article VI, s. 4(c), FLA. CONST. *See also* art. IV, s. 5(b), FLA. CONST.

<sup>2</sup> *See U.S. Term Limits, Inc. v. Thornton*, 514 U.S. 779 (1995). *See also Ray v. Mortham*, 742 So. 2d 1276 (Fla. 1999) (holding that term limits imposed on elected state officials were severable from provisions imposing term limits on elected federal officials).

<sup>3</sup> Article VI, s. 4(c), FLA. CONST.

<sup>4</sup> *See* Art. VI, s. 4, FLA. CONST. (1992); Billy Buzzett and Steven J. Uhlfelder, *Constitution Revision Commission: A Retrospective and Prospective Sketch*, *The Florida Bar Journal* (April 1997), <https://www.floridabar.org/the-florida-bar-journal/constitution-revision-commission-a-retrospective-and-prospective-sketch> (last visited January 12, 2024).

<sup>5</sup> Art. VIII, s. 1(e), FLA. CONST.

<sup>6</sup> Section 124.011, F.S.

<sup>7</sup> Section 100.041(2)(a), F.S.

Neither the Florida Constitution nor the Florida Statutes currently provide term limits for county commissioners. Currently, 20 Florida counties have adopted charters,<sup>8</sup> some of which specify term limits for their county commissioners.<sup>9</sup>

### III. Effect of Proposed Changes:

**Section 1** creates s. 124.012, F.S., to create a term limit for county commissioners, providing that a county commissioner may not appear on a ballot for reelection if, by the end of his or her current term of office, the commissioner will have served, or would have served if not for resignation, in that office for 8 consecutive years. The section does not apply to counties in which term limits were imposed prior to July 1, 2024. In a county without imposed term limits, service of a term of office which began before November 5, 2022 is not counted towards the new term limits. The bill specifies that the statutory term limits for county commissioners does not supersede any more restrictive term limits imposed by a county charter.

The bill provides that a county commissioner who completes 8 consecutive years of service may not qualify for or appear on the ballot for a different district seat or at-large seat of the county commission until 2 years after the end date of his or her initial term.

The bill provides that the section does not supersede any more restrictive term limits imposed by a county charter, and does not authorize a person in such a county to serve an additional 8 consecutive years.

The bill also provides that a charter county whose charter contains term limits for county commissioners in excess of 8 years must hold a referendum on November 5, 2024, as to whether the county should prohibit commissioners from serving longer than 8 consecutive years.

**Section 2** creates chapter law to provide the form for a referendum election in a county whose charter provides term limits in excess of 8 years, to be held on November 5, 2024. The ballot must be in substantially the following form:

#### COUNTY COMMISSIONER TERM LIMITS

Should the county prohibit county commissioners from serving longer than 8 consecutive years?

( ) Yes.

( ) No.

**Section 3** provides that the bill takes effect July 1, 2024.

---

<sup>8</sup> See Florida Association of Counties, *Charter County Information*, available at <https://www.fl-counties.com/about-floridas-counties/charter-county-information/> (last visited January 12, 2024). A county with a charter has all powers of self-government not inconsistent with general law or special law approved by the county voters (Art. VIII, s. 1(g), Fla. Const.).

<sup>9</sup> The charter for the consolidated City of Jacksonville/Duval County, for example, limits the consecutive service of its county commissioners to three terms (charter available at [https://www.fl-counties.com/themes/bootstrap\\_subtheme/sitefinity/documents/duval.pdf](https://www.fl-counties.com/themes/bootstrap_subtheme/sitefinity/documents/duval.pdf) (last visited January 12, 2024)).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Counties required to include the referendum required by the bill in the November general election will incur costs associated with administration of that provision.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 124.012, Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on February 6, 2024:**

The committee substitute provides that term limits imposed by the bill apply to counties in which term limits are not imposed by a county charter as of July 1, 2024, and that service of a term of office commenced prior to November 5, 2024, may not be counted towards the limitations. The committee substitute further provides that the bill does not supersede a more restrictive county charter term limit, and does not authorize a person subject to such more restrictive limitations to serve an additional 8 consecutive years.

The committee substitute also provides that a county whose charter authorizes county commissioners to serve longer than term limits imposed by the bill shall hold a referendum election coinciding with the 2024 general election to determine whether limits imposed by the bill shall apply to the county. The committee substitute provides the form for such referendum election.

- B. **Amendments:**

None.



674530

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
	.	
	.	
	.	

---

The Committee on Community Affairs (Ingoglia) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 23 - 30  
and insert:  
after the end date of his or her initial term.

(2) The term limits imposed by this section apply to  
counties in which term limits are not imposed by a county  
charter as of July 1, 2024, and service of a term of office  
which commenced before November 5, 2024, may not be counted  
toward the limitation imposed by this section.



674530

(3) This section does not supersede any term limit imposed  
by a county charter which is more restrictive than the term  
limit imposed in this section and does not authorize a person  
subject to such term limits to serve an additional 8 consecutive  
years.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

    Delete line 6  
and insert:  
    timeframe; providing applicability; providing  
    construction; providing an





341278

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
	.	
	.	
	.	

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The Committee on Community Affairs (Ingoglia) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 28 - 30  
and insert:

(2) (a) This section does not supersede any term limit imposed by a county charter which is more restrictive than the term limit imposed in this section.

(b) A county whose charter authorizes county commissioners to serve longer than the limits imposed by this section shall hold a referendum election that coincides with the 2024 general



341278

election to determine whether the limits imposed by this section shall apply to such county. In the event such county rejects the term limits imposed by this section, this section does not apply.

Section 2. Referendum election.—

(1) A charter county whose charter limits county commissioners from serving for a period longer than 8 consecutive years shall hold a referendum election on November 5, 2024.

(2) The ballot title for the referendum must be in substantially the following form:

COUNTY COMMISSIONER TERM LIMITS

(3) The referendum question must be in substantially the following form:

Should the county prohibit county commissioners from serving longer than 8 consecutive years?

( ) Yes.

( ) No.

(4) The referendum election must be conducted by the supervisor of elections for each applicable county in accordance with the Florida Election Code.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:



341278

40           Delete line 6  
41 and insert:  
42           timeframe; providing construction; requiring certain  
43           counties to hold a referendum election on a specified  
44           date; providing for the referendum election; providing  
45           the form for the ballot title and referendum question;  
46           providing an

By Senator Ingoglia

11-00034A-24

2024438\_\_

A bill to be entitled  
An act relating to term limits; creating s. 124.012,  
F.S.; establishing term limits for county  
commissioners; prohibiting specified persons from  
seeking certain offices until after a specified  
timeframe; providing construction; providing an  
effective date.

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

Section 1. Section 124.012, Florida Statutes, is created to  
read:

124.012 Term limits of county commissioners.—

(1) Notwithstanding the terms of any county charter to the  
contrary, a person may not appear on the ballot for reelection  
to the office of county commissioner if, by the end of his or  
her current term of office, the person will have served, or but  
for resignation would have served, in that office for 8  
consecutive years. The person may not qualify for or appear on  
the ballot for a different district seat of the county  
commission or an at-large county commission seat of the county  
after his or her initial 8-year term of office until 2 years  
after the end date of his or her initial term. In any county in  
which term limits are not imposed by a county charter as of July  
1, 2024, service of a term of office which commenced before  
November 8, 2022, may not be counted toward the limitation  
imposed by this subsection.

(2) This section does not supersede any term limit imposed  
by a county charter which is more restrictive than the term

11-00034A-24

2024438\_\_

30 limit imposed in this section.

31 Section 2. This act shall take effect July 1, 2024.



# THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

Senator Blaise Ingoglia  
11<sup>th</sup> District

## COMMITTEES:

Finance and Tax, *Chair*  
Appropriations  
Banking and Insurance  
Criminal Justice  
Ethics and Elections

## SELECT COMMITTEE:

Select Committee on Resiliency

## JOINT COMMITTEE:

Joint Administrative Procedures  
Committee, *Alternating Chair*

January 16, 2024

The Honorable Alexis Calatayud, Chair  
Community Affairs  
302 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

## Re: SB 438 Term Limits

Chair Calatayud,

SB 438 has been referred to the Community Affairs as its second committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia", with a stylized flourish extending to the right.

Blaise Ingoglia  
State Senator, District 11

Cc: Elizabeth Ryon, Staff Director, Tatiana Warden, Committee Administration Assistant

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

SB 438

Bill Number or Topic

Comm. Affairs

Committee

Amendment Barcode (if applicable)

Name Dr. Rich Templin

Phone 850-224-6926

Address 135 S. Monroe

Street

Email

Tallahassee

City

FL

State

32301

Zip

Speaking: ☐ For ☒ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida AFL-CIO

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**APPEARANCE RECORD**

SB 438

Meeting Date

2/6/2024

Bill Number or Topic

Committee

Community Affairs

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Bob McKee

Phone

(850) 922-4300

Address

100 S Monroe

Email

bmckee@fl-counties.com

Street

Tallahassee FL 32308

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without  
compensation or sponsorship.☒I am a registered lobbyist,  
representing:Florida Assoc of  
counties☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

**APPEARANCE RECORD**

438

2/6/2024

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Bob McKee

Phone (850) 922-4300

Address 100 S Monroe

Email bmcKee

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Assoc of  
Counties

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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2-6-24

The Florida Senate  
**APPEARANCE RECORD**

438

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
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Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chris Doolin

Phone

850-508-5492

Address

1018 Thomasville Rd

Email

cdoolin@doolinandassoc.com

Street

Tallahassee FLA

State

32303

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

SMALL COUNTY COALITION

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

**APPEARANCE RECORD**

4-16-2024

Meeting Date

Community Affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 438

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Michael Johnson

Phone

407 947-5417

Address

312 Tanager St

Email

shoji.johnson@aol.com

Street

Altamonte Springs FL

State

32701

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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2/6/24

Meeting Date

438

Bill Number or Topic

Comm. Affairs

Committee

Amendment Barcode (if applicable)

Name

Ralph Thomas

Phone

850-251-0415

Address

637 Hunters Trace

Email

rthomas@mywakulla.com

Street

Crawfordville, FL 32327

City

State

Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Wakulla County Commissioner

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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2/6/24

Meeting Date

438

Bill Number or Topic

Comm Affairs

Committee

Amendment Barcode (if applicable)

Name Fred Nichols

Phone 850 694 5345

Address 71 Avondale Drive

Email fnichols@mywakulla.com

Street

Crawfordville FL 32327

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

Wakulla County Commissioner

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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APPEARANCE RECORD

Deliver both copies of this form to  
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2/6/24

Meeting Date

SB 438

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name RITA HOFFMAN

Phone

Address 1182 Paseo del Mar

Street

Email

Casselberry, FL

City

State

32707

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
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02/06/2024

Meeting Date

Community Affairs

Committee

438

Bill Number or Topic

Amendment Barcode (if applicable)

Name Matthew Nelson

Phone 386-295-4006

Address 1172 Tracy Drive

Email

Street

Port Orange FL

32129

City

State

Zip

Speaking:

☐ For☐ Against☐ Information

OR

Waive Speaking:

☐ In Support☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by: IBEW 756

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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SB 438

Bill Number or Topic

Meeting Date

2/6/24

Committee

Community Affairs

Amendment Barcode (if applicable)

Name

Wendy Burnett

Phone

Address

101 Little Wekiva Rd

Email

Street

LONGWOOD FL 32779

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

06 Feb 2024

Meeting Date

SB 438

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

community affairs

Committee

Amendment Barcode (if applicable)

Name

Ami Ribhanupudy

Phone

407 388 5698

Address

512 Ballantrae Ct

Email

yosemi.team@gmail.com

Street

Lake Mary FL 32746

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

Comm AFFAIRS

Committee

SB 438

Bill Number or Topic

Amendment Barcode (if applicable)

Name Norwood Orville

Phone 813 255 3281

Address 1702 E 8th Av  
Street

Email

City State Zip 33605

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/16/2024  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

438  
Bill Number or Topic

Community affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Daniel Mendez Phone 305-906-1685

Address 1305 SE 1st St Apt. 1 Email DMendez@579twv.org  
Street

Fort lauderdale FL 33301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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02-06-24

Meeting Date

Community Affairs

Committee

SB 438

Bill Number or Topic

Amendment Barcode (if applicable)

Name Christina Regalado

Phone 813-505-1095

Address 920 E. 22nd Ave

Email

Street

Tampa

City

FL

State

33605

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 438

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

LWV

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/24

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 438

Bill Number or Topic

Sen Community Affairs

Committee

Amendment Barcode (if applicable)

Name Yenisbel Vilorio

Phone

Address

Street

Email

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Six Action

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24  
Meeting Date

SB 438  
Bill Number or Topic

community affairs  
Committee

Deliver both copies of this form to  
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Amendment Barcode (if applicable)

Name CHelsea Rivera

Phone 504.329.8975

Address 200 38th St S  
Street

Email chelsea@cfjuj.org

St. Petersburg FL  
City State

33711  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SR438

Bill Number or Topic

Amendment Barcode (if applicable)

2/6/24

Meeting Date

community affairs

Committee

Name IRAN Acevedo

Phone (561) 424-1393

Address 3892 lake fakes ct

Street

wpb

City

FL

State

33409

Zip

Email jony.1941@aol.com

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

SB438

Bill Number or Topic

Deliver both copies of this form to  
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Committee

Amendment Barcode (if applicable)

Name

Melissa Carl

Phone

(813) 363-3573

Address

4413 W. Kensington Ave

Email

melissacarl@hotmail.com

Street

Tampa FL

State

33629

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
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sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

SB 438

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Matthew Pinson

Phone

(813) 957-2796

Address

3553 Victoria Manor Ln, 305

Email

mypinson2@gmail.com

Street

Lakeland

City

FL

State

33805

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

SB438

Bill Number or Topic

Committee Affairs

Committee

Amendment Barcode (if applicable)

Name

Lateisha Martin

Phone

Address

946 29th St

Email

Street

W.P.B

FL

33407

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

February 6, 2024

Meeting Date  
Community Affairs

Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 438

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Kenneth C. Morrow Jr.**

Phone **(904) 414-0644**

Address **2285 Marsh Hawk Lane, Apt 9308**

Email **regdirnefl@att.net**

Street

**Fleming Island**

**FL**

**32003**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 1045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 496

INTRODUCER: Community Affairs Committee and Senator Perry

SUBJECT: Low-voltage Alarm System Projects

DATE: February 8, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Kraemer	Imhof	RI	<b>Favorable</b>
2.	Hunter	Ryon	CA	<b>Fav/CS</b>
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 496 revises s. 553.793, F.S., concerning streamlined low-voltage alarm system installation permitting. The bill provides that a nonelectric fence or wall must completely enclose the outside perimeter of a low-voltage electric fence. Current law provides that a nonelectric fence or wall must completely enclose a low-voltage electric fence, but it is unclear whether the enclosing nonelectric fence or wall must be located on each side of the low-voltage electric fence, or solely on the outside perimeter.

The bill specifies that an area that is within more than one zoning category is not considered to be zoned exclusively for single-family or multifamily residential use. Under the bill, low-voltage electric fences will be allowed in areas within multiple zoning categories. Current law prohibits installation of a low-voltage electric fence in an area zoned exclusively for single-family or multifamily use.

The bill clarifies that additional requirements for the installation or maintenance of low-voltage alarm system projects, beyond those set out in s. 553.793, F.S., may not be adopted or maintained by local governments. Under current law, local governments are prohibited from adopting or maintaining low-voltage alarm system project ordinances or rules that are inconsistent with s. 553.793, F.S.

The bill takes effect July 1, 2024.

## II. Present Situation:

Under current law, when a low-voltage electric fence meets the specified requirements for a low-voltage alarm system project,<sup>1</sup> no further permit may be required for the project.<sup>2</sup>

A low-voltage electric fence is composed of an alarm system, as defined in s. 489.505, F.S.,<sup>3</sup> that operates in conjunction with a fence structure and an energizer powered by a commercial storage battery not exceeding 12 volts which produces an electric charge upon contact with the fence structure.<sup>4</sup>

Section 553.793(3), F.S., specifies that a low-voltage electric fence meeting all of the following requirements must be permitted as a low-voltage alarm system project, and no further permit may be required. A low-voltage electric fence:

- Must produce an electric charge upon contact that may not exceed certain energizer characteristics that are set forth in International Electrotechnical Commission Standard No. 60335-2-76;<sup>5</sup>
- Must be completely enclosed by a nonelectric fence or wall;
- May be up to two feet higher than the perimeter nonelectric fence or wall;
- Must be identified with attached warning signs at intervals that may not exceed 60 feet;
- May not be installed in areas zoned exclusively for single-family or multifamily residential use; and
- May not enclose portions of a property which are used for residential purposes.

Section 553.793(10), F.S., prohibits a municipality, county, district, or other entity of local government from adopting or maintaining in effect any ordinance or rule regarding a low-voltage alarm system project which is inconsistent with s. 553.793, F.S. The interpretation of whether an ordinance or rule relating to a low-voltage alarm system project is inconsistent with Florida law as set forth in s. 553.793, F.S., was addressed in two Florida trial courts, with differing results.

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<sup>1</sup> Section 553.793(1)(b), F.S., defines a “low-voltage alarm system project” as “a project related to the installation, maintenance, inspection, replacement, or service of a new or existing alarm system, as defined in s. 489.505, [F.S.], including video cameras and closed-circuit television systems used to signal or detect a burglary, fire, robbery, or medical emergency, that is hardwired and operating at low voltage, as defined in the National Electrical Code Standard 70, Current Edition, or a new or existing low-voltage electric fence. The term also includes ancillary components or equipment attached to a low-voltage alarm system or low-voltage electric fence, including, but not limited to, home-automation equipment, thermostats, closed-circuit television systems, access controls, battery recharging devices, and video cameras.

<sup>2</sup> See s. 553.793(3), F.S.

<sup>3</sup> Section 489.505, F.S., defines an alarm system as “any electrical device, signaling device, or combination of electrical devices used to signal or detect a burglary, fire, robbery, or medical emergency.”

<sup>4</sup> See s. 553.793(1)(c), F.S.

<sup>5</sup> The limits on energizer characteristics are those set forth in paragraph 22.108 and depicted in Figure 102 of International Electrotechnical Commission (IEC) Standard No. 60335-2-76, Current Edition (the Energizer Standard); however, the Energizer Standard does not appear to be incorporated as a reference in the Florida Administrative Code, and use of the Energizer Standard document is subject to copyright protection. See [https://webstore.iec.ch/preview/info\\_iec60335-2-76%7Bed2.0%7Den.pdf](https://webstore.iec.ch/preview/info_iec60335-2-76%7Bed2.0%7Den.pdf) (last visited Jan. 4, 2024). The Energizer Standard is not published on the Internet and must be purchased from the IEC.

In a case filed in Hillsborough County,<sup>6</sup> the trial court found in favor of the plaintiff fence company because the court held that the county “is attempting to prohibit Plaintiff’s low-voltage electric fence that complies with s. 553.793, [F.S.], and is located in an area not zoned exclusively for single- or multiple-family residential use,” as the fence at issue is located in a planned development zoning district which is a mixed use district. (Footnote omitted.)

The court held that s. 553.793, F.S., preempted the local ordinance “to the extent that this ordinance prohibits or imposes additional requirements for low-voltage electric fences.”<sup>7</sup>

In a case addressing a requirement in the City of Orlando’s zoning code which prohibited the installation of electric fences in a certain heritage zoning district,<sup>8</sup> the trial court determined that the case before it was unlike the Hillsborough County case where there had been a finding that additional requirements had been imposed on electric fences. The court held that the standard is not whether the city’s code imposes additional requirements, but whether:

- Those requirements conflict with [s. 553.793, F.S.]; and
- The code and the statute cannot coexist, or if the Plaintiff must violate one to comply with the other.<sup>9</sup>

As to the prohibition that a municipality, county, district, or other entity of local government may not adopt or maintain in effect any ordinance or rule regarding a low-voltage alarm system project which is inconsistent with the requirements in s. 553.793, F.S., the court held that “as long as the ordinance is not inconsistent with [that section], a municipality is not prevented from enacting regulations regarding electric fences.”<sup>10</sup>

The court also found that the city’s ordinance was not preempted by s. 553.793, F.S., as the ordinance at issue:

Does not require an additional permit for an electric fence--it only regulates where the electric fences can be installed. It is within Orlando’s police powers to maintain its communities, and the city has a legitimate interest in maintaining the appearance of the [heritage zoning] district with importance to the community.<sup>11</sup>

Accordingly, the City of Orlando’s regulation prohibiting low-voltage electric fences in certain locations did not constitute an additional requirement for installing such fences, and the court found in favor of the City of Orlando and against the fence company.

### **III. Effect of Proposed Changes:**

**Section 1** revises s. 553.793, F.S., concerning streamlined low-voltage alarm system installation permitting. The bill provides that a nonelectric fence or wall must completely enclose the outside

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<sup>6</sup> See *Electric Guard Dog, LLC v. Hillsborough Co., Fla.*, (Case No. 17-CA-010362, Fla.13th Jud. Cir. 2019), at pp. 1-2 (on file with the Senate Regulated Industries Committee).

<sup>7</sup> *Id.* at p. 1.

<sup>8</sup> See *Amarok Security, LLC v. City of Orlando, Fla.*, (Case No. 2022-CA-011454-0, Div. 35, Fla. 9th Jud. Cir. 2023), (on file with the Senate Regulated Industries Committee).

<sup>9</sup> *Id.* at p. 8.

<sup>10</sup> *Id.* at p. 9.

<sup>11</sup> *Id.*

perimeter of a low-voltage electric fence and must be 2 feet higher than the perimeter non-electric fence or wall. Current law provides that a nonelectric fence or wall must completely enclose a low-voltage electric fence, but it is unclear whether the enclosing nonelectric fence or wall must be located on each side of the low-voltage electric fence, or solely on the outside perimeter.

The bill specifies that an area that is within more than one zoning category is not considered to be zoned exclusively for single-family or multifamily residential use. Under the bill, low-voltage electric fences will be allowed in areas that are within multiple zoning categories. Current law prohibits installation of a low-voltage electric fence in an area zoned exclusively for single-family or multifamily use.

The bill clarifies that additional requirements for the installation or maintenance of low-voltage alarm system projects, beyond those set out in s. 553.793, F.S., relating to streamlined permitting of such projects, may not be adopted or maintained by a municipality, county, district, or other entity of local government (local governments). Under current law, local governments may adopt or maintain low-voltage alarm system project ordinances or rules that are consistent with s. 553.793, F.S. Under the bill, the adoption or maintenance of supplemental requirements, other than those set forth in s. 553.793, F.S., is prohibited. The bill appears to seek a resolution of court decisions addressing this issue with differing results, by revising current law to provide that requirements not set out in s. 553.793, F.S., may not be adopted or maintained by a municipality, county, district, or other entity of local government.

**Section 2** provides that the bill takes effect July 1, 2024.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.



**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 553.793 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Community Affairs on February 6, 2024:**

The committee substitute requires the low-voltage electric fence to be 2 feet higher than the perimeter non-electric fence or wall. Current law allows the low-voltage electric fence to be up to 2 feet higher than the perimeter fence or wall.

**B. Amendments:**

None.



640052

LEGISLATIVE ACTION

Senate	.	House
Comm: RS	.	
02/08/2024	.	
	.	
	.	
	.	

---

The Committee on Community Affairs (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 28  
and insert:  
voltage electric fence must ~~may~~ be no more than ~~up to~~ 2 feet  
higher than the

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete line 5



640052

11 and insert:  
12       perimeter of a low-voltage electric fence; requiring  
13       that a low-voltage electric fence be no more than a  
14       specified height above a perimeter nonelectric fence;  
15       permitting



690598

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
	.	
	.	
	.	

The Committee on Community Affairs (Perry) recommended the following:

**Senate Substitute for Amendment (640052) (with title amendment)**

Delete line 28

and insert:

voltage electric fence must ~~may~~ be ~~up to~~ 2 feet higher than the

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete line 5



690598

11 and insert:  
12       perimeter of a low-voltage electric fence; requiring  
13       that a low-voltage electric fence be a specified  
14       height above a perimeter nonelectric fence; permitting

By Senator Perry

9-00550-24

2024496\_\_

A bill to be entitled  
An act relating to low-voltage alarm system projects;  
amending s. 553.793, F.S.; specifying that a  
nonelectric fence or wall must enclose the outside  
perimeter of a low-voltage electric fence; permitting  
low-voltage electric fences to be installed in areas  
within more than one zoning category; prohibiting a  
municipality, county, district, or other entity of  
local government from adopting or maintaining certain  
ordinances or rules that provide additional  
requirements for low-voltage alarm system projects;  
providing an effective date.

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

Section 1. Paragraphs (b) and (d) of subsection (3) and  
subsection (10) of section 553.793, Florida Statutes, are  
amended to read:

553.793 Streamlined low-voltage alarm system installation  
permitting.—

(3) A low-voltage electric fence must meet all of the  
following requirements to be permitted as a low-voltage alarm  
system project, and no further permit shall be required for the  
low-voltage alarm system project other than as provided in this  
section:

(b) A nonelectric fence or wall must completely enclose the  
outside perimeter of the low-voltage electric fence. The low-  
voltage electric fence may be up to 2 feet higher than the  
perimeter nonelectric fence or wall.

9-00550-24

2024496\_\_

(d) A ~~The~~ low-voltage electric fence is allowed ~~shall not~~  
be installed in any ~~an~~ area unless the area is zoned exclusively  
for single-family or multifamily residential use. An area is not  
considered to be zoned exclusively for single-family or  
multifamily residential use if the area is within more than one  
zoning category.

(10) A municipality, county, district, or other entity of  
local government may not adopt or maintain in effect any  
ordinance or rule regarding a low-voltage alarm system project  
that provides additional requirements beyond those set out in  
this section for the installation or maintenance of a low-  
voltage alarm system project or that is otherwise ~~is~~  
inconsistent with this section.

Section 2. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 9, 2024

---

I respectfully request that **Senate Bill #496**, relating to Low Voltage Alarm Systems Projects, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a long, sweeping underline.

---

Senator Keith Perry  
Florida Senate, District 9



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 496  
Bill Number or Topic

2-6-24  
Meeting Date  
Community Affairs  
Committee

Name Cindy Lundy Phone 919-740-5033

Address 550 Assembly St. Email cindy@Amarok.com  
Street  
Columbia, SC 29203  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

AMAROK, LLC

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 576

INTRODUCER: Community Affairs Committee and Senator Ingoglia

SUBJECT: Law Enforcement and Correctional Officers

DATE: February 7, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Vaughan	Stokes	CJ	<b>Favorable</b>
2.	Hunter	Ryon	CA	<b>Fav/CS</b>
3.			RC	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 576 amends s. 112.533, F.S., to revise the receiving, processing, and investigation of complaints against law enforcement and correctional officers. The bill specifies that the rights and privileges while under investigation apply uniformly throughout the state and political subdivisions.

The bill specifies that a political subdivision may not adopt or attempt to enforce any ordinance relating to either:

- The receipt, processing, or investigation by any political subdivision of this state of complaints of misconduct by law enforcement or correctional officers.
- Civilian oversight of law enforcement agencies' investigations of complaints of misconduct by law enforcement or correctional officers.

Any civilian oversight that is currently practicing in a political subdivision would be prohibited from convening after the July 1, 2024, effective date. The bill does not change the process for misconduct investigations for employing agencies, the Criminal Justice Standards and Training Commission (CJSTC), or any criminal investigations based on misconduct by law enforcement officers, correctional officers, or correctional probation officers.

The bill provides that a county sheriff or chief of a municipal police department may establish a civilian oversight board to review the policies and procedures of his or her office and its subdivisions.

The bill may have a fiscal impact to local government that currently have citizen advisory boards in place. See Section V. Fiscal Impact Statement.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **Investigations of Law Enforcement Officers**

Currently, s. 112.533, F.S., provides that every law enforcement agency and correctional agency establish and put into operation a system for the receipt, investigation, and determination of complaints received from any person which shall be the procedure for investigating a complaint against a law enforcement and correctional officer determining whether to proceed with disciplinary action or to file disciplinary charges.<sup>1</sup> When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed verify that the contents are true and accurate based on the person's personal knowledge, information, and belief and include a specific statement.<sup>2</sup> There is no specific authorization in statute authorizing a political subdivision to create a civilian oversight entity.

### ***Criminal Justice Standards and Training Commission***

The CJSTC was established within the Florida Department of Law Enforcement with the purpose to promote and facilitate the competency and professional conduct of criminal justice officers through a partnership with criminal justice agencies in providing entry-level and in-service officer training, criminal justice leadership development and executive training, and maintaining disciplinary procedures. Among its duties, the CJSTC is responsible for certifying and, when warranted, revoking the certification of law enforcement officers, correctional officers, and correctional probation officers.<sup>3</sup> The CJSTC is responsible for enforcing compliance with provisions of s. 943.12, F.S., through injunctive relief and civil fines.

### ***Officer Bill of Rights***

Law enforcement officers' and correctional officers' rights are outlined in the Florida Statutes, these are commonly referred to as, "law enforcement officers' bill of rights."<sup>4,5</sup> Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under the following conditions:<sup>6</sup>

---

<sup>1</sup> Section s. 112.533, F.S.

<sup>2</sup> Section 112.533(1)(a)2., F.S. "I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

<sup>3</sup> Section 943.12(3), F.S.

<sup>4</sup> Section 112.532, F.S.

<sup>5</sup> Whenever a law enforcement officer or correctional officer is under investigation and subject to interrogation by members of his or her agency for any reason that could lead to disciplinary action, suspension, demotion, or dismissal, the interrogation must be conducted under certain conditions. Section 112.532, F.S.

<sup>6</sup> Section 112.532(1), F.S.

- The interrogation must be conducted at a reasonable hour;
- The interrogation must take place either at the office of the command of the investigating officer or at the local precinct, police unit, or correctional unit in which the incident allegedly occurred;
- The officer under investigation must be informed of the rank, name, and command of the officer in charge of the investigation, the interrogating officer, and all persons present during the interrogation. All questions directed to the officer under interrogation must be asked by or through one interrogator during any one interrogation;
- The officer must be informed of the nature of the investigation before any interrogation begins, and must be informed of the names of all complainants;
- Interrogating sessions must be for reasonable periods and must be timed to allow for personal necessities and rest periods;
- The officer under interrogation may not be subjected to offensive language or be threatened with transfer, dismissal, or disciplinary action. A promise or reward may not be made as an inducement to answer questions;
- If the officer under interrogation is under arrest, or is likely to be placed under arrest, he or she must be completely informed of all his or her rights before commencing the interrogation; and
- At the request of the officer under investigation, he or she has the right to counsel, who must be present at all times during the interrogation.

Currently, law enforcement officers and correctional officers may appeal injustices made by persons outside their agency to complaint review boards. Three member boards oversee agencies or units with less than 100 members while officers employed by larger agencies have a five member panel. There are separate boards for law enforcement officers and correctional officers. These boards provide an avenue for officers to vindicate their actions and reputations against unjust and unjustified claims.<sup>7</sup>

Under the bill of rights, officers must receive notice of disciplinary action, a copy of and the opportunity to address contents of the investigative file. Any dismissal, demotion, transfer, reassignment, or other personnel action that might result in loss of pay or benefits or that might otherwise be considered a punitive measure may not be taken against any law enforcement officer or correctional officer unless the law enforcement officer or correctional officer is notified of the action and the reason or reasons for the action before the effective date of the action.<sup>8</sup> The contents of the complaint and investigation must remain confidential until such time as the employing law enforcement agency makes a final determination whether or not to issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal.<sup>9</sup>

No law enforcement officer or correctional officer shall be discharged; disciplined; demoted; denied promotion, transfer, or reassignment; or otherwise discriminated against in regard to his or her employment or appointment, or be threatened with any such treatment, by reason of his or her exercise of the rights granted by this part.<sup>10</sup>

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<sup>7</sup> Section 112.532, F.S., Law enforcement officers' and correctional officers' rights.

<sup>8</sup> Section 112.532(4)(a), F.S.

<sup>9</sup> Section 112.532(4)(b), F.S.

<sup>10</sup> Section 112.532(5), F.S.

### **Civilian Oversight Agencies**

Civilian oversight entity or civilian oversight agencies (COA) are governmental agencies, predominantly at the local level, that serve as a source of external oversight of police agencies. Civilian oversight bodies come in three main forms: investigatory bodies that look into allegations of police misconduct and operate separately from law enforcement; bodies that review the quality of completed internal affairs investigations and make recommendations; and auditor/monitor bodies that focus on large-scale systemic reform and at times participate in or monitor internal investigations.<sup>11</sup>

The 2021 Leroy Collins Institute study on COAs found that there are 21 cities in Florida that had active agencies. Cities cited in the study include: Bradenton, Daytona Beach, Delray Beach, Fort Lauderdale, Fort Myers, Fort Pierce, Gainesville, Key West, Kissimmee, Lakeland, Miami, North Miami, North Miami Beach, Ocoee, Orlando, Pensacola, St. Petersburg, Tallahassee, Tampa, West Palm Beach, and Winter Haven.<sup>12</sup>

### **III. Effect of Proposed Changes:**

**Sections 1 and 4** create ss. 30.61 and 166.0486, F.S., to provide that a sheriff or chief of a municipal police department, respectively, may establish a civilian oversight board to review the policies and procedures of his or her department and its subdivisions. Such a board must be composed of at least three and up to seven members appointed by the sheriff or chief, as applicable.

**Section 2** amends s. 112.533, F.S., to revise the receiving, processing and investigation of complaints against law enforcement and correctional officers. The bill specifies that the rights and privileges while under investigation apply uniformly throughout the state and political subdivisions.

The bill specifies that a political subdivision may not adopt or attempt to enforce any ordinance relating to either:

- The receipt, processing, or investigation by any political subdivision of this state of complaints of misconduct by law enforcement or correctional officers.
- Civilian oversight of law enforcement agencies' investigations of complaints of misconduct by law enforcement or correctional officers.

Any civilian oversight that is currently practicing in a political subdivision would be prohibited from convening after the July 1, 2024, effective date. The bill does not change the process for misconduct investigations for employing agencies, the CJSTC, or any criminal investigations

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<sup>11</sup> ABC News, Marlene Lanthang, *Police oversight boards are proliferating, but do they actually work?*, available at, <https://abcnews.go.com/US/police-oversight-boards-proliferating-work/story?id=77919091> (last visited January 20, 2024).

<sup>12</sup> Leroy Collins Institute, James E. Wright, *Improving Police Community Relations: The Role of Civilian Oversight Agencies (COA) in Florida*, <https://lci.fsu.edu/wp-content/uploads/sites/28/2022/08/FINAL-Improving-Police-Community-Relations-The-Role-of-Civilian-Oversight-Agencies-COA-in-Florida.pdf> (last visited January 17, 2024).

based on misconduct by law enforcement officers, correctional officers, or correctional probation officers.

Technical changes and clarifying language have been made throughout the bill to streamline language.

The bill takes effect July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

There may be positive fiscal impact to local governments that currently have citizen advisory boards in place. After such boards are dissolved, local governments will no longer expend funds to operate such boards.

#### **VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 30.61, 112.533, 112.532, and 166.0486.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on February 6, 2024:**

The committee substitute allows a county sheriff or the chief of a municipal police department to establish a civilian oversight board to review the policies and procedures of the department and its subdivisions. Such board must be composed of at least 3 and up to 7 members appointed by the sheriff or chief, as applicable.

**B. Amendments:**

None.



485116

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2024	.	
	.	
	.	
	.	

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The Committee on Community Affairs (Ingoglia) recommended the following:

**Senate Amendment (with title amendment)**

Before line 19

insert:

Section 1. Section 30.61, Florida Statutes, is created to read:

30.61 Establishment of civilian oversight boards.—

(1) A county sheriff may establish a civilian oversight board to review the policies and procedures of his or her office and its subdivisions.





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(2) The board must be composed of at least three and up to seven members appointed by the sheriff.

Section 2. Section 166.0486, Florida Statutes, is created to read:

166.0486 Establishment of civilian oversight boards.-

(1) The chief of a municipal police department may establish a civilian oversight board to review the policies and procedures of his or her department and its subdivisions.

(2) The board must be composed of at least three and up to seven members appointed by the chief of the municipal police department.

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:

Delete lines 2 - 3  
and insert:

An act relating to law enforcement and correctional officers; creating s. 30.61, F.S.; authorizing county sheriffs to establish civilian oversight boards to review the policies and procedures of the sheriff's office and its subdivisions; providing for membership of such boards; creating s. 166.0486, F.S.; authorizing the chief of a municipal police department to establish a civilian oversight board to review the policies and procedures of the chief's department and its subdivisions; providing for membership of such boards;

By Senator Ingoglia

11-00323-24

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A bill to be entitled  
An act relating to the investigation of complaints  
against law enforcement and correctional officers;  
amending s. 112.533, F.S.; providing legislative  
intent; revising the definition of "political  
subdivision"; prohibiting a political subdivision from  
adopting or attempting to enforce certain ordinances  
relating to the receipt, processing, or investigation  
of complaints against law enforcement officers or  
correctional officers, or relating to civilian  
oversight of law enforcement agency investigations of  
complaints of misconduct by such officers; making  
technical changes; amending s. 112.532, F.S.;  
conforming a cross-reference; making technical  
changes; providing an effective date.

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

Section 1. Section 112.533, Florida Statutes, is amended to  
read:

112.533 Receipt and processing of complaints.—

(1) It is the intent of the Legislature to make the process  
for receiving, processing, and investigation of complaints  
against law enforcement or correctional officers, and the rights  
and privileges provided in this part while under investigation,  
apply uniformly throughout this state and its political  
subdivisions.

(2) As used in this section, the term "political  
subdivision" means a separate agency or unit of local government

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created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, a board, a branch, a bureau, a city, a commission, a consolidated government, a county, a department, a district, an institution, a metropolitan government, a municipality, an office, an officer, a public corporation, a town, or a village.

(3) A political subdivision may not adopt or attempt to enforce any ordinance relating to either of the following:

(a) The receipt, processing, or investigation by any political subdivision of this state of complaints of misconduct by law enforcement or correctional officers, except as expressly provided in this section.

(b) Civilian oversight of law enforcement agencies' investigations of complaints of misconduct by law enforcement or correctional officers.

(4)(a) Every law enforcement agency and correctional agency shall establish and put into operation a system for the receipt, investigation, and determination of complaints received by such agency from any person, which must ~~shall~~ be the procedure for investigating a complaint against a law enforcement or ~~and~~ correctional officer and for determining whether to proceed with disciplinary action or to file disciplinary charges, notwithstanding any other law or ordinance to the contrary. When law enforcement or correctional agency personnel assigned the responsibility of investigating the complaint prepare an investigative report or summary, regardless of form, the person preparing the report shall, at the time the report is completed:

1. Verify pursuant to s. 92.525 that the contents of the report are true and accurate based upon the person's personal

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knowledge, information, and belief.

2. Include the following statement, sworn and subscribed to pursuant to s. 92.525:

"I, the undersigned, do hereby swear, under penalty of perjury, that, to the best of my personal knowledge, information, and belief, I have not knowingly or willfully deprived, or allowed another to deprive, the subject of the investigation of any of the rights contained in ss. 112.532 and 112.533, Florida Statutes."

The requirements of subparagraphs 1. and 2. must ~~shall~~ be completed before ~~prior to~~ the determination as to whether to proceed with disciplinary action or to file disciplinary charges. This subsection does not preclude the Criminal Justice Standards and Training Commission from exercising its authority under chapter 943.

(b)~~1.~~ Any political subdivision that initiates or receives a complaint against a law enforcement officer or correctional officer shall ~~must~~ within 5 business days forward the complaint to the employing agency of the officer who is the subject of the complaint for review or investigation.

~~2. For purposes of this paragraph, the term "political subdivision" means a separate agency or unit of local government created or established by law or ordinance and the officers thereof and includes, but is not limited to, an authority, board, branch, bureau, city, commission, consolidated government, county, department, district, institution, metropolitan government, municipality, office, officer, public~~

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~~corporation, town, or village.~~

Notwithstanding the rights and privileges provided under this part or any provisions provided in a collective bargaining agreement, the agency head or the agency head's designee may request a sworn or certified investigator from a separate law enforcement or correctional agency to conduct the investigation when a conflict is identified with having an investigator conduct the investigation of an officer of the same employing agency; the employing agency does not have an investigator trained to conduct such investigations; or the agency's investigator is the subject of, or a witness in, the investigation and such agency is composed of any combination of 35 or fewer law enforcement officers or correctional officers. The employing agency must document the identified conflict. Upon completion of the investigation, the investigator shall present the findings without any disciplinary recommendation to the employing agency.

(5) (a) ~~(2) (a)~~ A complaint filed against a law enforcement officer or correctional officer with a law enforcement agency or correctional agency and all information obtained pursuant to the investigation by the agency of the complaint is confidential and exempt from the provisions of s. 119.07(1) until the investigation ceases to be active, or until the agency head or the agency head's designee provides written notice to the officer who is the subject of the complaint, either personally or by mail, that the agency has concluded the investigation with either a finding:

1. ~~Concluded the investigation with a finding~~ Not to

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117 proceed with disciplinary action or to file charges; or

118 2. ~~Concluded the investigation with a finding~~ To proceed  
119 with disciplinary action or to file charges.

120  
121 Notwithstanding the foregoing provisions, the officer who is the  
122 subject of the complaint, along with legal counsel or any other  
123 representative of his or her choice, may review the complaint  
124 and all statements regardless of form made by the complainant  
125 and witnesses and all existing evidence, including, but not  
126 limited to, incident reports, analyses, GPS locator information,  
127 and audio or video recordings relating to the investigation,  
128 immediately before beginning the investigative interview. All  
129 statements, regardless of form, provided by a law enforcement  
130 officer or correctional officer during the course of a complaint  
131 investigation of that officer must ~~shall~~ be made under oath  
132 pursuant to s. 92.525. Knowingly false statements given by a law  
133 enforcement officer or correctional officer under investigation  
134 may subject the law enforcement officer or correctional officer  
135 to prosecution for perjury. If a witness to a complaint is  
136 incarcerated in a correctional facility and may be under the  
137 supervision of, or have contact with, the officer under  
138 investigation, only the names and written statements of the  
139 complainant and nonincarcerated witnesses may be reviewed by the  
140 officer under investigation immediately before ~~prior to~~ the  
141 beginning of the investigative interview.

142 (b) This subsection does not apply to any public record  
143 which is exempt from public disclosure pursuant to chapter 119.  
144 For the purposes of this subsection, an investigation is ~~shall~~  
145 ~~be~~ considered active as long as it is continuing with a

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reasonable, good faith anticipation that an administrative finding will be made in the foreseeable future. An investigation is ~~shall be~~ presumed to be inactive if no finding is made within 45 days after the complaint is filed.

(c) Notwithstanding ~~other provisions of~~ this section, the complaint and information must ~~shall~~ be available to law enforcement agencies, correctional agencies, and state attorneys in the conduct of a lawful criminal investigation.

(6) ~~(3)~~ A law enforcement officer or correctional officer has the right to review his or her official personnel file at any reasonable time under the supervision of the designated records custodian. A law enforcement officer or correctional officer may attach to the file a concise statement in response to any items included in the file identified by the officer as derogatory, and copies of such items must be made available to the officer.

(7) ~~(4)~~ Any person who is a participant in an internal investigation, including the complainant, the subject of the investigation and the subject's legal counsel or a representative of his or her choice, the investigator conducting the investigation, and any witnesses in the investigation, who willfully discloses any information obtained pursuant to the agency's investigation, including, but not limited to, the identity of the officer under investigation, the nature of the questions asked, information revealed, or documents furnished in connection with a confidential internal investigation of an agency, before such complaint, document, action, or proceeding becomes a public record as provided in this section commits a misdemeanor of the first degree, punishable as provided in s.

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775.082 or s. 775.083. However, this subsection does not limit a law enforcement or correctional officer's ability to gain access to information under paragraph (5)(a) ~~(2)(a)~~. Additionally, a sheriff, police chief, or other head of a law enforcement agency, or his or her designee, is not precluded by this section from acknowledging the existence of a complaint and the fact that an investigation is underway.

Section 2. Paragraph (b) of subsection (4) of section 112.532, Florida Statutes, is amended to read:

112.532 Law enforcement officers' and correctional officers' rights.—All law enforcement officers and correctional officers employed by or appointed to a law enforcement agency or a correctional agency shall have the following rights and privileges:

(4) NOTICE OF DISCIPLINARY ACTION; COPY OF AND OPPORTUNITY TO ADDRESS CONTENTS OF INVESTIGATIVE FILE; CONFIDENTIALITY.—

(b) Notwithstanding s. 112.533(5) ~~s. 112.533(2)~~, whenever a law enforcement officer or correctional officer is subject to disciplinary action consisting of suspension with loss of pay, demotion, or dismissal, the officer or the officer's representative must ~~shall~~, upon request, be provided with a complete copy of the investigative file, including the final investigative report and all evidence, and with the opportunity to address the findings in the report with the employing law enforcement agency before imposing disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. The contents of the complaint and investigation must ~~shall~~ remain confidential until such time as the employing law enforcement agency makes a final determination whether ~~or not~~ to



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issue a notice of disciplinary action consisting of suspension with loss of pay, demotion, or dismissal. This paragraph does not provide law enforcement officers with a property interest or expectancy of continued employment, employment, or appointment as a law enforcement officer.

Section 3. This act shall take effect July 1, 2024.



# THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

Senator Blaise Ingoglia  
11<sup>th</sup> District

## COMMITTEES:

Finance and Tax, *Chair*  
Appropriations  
Banking and Insurance  
Criminal Justice  
Ethics and Elections

## SELECT COMMITTEE:

Select Committee on Resiliency

## JOINT COMMITTEE:

Joint Administrative Procedures  
Committee, *Alternating Chair*

January 23, 2024

The Honorable Alexis Calatayud, Chair  
Community Affairs  
302 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

## **Re: SB 576 Investigation of Complaints Against Law Enforcement and Correctional Officers**

Chair Calatayud,

SB 576 has been referred to the Community Affairs as its second committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia". The signature is stylized with a large, sweeping loop at the end.

Blaise Ingoglia  
State Senator, District 11

Cc: Elizabeth Ryon, Staff Director, Tatiana Warden, Committee Administration Assistant

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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2-6-24

Meeting Date

Judiciary

Committee

SB 576

Bill Number or Topic

Amendment Barcode (if applicable)

Name

~~424 E Central Ave~~ Justin Jones

Phone

Address

424 E Central Ave

Email

just.n@equal-ground

Street

Orlando

City

FL

State

32801

Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

equal-ground

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

02/06/24

Meeting Date

The Florida Senate  
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SB 576

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Marion Brown

Phone

Address

12300 N W 17 Ave

Email

Street

City

Miam.

State

Fla

Zip

33168

Speaking:

☒ For

☐ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 576

2-6-24

Meeting Date

Judiciary  
Committee

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Bill Number or Topic

Amendment Barcode (if applicable)

Name

Genesis Robinson

Phone

Address

424 E Central Ave

Email

genesis@equal-ground.com

Street

Orlando

City

FL

State

32101

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Equal Ground

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

576

Bill Number or Topic

Comm Affairs

Committee

Deliver both copies of this form to  
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Amendment Barcode (if applicable)

Name

NR Hines

Phone

786-363-1104

Address

Street

Email

nhines@aclufl.org

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

ACLU of FL

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

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SB 576

Bill Number or Topic

02/06/24

Meeting Date

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

772-532-1371

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida  
Rising

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

02-06-24

Meeting Date

Community Affairs

Committee

576

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Derzel (Delilah) Pierre

Phone

813-502-8013

Address

1420 N Meridian Road

Email

delipierre333@gmail

Street

Tallahassee FL

32303

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Feb. 6, 2024  
Meeting Date

576  
Bill Number or Topic

AFFAIRS  
Committee

Amendment Barcode (if applicable)

Name SUSAN KHOURY

Phone 305-469-5647

Address 11274 SW 64 Lane  
Street

Email s56k12@hotmail.com

miami, FL 33173  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Fraternal Order of Police

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

02/06/2024

Meeting Date

Community Affairs

Committee

576

Bill Number or Topic

Amendment Barcode (if applicable)

Name Steve Zona

Phone 904-398-7010

Address 242 office Plaza

Email SZona@FOP530.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 6, 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

576

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**Florida Smart Justice Alliance**

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

02.06.2024

Meeting Date

SB576

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

M/Am 1 for

Amendment Barcode (if applicable)

Name

PELIX DER ROSARIO

Phone

Address

710 SW 12 AVE

Email

PRESIDENT@FORM/AM/LOA

Street

M/Am 1

FL

33130

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24

Meeting Date

Community Affairs

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

576

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Dr. JOHN FRANK

Phone

904-705-4322

Address

Street

1552 Greenridge Circle W

Email

jwfrank904@gmail.com

City

St. Johns, FL

State

Zip

32259

Reset Form

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

- PAY CHRISTI FLORIDA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date  
Community Affairs  
Committee

576  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Suzanne Printy Phone 850.339.7817

Address 1927 Chalkis St Email printy.sg@gmail.com  
Street

Tallahassee FL 32317  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

6 Feb 24

Meeting Date

576

Bill Number or Topic

Florida Rising

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Jacquelyn Harris

Phone

386 344 4763

Address

3616 Effe Street

Email

Jazzys904@gmail.com

Street

Jax

City

FL

State

33209

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/2024

Meeting Date

Community Affairs

Committee

5B576

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Joy E. Burgess

Phone

904-616-0560

Address

4323 Edgewater Crossing Dr.

Email

joy.burgess@comcast.net

Street

Jay

Fl.

32257

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Florida  
Realty

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

SB 5716

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JONATHAN BURGESS

Phone

904 254-1787

Address

4323 Edgewater Crossing Dr

Street

Email

jhb@burbess.com

JACKSONVILLE

City

FL

State

32251

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/22

Meeting Date

community affairs

Committee

SB575

Bill Number or Topic

Amendment Barcode (if applicable)

Name Steven Jenner

Phone 904-405-3978

Address 3119 Captiva bluff rd n

Street

Box

City

FL

State

32276

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Florida NSM

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

2/6/2024

**APPEARANCE RECORD**

576

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Matt Dunagan**

Phone **850-877-2165**

Address **2617 Mahan Drive**  
Street

Email **mdunagan@flsheriffs.org**

**Tallahassee**  
City

**FL**  
State

**32308**  
Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Sheriffs Association**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB-576

2-6-24

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Charletta Sowell

Phone 904-868-6199

Address 12353 Benton Harbor Dr S  
Street

Email csowell@gmail.com

Jax  
City

Fla  
State

32225  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/2023

Meeting Date

Community Affairs

Committee

SB 576

Bill Number or Topic

Amendment Barcode (if applicable)

Name Zita Roberts

Phone (704) 418-0827

Address 6997 Sandle Drive

Street

Email zitaroberts@gmail.com

Jacksonville, FL 3229

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

02/06/24

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 576

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Gail Kight

Phone

904 338-3527

Address

1817 West 24th Street

Email

gailkight8@gmail.com

Street

Jax Florida 32209

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



# APPEARANCE RECORD

SB 576

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment/Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenote.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24  
Meeting Date

SB576  
Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Anthony Boza (Miami FOP)

Phone

Address

710 SW 12 Ave

Email

Street

MIAMI

City

FL

State

33130

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/2024

Meeting Date

Community Affairs

Committee

SB 576

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Rosemary McCoy

Phone

904-713-1576

Address

2038 Betsy Dr

Street

Email

mccoy4red3w1@gmail.com

Jacksonville, FL

City

State

32210

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 576

Bill Number or Topic

Amendment Barcode (if applicable)

2/2/24  
Meeting Date

Committee

Name

ENRIQUE HERRERA (MIAMI FOR)

Phone

Address

710 SW 12 AVE  
Street

Email

MIAMI

City

FL

State

33130

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2/7/24

Meeting Date

SB576

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

YADSEA VANEGRAS (MIAMI FOP)

Phone

Address

710 SW 12 Avenue

Email

Street

Miami

City

FL

State

33130

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**APPEARANCE RECORD**

2-06-2024

Meeting Date

SB576

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

EDWARD Abboud (MIAMI FOP)

Phone

Address

710 SW 12 Ave

Email

Street

MIAMI

City

FL

State

33130

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☒I am appearing without  
compensation or sponsorship.☐I am a registered lobbyist,  
representing:☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

2/6/2024  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB576

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

DURIEL SMITH

(MEAMZ FOP)

Phone

Address

710 SW 12 AVE

Email

27

Street

MEAMZ

FL

33130

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

SB576

Bill Number or Topic

2/6/2024

Meeting Date

Deliver both copies of this form to  
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Committee

MIAMI FDP

Amendment Barcode (if applicable)

Name

WALTER LEWIS

Phone

Address

710 SW 12 Ave

Email

Street

MIAMI FL 33130

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

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2/7/24

Meeting Date

SB 576

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

FRANCISCO Almaraz (Miami) FOR

Phone

Address

710 SW 12 AVE

Email

Street

Miami

City

FL

State

33130

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

576

02/06/2024

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Lauren Buete**

Phone **7272127408**

Address **317 E. Park Ave**

Email **laurenb@floridafaf.org**

Street

**Tallahassee**

**FL**

**32304**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/24

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

576

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chloe Ilcus

Phone \_\_\_\_\_

Address \_\_\_\_\_ Email \_\_\_\_\_

Street

City

State

Zip

32304

Speaking:

☐

For



Against

☐

Information

OR

Waive Speaking:

☐

In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

February 6, 2024

Meeting Date  
**Community Affairs**

Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

576

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Pamela Burch Fort**

Phone **850-425-1344**

Address **104 S. Monroe Street**

Email **TcgLobby@aol.com**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

**Reset Form**

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**NAACP Florida State Conference**

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

Community Affairs

Committee

SB 576

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Yenisbel Vilorio

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Six Action

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Meeting Date

2/6/24

Bill Number or Topic

~~404~~ 576

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community affairs

Committee

Amendment Barcode (if applicable)

Name

CHELSEA RIVERA

Phone

504-329-8975

Address

200 38th St. S

Email

chelsea@cfjny.org

Street

City

S. petersburg FL

State

Zip

33711

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2/6/23

Meeting Date

community affairs

Committee

SB 576

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name chelsea rivera

Phone 504 329 8975

Address 200 38th St. S

Email chelsea@cfjw.org

Street

St. Petersburg FL 33711

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

JWJ

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/8/24

Meeting Date

SB576

Bill Number or Topic

Senate Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Paula Muroz

Phone 954 980 6411

Address 601 Ives Dairy Rd

Street

Email

Miami FL 33179

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
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S-001 (08/10/2021)



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 600

INTRODUCER: Regulated Industries Committee and Senator Ingoglia

SUBJECT: Hurricane Protections for Homeowners' Associations

DATE: February 5, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Oxamendi</u>	<u>Imhof</u>	<u>RI</u>	<b>Fav/CS</b>
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<b>Favorable</b>
3.	<u>                    </u>	<u>                    </u>	<u>RC</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 600 requires homeowners' associations, or any architectural, construction improvement, or similar committee (committee) to adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the homeowners' association.

The specifications may include the color and style of hurricane protection products and any other factor deemed relevant by the board. All specifications adopted by the homeowners' association must comply with the applicable building code. The bill allows the homeowners' association or committee to require parcel owners to adhere to an existing unified building scheme regarding the external appearance of the structure or other improvement on the parcel.

The bill provides that, regardless of any other provision in association governing documents, the homeowners' associations and committees may not deny an application for the installation, enhancement, or replacement of hurricane protection by a parcel owner which conforms to the specifications adopted by the homeowners' association or committee.

The bill defines the term "hurricane protection" to include, but not be limited to, roof systems recognized by the Florida Building Code that meet ASCE 7-22 standards, permanent fixed storm shutters, roll-down track storm shutters, impact-resistant windows and doors, polycarbonate panels, reinforced garage doors, erosion controls, exterior fixed generators, fuel storage tanks and other hurricane protection products used to preserve and protect the structures or improvements on a parcel governed by the association.

The bill provides, as a statement of legislative intent, that in order to protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protection installed by parcel owners, the bill applies to all homeowners' associations in the state, regardless of when the community was created.

The bill takes effect upon becoming law.

## **II. Present Situation:**

### **Homeowners' Associations**

Chapter 720, F.S., provides statutory recognition to corporations that operate residential communities in Florida as well as procedures for operating homeowners' associations. These laws protect the rights of association members without unduly impairing the ability of such associations to perform their functions.<sup>1</sup>

A "homeowners' association" is defined as a:<sup>2</sup>

Florida corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel.

Unless specifically stated to the contrary in the articles of incorporation, homeowners' associations are also governed by ch. 607, F.S., relating to for-profit corporations, or by ch. 617, F.S., relating to not-for-profit corporations.<sup>3</sup>

Homeowners' associations are administered by a board of directors that is elected by the members of the association.<sup>4</sup> The powers and duties of homeowners' associations include the powers and duties provided in ch. 720, F.S., and in the governing documents of the association, which include a recorded declaration of covenants, bylaws, articles of incorporation, and duly-adopted amendments to these documents.<sup>5</sup> The officers and members of a homeowners' association have a fiduciary relationship to the members who are served by the association.<sup>6</sup>

Unlike condominium associations, homeowners' associations are not regulated by a state agency. Section 720.302(2), F.S., expresses the legislative intent regarding the regulation of homeowners' associations:

The Legislature recognizes that it is not in the best interest of homeowners' associations or the individual association members thereof

---

<sup>1</sup> See s. 720.302(1), F.S.

<sup>2</sup> Section 720.301(9), F.S.

<sup>3</sup> Section 720.302(5), F.S.

<sup>4</sup> See ss. 720.303 and 720.307, F.S.

<sup>5</sup> See ss. 720.301 and 720.303, F.S.

<sup>6</sup> Section 720.303(1), F.S.

to create or impose a bureau or other agency of state government to regulate the affairs of homeowners' associations. However, in accordance with s. 720.311, [F.S.], the Legislature finds that homeowners' associations and their individual members will benefit from an expedited alternative process for resolution of election and recall disputes and presuit mediation of other disputes involving covenant enforcement and authorizes the department to hear, administer, and determine these disputes as more fully set forth in this chapter. Further, the Legislature recognizes that certain contract rights have been created for the benefit of homeowners' associations and members thereof before the effective date of this act and that ss. 720.301-720.407[, F.S.], are not intended to impair such contract rights, including, but not limited to, the rights of the developer to complete the community as initially contemplated.

The Division of Florida Condominiums, Timeshares, and Mobile Homes (division) within the Department of Business and Professional Regulation has limited regulatory authority over homeowners' associations. The division's authority is limited to the arbitration of recall election disputes.<sup>7</sup>

The governing documents of a homeowners' association are:<sup>8</sup>

- The recorded declaration of covenants for a community and all duly adopted and recorded amendments, supplements, and recorded exhibits thereto; and
- The articles of incorporation and bylaws of the homeowners' association and any duly adopted amendments thereto.

Section 720.301(3), F.S., defines a "community" as the real property that is or will be subject to a declaration of covenants which is recorded in the county where the property is located. The term "includes all real property, including undeveloped phases, that is or was the subject of a development-of-regional-impact development order, together with any approved modification thereto."

The term "common areas" means all real property within a community which is owned or leased by an association or dedicated for use or maintenance by the association or its members, including, regardless of whether title has been conveyed to the association:<sup>9</sup>

- Real property the use of which is dedicated to the association or its members by a recorded plat; or
- Real property committed by a declaration of covenants to be leased or conveyed to the association.

### **HOA Architectural and Construction Improvement Covenants and Rules**

If the governing documents allow, a homeowners' association or committee may:<sup>10</sup>

---

<sup>7</sup> Section 720.306(9)(c), F.S.

<sup>8</sup> Section 720.301(8), F.S.

<sup>9</sup> Section 720.307(2), F.S.

<sup>10</sup> Section 720.3035(1), F.S.

- Require a review and approval of plans and specifications for the location, size, type, or appearance of any structure or other improvement on a parcel before a parcel owner makes such improvement.
- Enforce standards for the external appearance of any structure or improvement located on a parcel.

A homeowners' association or committee may not restrict the right of a parcel owner to select from any options given in the governing documents for the use of material, the size of the structure or improvement, the design of the structure or improvement, or the location of the structure or improvement on the parcel.<sup>11</sup>

Each parcel owner is entitled to the rights and privileges set forth in the governing documents concerning the architectural use of the parcel, and the construction of permitted structures and improvements on the parcel and such rights and privileges may not be unreasonably infringed upon or impaired by the homeowners' association or committee. If the homeowners' association or committee unreasonably, knowingly, and willfully infringes upon or impairs such rights and privileges, the adversely affected parcel owner may recover damages, including any costs and reasonable attorney's fees.<sup>12</sup>

A homeowners' association or committee may not enforce any policy or restriction that is inconsistent with the rights and privileges of a parcel owner set forth in the governing documents, whether uniformly applied or not.<sup>13</sup>

### **Levying Fines**

Parcel owners, tenants, and guests must comply with a homeowners' association's governing documents, including those related to architectural or construction improvements. Homeowners' associations may levy fines against or suspend the right of a parcel owner, tenant, or a guest of an owner or occupant, to use the common areas,<sup>14</sup> or any other association property, for failing to comply with any provision in the HOA's governing documents.<sup>15</sup>

No fine may exceed \$100 per violation, although a fine may be levied on the basis of each day of a continuing violation provided that fine does not exceed \$1,000 in the aggregate. However, a fine may exceed \$1,000 if the homeowners' association's governing documents authorize such a higher fine. A fine of more than \$1,000 may not become a lien on the property.<sup>16</sup>

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<sup>11</sup> Section 720.3035(2), F.S.

<sup>12</sup> Section 720.3035(4), F.S.

<sup>13</sup> Section 720.3035(5), F.S.

<sup>14</sup> However, s. 720.305(2)(a), F.S., provides that the right to use common areas does not apply to that portion of common areas used to provide access or utility services to the parcel. A suspension may not prohibit an owner or tenant of a parcel from having vehicular and pedestrian ingress to and egress from the parcel, including, but not limited to, the right to park.

<sup>15</sup> Section 720.305, F.S.

<sup>16</sup> Section 720.305(2), F.S.

## **Hurricane Hardening**

Generally, hurricane hardening involves improvements to a building structure and its openings to make it less susceptible to damage from extreme wind, flooding, or flying debris. Hardening improves the durability and stability of a structure, making it better able to withstand the impacts of hurricanes and weather events without sustaining major damage.<sup>17</sup>

Hurricane hardening includes installing hurricane impact-rated doors, windows with impact-resistant glass, reinforced roof and wall structures that meet or exceed high-velocity impact codes, independent emergency power systems, potable water storage, fuel stores, and other supplies and systems that will sustain those within the building for a certain time period after a storm.<sup>18</sup>

Most hurricane hardening must be installed in compliance with applicable codes, including the Florida Building Code, and by a licensed construction contractor.<sup>19</sup>

## **Condominium Hurricane Protection Specifications**

Homeowners' associations under ch. 720, F.S., are not required to adopt hurricane shutter standards or any other type of hurricane protection standards. However, each residential condominium must adopt hurricane shutter specifications for each building of the condominium, which must include color, style, and other factors deemed relevant by the condominium. All such specifications must comply with the applicable building code.<sup>20</sup> A condominium is not required to adopt other hurricane protection specifications.

A condominium may not refuse to approve the installation or replacement of hurricane shutters, impact glass, code-compliant windows or doors, or other types of code-compliant hurricane protection by a condominium unit owner conforming to the condominium's adopted specifications.<sup>21</sup>

## **III. Effect of Proposed Changes:**

The bill amends s. 720.3035, F.S., to require homeowners' associations, or any architectural, construction improvement, or similar committee (committee) to adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the homeowners' association.

---

<sup>17</sup> WGI, *Hurricane Hardening*, June 14, 2018, available at: <https://wginc.com/hurricane-hardening/> (last visited Jan. 21, 2024); U.S. Department of Energy, *Hardening and Resiliency U.S. Energy Industry Response to Recent Hurricane Seasons*, Aug. 2010, p.8, <https://www.oe.netl.doe.gov/docs/HR-Report-final-081710.pdf> (last visited Jan. 21, 2024).

<sup>18</sup> U.S. Department of Energy, *Hardening and Resiliency U.S. Energy Industry Response to Recent Hurricane Seasons*, Aug. 2010, p.8, <https://www.oe.netl.doe.gov/docs/HR-Report-final-081710.pdf> (last visited Jan. 21, 2024).

<sup>19</sup> See s. 553.72(1), F.S., relating to purpose and intent of the Florida Building Code, and s. 489.105, F.S., defining the term "contractor" for the purpose of the licensing and the regulation of construction contracting.

<sup>20</sup> Section 718.113(5), F.S.

<sup>21</sup> Section 718.113(5)(d), F.S.

The specifications may include the color and style of hurricane protection products and any other factor deemed relevant by the board. All specifications adopted by a homeowners' association must comply with the applicable building code.

The bill allows the homeowners' association or committee to require parcel owners to adhere to an existing unified building scheme regarding the external appearance of the structure or other improvement on the parcel.

The bill provides that, regardless of any other provision in association governing documents, a homeowners' association and committee may not deny an application for the installation, enhancement, or replacement of hurricane protection by a parcel owner which conforms to the specifications adopted by the homeowners' association or committee.

The bill provides that the term "hurricane protection" includes, but is not limited to:

- Roof systems recognized by the Florida Building Code that meet ASCE 7-22 standards;<sup>22</sup>
- Permanent fixed storm shutters;
- Roll-down track storm shutters;
- Impact-resistant windows and doors;
- Polycarbonate panels;
- Reinforced garage doors;
- Erosion controls;
- Exterior fixed generators;
- Fuel storage tanks; and
- Other hurricane protection products used to preserve and protect the structures or improvements on a parcel governed by the homeowners' association.

The bill provides, as a statement of legislative intent, that in order to protect the health, safety, and welfare of the people of the state and to ensure uniformity and consistency in the hurricane protection installed by parcel owners, the bill applies to all homeowners' associations in the state, regardless of when the community was created.

The bill takes effect upon becoming law.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>22</sup> Released every six years, the American Society of Civil Engineers (ASCE) develops professional standards for structural engineering. The current, 2022 edition of the standard is ASCE 7-22, which provides minim design loads and associated criteria for buildings and other structures,. See Federal Emergency Management Administration, *FEMA Fact Sheet, Highlights of Significant Changes to the Wind Load Provisions of ASCE 7-22*, available at: [https://www.fema.gov/sites/default/files/documents/fema\\_asce-7-22-wind-highlights\\_fact-sheet\\_2022.pdf](https://www.fema.gov/sites/default/files/documents/fema_asce-7-22-wind-highlights_fact-sheet_2022.pdf) (last visited Jan. 27, 2024).

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

Homeowners' associations may incur increased expenses related to the requirement in the bill for the association to adopt hurricane protection specifications for each structure or other improvement on a parcel governed by the homeowners' association. Homeowners' associations may need to retain the services of qualified professionals, such as architects or engineers, to advise the board of the association on the appropriate hurricane protection standards for the communities.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 720.3035 of the Florida Statutes.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Regulated Industries on January 29, 2024:**

The committee substitute revises the meaning of the term “hurricane protection” to replace the “metal roofs” with “roof systems recognized by the Florida Building Code that meet ASCE 7-22 standards.” It also adds exterior fixed generators and fuel storage tanks to the meaning of the term “hurricane protection.”

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill’s introducer or the Florida Senate.

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By the Committee on Regulated Industries; and Senator Ingoglia

580-02608-24

2024600c1

A bill to be entitled  
An act relating to hurricane protections for  
homeowners' associations; amending s. 720.3035, F.S.;  
providing applicability; requiring the board or a  
committee of a homeowners' association to adopt  
hurricane protection specifications; requiring that  
such specifications conform to applicable building  
codes; prohibiting the board or a committee of an  
association from denying an application for the  
installation, enhancement, or replacement of certain  
hurricane protection; authorizing the requirement to  
adhere to certain guidelines regarding the external  
appearance of a structure or an improvement on a  
parcel; defining the term "hurricane protection";  
providing an effective date.

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

Section 1. Subsection (6) is added to section 720.3035,  
Florida Statutes, to read:

720.3035 Architectural control covenants; parcel owner  
improvements; rights and privileges.—

(6) (a) To protect the health, safety, and welfare of the  
people of the state and to ensure uniformity and consistency in  
the hurricane protection installed by parcel owners, this  
subsection applies to all homeowners' associations in the state,  
regardless of when the community was created. The board or any  
architectural, construction improvement, or other such similar  
committee of an association shall adopt hurricane protection

580-02608-24

2024600c1

30 specifications for each structure or other improvement on a  
31 parcel governed by the association. The specifications may  
32 include the color and style of hurricane protection products and  
33 any other factor deemed relevant by the board. All  
34 specifications adopted by the board must comply with the  
35 applicable building code.

36 (b) Notwithstanding any other provision in the governing  
37 documents of the association, the board or any architectural,  
38 construction improvement, or other such similar committee may  
39 not deny an application for the installation, enhancement, or  
40 replacement of hurricane protection by a parcel owner which  
41 conforms to the specifications adopted by the board or  
42 committee. The board or committee may require a parcel owner to  
43 adhere to an existing unified building scheme regarding the  
44 external appearance of the structure or other improvement on the  
45 parcel.

46 (c) For purposes of this subsection, the term "hurricane  
47 protection" includes, but is not limited to, roof systems  
48 recognized by the Florida Building Code that meet ASCE 7-22  
49 standards, permanent fixed storm shutters, roll-down track storm  
50 shutters, impact-resistant windows and doors, polycarbonate  
51 panels, reinforced garage doors, erosion controls, exterior  
52 fixed generators, fuel storage tanks, and other hurricane  
53 protection products used to preserve and protect the structures  
54 or improvements on a parcel governed by the association.

55 Section 2. This act shall take effect upon becoming a law.



# THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

Senator Blaise Ingoglia  
11<sup>th</sup> District

## COMMITTEES:

Finance and Tax, *Chair*  
Appropriations  
Banking and Insurance  
Criminal Justice  
Ethics and Elections

## SELECT COMMITTEE:

Select Committee on Resiliency

## JOINT COMMITTEE:

Joint Administrative Procedures  
Committee, *Alternating Chair*

January 29, 2024

The Honorable Alexis Calatayud, Chair  
Community Affairs  
302 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

## Re: SB 600 Hurricane Protections for Homeowners' Associations

Chair Calatayud,

SB 600 has been referred to the Community Affairs as its second committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia". The signature is stylized with a large, sweeping loop at the end.

Blaise Ingoglia  
State Senator, District 11

Cc: Elizabeth Ryon, Staff Director, Tatiana Warden, Committee Administration Assistant

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

02/06/24

Meeting Date

Community Affairs

Committee

SB 600

Bill Number or Topic

Amendment Barcode (if applicable)

Name CHASE MITCHELL

Phone 850 413-4985

Address 400 S MONROE ST

Street

Email CHASEMITCHELL@MYFLORIDA.CFO.COM

TALLAHASSEE

City

FL

State

32399

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

CFO JIMMY PARONIS

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

5-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 684

INTRODUCER: Community Affairs Committee and Senator DiCeglie

SUBJECT: Residential Building Permits

DATE: February 8, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	<b>Fav/CS</b>
2.			RI	
3.			RC	

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**I. Summary:**

CS/SB 684 provides a number of revisions to current law pertaining to the standards and timeframes for local governments to follow for the issuance of building permits. Specifically, the bill requires local governments to approve, approve with conditions, or deny a complete and sufficient permit application within the following timeframes:

- 30 business days for the following permits for structures that are less than 7,500 square feet: single-family residential unit or dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanism, plumbing, or roofing.
- 60 business days for the above-mentioned permits for structures more than 7,500 square feet.
- 60 business days for signs and nonresidential buildings less than 25,000 square feet.
- 120 business days for multifamily residential not exceeding 50 units, certain site-plan approvals and subdivision plats, and lot grading and site alteration.
- 15 business days for master building permits for site-specific building permit.
- 10 business days for single-family dwellings utilizing the Community Development Block Grant-Disaster Recovery Program.

The bill modifies provisions requiring local governments to refund permit fees for failure to comply with the applicable timeframes, and applies specific timeframes for the processing of permit applications submitted with an affidavit from a private provider who is a licensed engineer or architect.

The bill also requires the Florida Building Commission to provide an exception in the Florida Building Code relating to sealed drawings by a design professional for replacement windows, doors, and garages, and reverts the definition of “windborne debris region” to the 2020 Florida Building Code, 7<sup>th</sup> edition definition.

Additionally, the bill:

- Requires certain local governments to create a process to expedite the issuance of building permits based on a preliminary plat and to issue the number or percentage of building permits requested by an applicant, under certain circumstances.
- Provides that vested rights may be formed in a preliminary plat, under certain circumstances.
- Allows an applicant to contract to sell, but not transfer ownership of, a residential structure or building located in the preliminary plat before the final plat is approved.
- Requires all local governments to create a master building permit process.

The bill takes effect on July 1, 2024.

## II. Present Situation:

### The Florida Building Code

In 1974, Florida adopted legislation requiring all local governments to adopt and enforce a minimum building code that would ensure that Florida's minimum standards were met. Local governments could choose from four separate model codes. The state's role was limited to adopting all or relevant parts of new editions of the four model codes. Local governments could amend and enforce their local codes, as they desired.<sup>1</sup>

In 1992, Hurricane Andrew demonstrated that Florida's system of local codes did not work. Hurricane Andrew easily destroyed those structures that were allegedly built according to the strongest code. The Governor eventually appointed a study commission to review the system of local codes and make recommendations for modernizing the system. The 1998 Legislature adopted the study's commission recommendations for a single state building code and enhanced the oversight role of the state over local code enforcement. The 2000 Legislature authorized implementation of the Florida Building Code (Building Code), and that first edition replaced all local codes on March 1, 2002.<sup>2</sup> The current edition of the Building Code is the seventh edition, which is referred to as the 2020 Florida Building Code.<sup>3</sup>

Chapter 553, part IV, F.S., is known as the "Florida Building Codes Act" (Act). The purpose and intent of the Act is to provide a mechanism for the uniform adoption, updating, interpretation, and enforcement of a single, unified state building code. The Building Code must be applied, administered, and enforced uniformly and consistently from jurisdiction to jurisdiction.<sup>4</sup>

The Florida Building Commission (Commission) was statutorily created to implement the Building Code. The Commission, which is housed within the Department of Business and Professional Regulation (DBPR), is a 19-member technical body made up of design professionals, contractors, and government experts in various disciplines covered by the Building Code. The Commission reviews several International Codes published by the International Code

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<sup>1</sup> The Florida Building Commission Report to the 2006 Legislature, *Florida Department of Community Affairs*, p. 4, [http://www.floridabuilding.org/fbc/publications/2006\\_Legislature\\_Rpt\\_rev2.pdf](http://www.floridabuilding.org/fbc/publications/2006_Legislature_Rpt_rev2.pdf) (last visited Feb. 5, 2024).

<sup>2</sup> *Id.*

<sup>3</sup> Florida Building Commission Homepage, <https://floridabuilding.org/c/default.aspx> (last visited Feb. 5, 2024).

<sup>4</sup> See s. 553.72(1), F.S.

Council,<sup>5</sup> the National Electric Code, and other nationally adopted model codes to determine if the Building Code needs to be updated and adopts an updated Building Code every three years.<sup>6</sup>

### **Use of Building Code Enforcement Fees**

A local government may charge reasonable fees as set forth in a schedule of fees adopted by the enforcing agency for the issuance of a building permit.<sup>7</sup> Such fees shall be used solely for carrying out the local government's responsibilities in enforcing the Building Code.<sup>8</sup> Enforcing the Building Code includes the direct costs and reasonable indirect costs associated with training, review of building plans, building inspections, re-inspections, building permit processing, and fire inspections.<sup>9</sup> Local governments must post all building permit and inspection fee schedules on their website.<sup>10</sup>

Local governments are only allowed to collect building permit fees that are sufficient to cover their costs in enforcing the Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget, not including reserve amounts, for enforcing the Building Code for the previous 4 fiscal years.<sup>11</sup>

### **DBPR Surcharges**

Current law requires all local governments to assess and collect a 1 percent surcharge on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local jurisdictions collect the assessment and remit the surcharge fees to DBPR to fund the activities of the Commission, DBPR's Building Code Compliance and Mitigation Program, and the Florida Fire Prevention Code informal interpretations.<sup>12</sup>

Current law also requires all local governments to assess and collect a separate 1.5 percent surcharge on any building permit issued by their enforcement agency for the purpose of enforcing the Building Code. The local governments collect the assessment and remit the surcharge fees to DBPR, where it is divided equally to fund the activities of the Building Code Administrators and Inspectors Board (BCAIB) and the Florida Homeowners' Construction Recovery Fund.<sup>13</sup>

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<sup>5</sup> The International Code Council (ICC) is an association that develops model codes and standards used in the design, building, and compliance process to "construct safe, sustainable, affordable and resilient structures." International Code Council, *About the ICC*, <https://www.iccsafe.org/about/who-we-are/> (last visited Feb. 5, 2024).

<sup>6</sup> Section 553.73(7)(a), F.S.

<sup>7</sup> Section 553.80 F.S.

<sup>8</sup> *Id.*

<sup>9</sup> Section 553.80 (7)(a)1., F.S.

<sup>10</sup> Sections 125.56 (4)(c) F.S., and 166.222(2), F.S.

<sup>11</sup> Section 553.80(7)(a), F.S.

<sup>12</sup> Section 553.721, F.S.

<sup>13</sup> Section 468.631, F.S.; The Florida Homeowners' Construction Recovery Fund is used to compensate homeowners who have suffered a covered financial loss at the hands of state-licensed general, building and residential contractors. Claims are filed with the DBPR, who reviews for completeness and statutory eligibility. The DBPR then presents the claim to the Construction Industry Licensing Board for review. Section 489.1401(2), F.S.

Local government building departments are permitted to retain 10 percent of the amount of the surcharges they collect to fund participation by their agencies in the national and state building code adoption processes and to provide education related to enforcement of the Building Code.<sup>14</sup>

## **Building Permit Application Review**

### ***Time-Period to Review***

Current law requires local governments to review certain building permit applications within a specific time-period of receiving the applications. Current law provides specified timeframes for local governments to review applications for the following building permits:<sup>15</sup>

- Accessory structure;
- Alarm permit;
- Nonresidential buildings less than 25,000 square feet;
- Electric;
- Irrigation permit;
- Landscaping;
- Mechanical;
- Plumbing;
- Residential units other than a single-family unit;
- Multifamily residential not exceeding 50 units;
- Roofing;
- Signs;
- Site-plan approvals and subdivision plats not requiring public hearings or public notice; and
- Lot grading and site alteration associated with the permit application.

When a local government receives an application for one of the above building permits, it must:<sup>16</sup>

- Inform the applicant within **10 days** of receiving the application, what information, if any, is needed to complete the application.
  - If the local government fails to provide written notice to the applicant within the 10-day window, the application is deemed to be properly completed.
- Notify the applicant within **45 days** of the application being deemed complete, if additional information is necessary to determine the sufficiency of the application;
  - If additional information is needed the local government must specify what additional information is necessary.
  - The applicant may submit the additional information to the local government or request that the local government act on the application without the additional information.
- Approve, approve with conditions, or deny the application within **120 days** following receipt of the completed application.
  - This period is tolled during the time an applicant is responding to a request for additional information and may be extended by mutual consent of the parties.

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<sup>14</sup> Sections 468.631, and 553.721, F.S.

<sup>15</sup> Section 553.792(2), F.S.

<sup>16</sup> Section 553.792(1), F.S.



These time-periods do not apply when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications, for permits for wireless communication facilities, or when both parties agree to an extension.<sup>17</sup>

If a local government fails to meet the timeframes above without an agreement for an extension of time, a local government must reduce the building permit fee by 10 percent for each business day that a local government fails to meet the deadline.<sup>18</sup> This also applies if a local government fails to meet the deadlines established by local ordinance that differ from the statutory timeframes.<sup>19</sup>

### ***Local Government's Requests for Additional Information***<sup>20</sup>

A local government may only make three requests for additional information from an applicant applying for the following types of building permits:

- Accessory structure.
- Alarm permit.
- Nonresidential buildings less than 25,000 square feet.
- Electric.
- Irrigation permit.
- Landscaping.
- Mechanical.
- Plumbing.
- Residential units other than a single-family unit.
- Multifamily residential not exceeding 50 units.
- Roofing.
- Signs.
- Site-plan approvals and subdivision plats not requiring public hearings or public notice.
- Lot grading and site alteration associated with the permit application.

However, an applicant may agree in writing to waive the limitation that local governments may only make three requests for additional information for such permits.

If a local government makes a request for additional information from an applicant for one the above building permits, and the applicant provides the information within **30 days** of receiving the request, the local government must<sup>21</sup>:

- Review the additional information and determine the application is complete, approve the application, approve the application with conditions, deny the application, or specify the remaining deficiencies **within 15 days** of receiving the information from the applicant, if the request is the local government's **first request**.
- Review the additional information and determine the application is complete, approve the application, approve the application with conditions, deny the application, or specify the

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<sup>17</sup> Section 553.792(2)(a), F.S.

<sup>18</sup> Section 553.792(1)(c), F.S.

<sup>19</sup> Section 553.792(2)(b), F.S.

<sup>20</sup> Section 553.792(1)(b), F.S.

<sup>21</sup> *Id.*

remaining deficiencies **within 10 days** of receiving the information from the applicant, if the request is the local government's **second request**.

- Deem the application complete and approve the application, approve the application with conditions, or deny the application **within 10 days** of receiving the information from the applicant, if the request is the local government's **third request**.

Prior to making a third request for information the local government must offer to meet with the permit applicant to attempt to resolve outstanding issues.

If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's request, shall proceed to process the application for approval, approval with conditions, or denial.

If a local government fails to meet these deadlines it must reduce the building permit fee by 10 percent for each **business day** that it fails to meet the deadline. However, these time limitations do not apply when a law, agency rule, or local ordinance specifies different timeframes for review of local building permit applications, for permits for wireless communication facilities, or when both parties agree to an extension.

### **Time-Period to Review Single-Family Residential Dwelling Building Permit Applications**

For building permit applications for a single-family residential dwelling, the local government must issue the permit within **30 business days** of receiving the application, unless the application fails to satisfy the Building Code or the enforcing agency's laws or ordinances, or unusual circumstances require a longer time-period for processing the application.<sup>22</sup>

If the local government does not issue the permit within **30 business days** after receiving the permit application, it must reduce the building permit fee by 10 percent for each **business day** that it fails to meet the deadline. Each 10 percent reduction is based on the original amount of the building permit fee.

However, the local government need not reduce the permit fee if it provides notice to the applicant, by e-mail or United States Postal Service, within **30 business days** after receiving the permit application, that specifically states the reasons the permit application fails to satisfy the Building Code or the enforcing agency's laws or ordinances. In addition, the written notice must also include that the applicant has **10 business days** after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within **10 business days** will result in a denial of the application.<sup>23</sup>

If the applicant submits the revisions within **10 business days**, the local enforcing agency has **10 business days** after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer permit in writing.<sup>24</sup>

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<sup>22</sup> Section 553.79(16), F.S.

<sup>23</sup> Section 553.79(16)(a)-(b), F.S.

<sup>24</sup> Section 553.79(16)(c), F.S.

If a government entity fails to approve or deny the single-family residential dwelling building permit within **10 business days** of receiving the applicant's revisions, it must:<sup>25</sup>

- Reduce the permit fee by 20 percent of the original permit fee for the first business day that it fails to meet the deadline; and
- An additional 10 percent of the original permit fee for each business day that it fails to meet the deadline, for up to five business days.

A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Economic Opportunity must be issued within **15 business days** after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.<sup>26</sup>

If any permit fees are refunded because a local government fails to meet an established deadline for reviewing a building permit application, the Department of Business and Professional Regulation (DBPR) surcharges for funding the Commission, the Florida Building Code Administrators and Inspectors Board (BCAIB), and the Florida Homeowners' Recovery Fund must be recalculated based on the amount of the permit fees after the refund.<sup>27</sup>

### **Private Providers Alternative Plans Review**

In 2002, section 553.791, F.S., was created to allow property owners and contractors to hire licensed building code officials, engineers, and architects, referred to as private providers, to review building plans, perform building inspections, and prepare certificates of completion.

Private providers and their duly authorized representatives are able to approve building plans and perform building code inspections as long as the plans approval and building inspections are within the scope of the provider's or representative's license.

"Private provider" means a person licensed as a building official, engineer, or as an architect. Licensed building inspectors and plans examiners may perform inspections for additions and alterations that are limited to 1,000 square feet or less in residential buildings.<sup>28</sup>

"Duly authorized representative" means an employee of a private provider identified in a permit application who reviews plans or performs inspections, and is licensed as an engineer, architect, building official, inspector, or plans examiner. The term does not include a person with a provisional license by the BCAIB.<sup>29</sup>

If an owner or contractor opts to use a private provider, the local government must calculate the cost savings to its building department and reduce the building permit fees accordingly.<sup>30</sup>

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<sup>25</sup> Section 553.79(16)(c), F.S.

<sup>26</sup> Section 553.79(16)(e), F.S.

<sup>27</sup> Section 553.79(16)(d), F.S.

<sup>28</sup> Section 553.791(1)(n) and (3), F.S.

<sup>29</sup> Section 553.791(1)(f) and (8), F.S.

<sup>30</sup> "Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services." Section 553.791(2)(b), F.S.

A local government may not charge a fee for building inspections when an owner or contractor uses a private provider but may charge a reasonable administrative fee which is based on the cost that is actually incurred by the local government, including the labor cost of the personnel providing the service, or the cost attributable to the local government for the clerical and supervisory assistance required, or both.<sup>31</sup>

## Plats

In Florida law, “plat” means a map or delineated representation of the subdivision of lands, being a complete exact representation of the subdivision and other information in compliance with the requirement of all applicable state requirements and of any local ordinances.<sup>32</sup> Generally, platting is required whenever a developer wishes to subdivide a large piece of property into smaller parcels and tracts. These smaller areas become the residential lots, streets and parks of a new residential sub-division.<sup>33</sup>

State law establishes consistent minimum requirements for the establishment of plats, and local governing bodies have the power to regulate and control the platting of lands.<sup>34</sup> Prior to approval by the appropriate governing body, the plat must be reviewed for conformity with state and local law and sealed by a professional surveyor and mapper who is either employed by or under contract to the local governing body.<sup>35</sup>

Before a plat is offered for recording with the clerk of the circuit court, it must be approved by the appropriate governing body, and evidence of such approval must be placed on the plat. If not approved, the governing body must return the plat to the professional surveyor and mapper or the legal entity offering the plat for recordation.

Jurisdiction over plat approval is as follows:<sup>36</sup>

- When the plat to be submitted for approval is located wholly within the boundaries of a municipality, the governing body of the municipality has exclusive jurisdiction to approve the plat.
- When a plat lies wholly within the unincorporated areas of a county, the governing body of the county has exclusive jurisdiction to approve the plat.
- When a plat lies within the boundaries of more than one governing body, two plats must be prepared and each governing body has exclusive jurisdiction to approve the plat within its boundaries, unless the governing bodies having said jurisdiction agree that one plat is mutually acceptable.

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<sup>31</sup> Section 553.791(2)(b), F.S.

<sup>32</sup> Section 177.031(14), F.S.

<sup>33</sup> Harry W. Carls, Florida Condo & HOA Law Blog, May 17, 2018, *Why is a Plat so Important?*, <https://www.floridacondohoalawblog.com/2018/05/17/why-is-a-plat-so-important/> (last visited Feb. 5, 2024).

<sup>34</sup> Section 177.011, F.S.

<sup>35</sup> Section 177.081(1), F.S.

<sup>36</sup> Section 177.071(1), F.S.

Every plat of a subdivision offered for recording must have certain information, including providing:<sup>37</sup>

- The name of the plat in bold legible letters, and the name of the subdivision, professional surveyor and mapper or legal entity, and street and mailing address on each sheet.
- The section, township, and range immediately under the name of the plat on each sheet included, along with the name of the city, town, village, county, and state in which the land being platted is situated.
- The dedications and approvals by the surveyor and mapper and local governing body, and the circuit court clerk's certificate and the professional surveyor and mapper's seal and statement.
- All section lines and quarter section lines occurring within the subdivision. If the description is by metes and bounds, all information called for, such as the point of commencement, course bearings and distances, and the point of beginning. If the platted lands are in a land grant or are not included in the subdivision of government surveys, then the boundaries are to be defined by metes and bounds and courses.
- Location, width, and names of all streets, waterways, or other rights-of-way.
- Location and width of proposed easements and existing easements identified in the title opinion or property information report must be shown on the plat or in the notes or legend, and their intended use.
- All lots numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.
- Sufficient survey data to positively describe the bounds of every lot, block, street easement, and all other areas shown on the plat.
- Designated park and recreation parcels.
- All interior excepted parcels clearly indicated and labeled "Not a part of this plat."
- The purpose of all areas dedicated clearly indicated or stated on the plat.
- That all platted utility easements must provide that such easements are also easements for the construction, installation, maintenance, and operation of cable television services; provided, however, no such construction, installation, maintenance, and operation of cable television services interferes with the facilities and services of an electric, telephone, gas, or other public utility.

### ***Preliminary Plat Approval***

Many local governments around the state have a process to approve a preliminary plat before approving a final plat. Generally, a preliminary plat is a technical, graphic representation of a proposed development, including plans for streets, utilities, drainage, easements, and lot lines, for a proposed subdivision. If a preliminary plat is required, it is generally a prerequisite for a final plat approval and the submission of any property improvement plans or permit applications.<sup>38</sup>

<sup>37</sup> Section 177.091, F.S.

<sup>38</sup> For examples, see City of Zephyrhills Code of Ordinances s. 11.03.02.01; Palm Beach County Code of Ordinances Art. 11., Ch. A.; Seminole County, SEMINOLE COUNTY PLANNING & DEVELOPMENT DIVISION, Subdivision Application, <https://www.seminolecountyfl.gov/core/fileparse.php/3307/urlt/SUBDIVISION-05-2023.ADA.pdf> (last visited Feb. 5. 2024).

Generally, a preliminary plat approval is approval of the development plan, and a final plat approval is approval of a finalized development plan; engineering plans, if required; and documents confirming the parties with a property interest; which is then recorded with the clerk of the circuit court.<sup>39</sup>

Based on a preliminary plat approval, some local governments allow a developer to commence construction before the plat is finalized. For example, the City of Jacksonville, Village of Royal Palm Beach, and the City of Tallahassee allow for a preliminary plat approval process.<sup>40</sup>

In Jacksonville, the Planning and Development Department (Department) of the City of Jacksonville, upon request of an applicant, may allow up to 50 percent of the lots within a proposed subdivision to be developed, but not occupied, based on a preliminary plat approval so long as the developer or owner meets the following conditions for construction:<sup>41</sup>

- Prior to Civil Plans submittal to the Department, the developer must submit the development proposal to Jacksonville Electric Authority (JEA) for review.
- Once JEA has granted preliminary approval, the Department will review the preliminary site plan, the preliminary and final engineering plans for the required improvements, and the sheet identifying the lots being requested for home construction prior to platting as approved by JEA. The Department reserves the right to deny authorization for development on a specific lot or lots to protect City interests.
- The developer or owner must provide a guarantee for required improvements and warranty of title.
- A Certificate of Occupancy may not be issued until the final plat is approved by JEA and the Department and recorded in the current public records of Duval County, Florida.
- Approval of the preliminary plat and required supplemental material are valid for 12 months from the date of approval. If the final plat is not submitted to and approved during the 12-month period, the conditional approvals are null and void.<sup>42</sup>

### ***Vested Rights in Property Based on a Plat***

In general, vested rights<sup>43</sup> form when a property owner or developer acquires real property rights that cannot be taken by governmental regulation.<sup>44</sup> Property owners or developers who do not have vested rights will be subject to subsequently enacted land regulations, while subsequently

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<sup>39</sup> Advance Surveying & Engineering, *An In-Depth Look At Preliminary and Final Plats*, <https://www.advsur.com/2019/07/an-in-depth-look-at-preliminary-and-final-plats/> (last visited Feb. 5, 2024).

<sup>40</sup> City of Jacksonville Code of Ordinances s. 654-109, Village of Royal Palm Beach Code of Ordinances s. 22-22, City of Tallahassee Code of Ordinances s. 9-92.

<sup>41</sup> City of Jacksonville Code of Ordinances s. 654-139(d).

<sup>42</sup> City of Jacksonville Code of Ordinances s. 654-109(b).

<sup>43</sup> Florida courts have used the concepts of vested rights and equitable estoppel interchangeably in deciding fault in property rights cases. Equitable estoppel, in this instance, means focusing on whether it would be inequitable or fair to allow a local government to deny prior conduct or position on building or development decisions. Robert M. Rhodes and Cathy M. Sellers, *Equitable Estoppel and Vested Rights in Land Use*, *The Florida Bar*, II Florida Environmental and Land Use Law 8, (1994).

<sup>44</sup> *Id.*; Heeter, *Zoning Estoppel: Application of the Principles of Equitable Estoppel and Vested Rights to Zoning Disputes*, *Urb.L. Ann.* 63, 64-65 (1971).

enacted land regulations do not apply to the property owners or developers who are determined to have vested rights.<sup>45</sup>

Florida common law provides that vested rights in a property may be established if a property owner or developer has:<sup>46</sup>

- In good faith reliance,
- Upon some act or omission of government,
- Made such a substantial change in position or has incurred such extensive obligations and expenses,
- That it would make it highly inequitable to interfere with the acquired right.

Recordation of a final plat with the clerk of the circuit court alone is not sufficient to establish vested rights<sup>47</sup> in the land development regulations in existence at that time.<sup>48</sup> Instead, the property owner or developer must take meaningful steps towards development of the property, such as applying for development permits or expending certain monies,<sup>49</sup> to constitute a substantial change in position or be considered extensive obligations and expenses towards development of the property in reliance on some action by the local government.<sup>50</sup>

Additionally, a property owner or developer may obtain vested rights in both a local government-approved preliminary plat and a final plat, as long as expenditures or a substantial change have been made by the property owner or developer based on such preliminary plat or plat.<sup>51</sup>

### **Wind-borne Debris Regions**

Wind-borne debris regions (WBDR) are defined in the Building Code by specific wind speeds and represent areas where structures are vulnerable to impact from windborne debris during severe storm events. New construction located within a WBDR must meet enhanced requirements for the protection against windborne debris, such as the installation of impact-resistant windows, doors, or shutters.

The 8<sup>th</sup> Edition (2023) Building Code defines WBDR as areas:

- Within 1 mile of the mean high-water line where an Exposure D condition exists upwind at the waterline and the ultimate design wind speed is 130 mph or greater; or
- In areas where the ultimate design wind speed is 140 mph or greater.<sup>52</sup>

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<sup>45</sup> *Monroe County v. Ambrose*, 866 So.2d 707, 712 (Fla. 3d DCA 2003); Kristin Melton, de la Parte & Gilbert P.A., *When are Rights Vested in a Platted Development?*, 2016, <https://www.dgfirm.com/email/2016summer/article2.html#:~:text=Florida%20common%20law%20provides%20that,it%20would%20make%20it%20highly> (last visited Feb. 5, 2024).

<sup>46</sup> *Monroe County*, 866 So.2d at 710.

<sup>47</sup> *Id.*

<sup>48</sup> Melton, *supra*, at 42.

<sup>49</sup> *Town of Largo v. Imperial Homes Corp.*, 309 So.2d 571, 573 (Fla. 2d DCA 1975).

<sup>50</sup> *Id.*; Melton, *supra*, at 42.

<sup>51</sup> *The Florida Companies v. Orange County*, 411 So.2d 1008, 1011 (Fla. 5th DCA 1982)

<sup>52</sup> 2023 Florida Building Code, Residential, 8<sup>th</sup> Edition, R202.

The 7<sup>th</sup> Edition (2020) Building Code defines WBDR as areas:

- Within 1 mile of the coastal mean high water line where the ultimate design wind speed is 130 mph or greater; or
- In areas where the ultimate design wind speed is 140 mph or greater.<sup>53</sup>

### III. Effect of Proposed Changes:

#### Building Permit Processing Timeframes

**Section 5** amends s. 553.792, F.S., to modify the timeframes for which local governments must process building permit applications. The bill requires a local government to approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

- Within **30 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures less than 7,500 square feet: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures of 7,500 square feet or greater: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.
- Within **60 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings less than 25,000 square feet.
- Within **120 business days** after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.
- Within **15 business days** after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.
- Within **10 business days** after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

These timeframes do not apply if the timeframes set by a local ordinances are more stringent than the timeframes provided in the bill.

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<sup>53</sup> 2020 Florida Building Code, Residential, 7<sup>th</sup> Edition, R202.



Additionally, the bill requires a local government to provide written notice to a building permit applicant within **5 business days** after receipt of the application advising the applicant what information, if any, is needed to deem or determine that the application is properly complete. If the local government does not provide timely written notice that the applicant has not submitted the properly completed application, the application is automatically deemed or determined to be properly completed and accepted.

If the applicant submits revisions within **10 business days** after receiving the written notice, the local government has **10 business days** after receiving such revisions to approve or deny the permit unless the applicant agrees to a longer period in writing. If the local government fails to issue or deny the permit within **10 business days** after receiving revisions, it must reduce the building permit fee by 20 percent for each business day it fails to meet the deadline unless the applicant agrees to a longer period in writing.

However, the local government need not reduce the permit fee if it provides written notice to the applicant, within the specified timeframes for the respective type of permit for which the local government must approve, approve with conditions, or deny the permit, which specifically states the reasons the permit application is deficient. The notice must state that the applicant has 10 business days to submit revisions and that failure to do so will result in denial of the application.

The bill removes from current law the schedule for which local governments may make up to three requests for additional information from an applicant.

If a local government fails to meet a deadline provided in the bill, it must reduce the building permit fee by 10 percent, based on the original amount of the permit fee, for each business day that it fails to meet the deadline, unless the parties agree in writing to a reasonable extension of time.

**Section 3** amends s. 553.79, F.S., to remove provisions which require single-family residential dwelling permits to be issued within 30 days unless the application does not conform to the Building Code or local laws or ordinances. However, the bill incorporates the time period to review single-family residential dwellings into section 5 of the bill.

### **Use of Building Code Enforcement Fees**

**Section 6** amends s. 553.80, F.S., to specify that local governments may use fees, and any related fines or investment earnings, they have collected for enforcing the Building Code to upgrade technology hardware and software systems used to enforce the Building Code.

### **Private Providers**

**Section 4** amends s. 553.791, F.S., to require a local government to issue a permit or provide written notice of plan deficiencies within **12 business days** after receipt of a permit application that is accompanied by the required affidavit in s. 553.791(6), F.S., prepared by a private provider who is a licensed engineer or architect. The local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated in such written notice.

If the local building official does not provide specific written notice to the permit applicant within the 12-day period, the permit application is deemed approved as a matter of law, and the permit must be issued by the local building official on the next business day.

The bill also defines the term “private provider firm” for purposes of allowing local governments to establish a registration system to verify private provider licensure requirements.

### **Other Florida Building Code Provisions**

**Section 2** amends s. 553.73, F.S., to require the Florida Building Commission to modify section 505 of the 8<sup>th</sup> edition Building Code to state that sealed drawings by a design professional may not be required for the replacement of windows, doors, or garage doors. Replacement windows, doors, and garage doors must be installed in accordance with the manufacturer’s instructions for the appropriate wind zone and must meet the design pressure and the current Building Code. The manufacturer’s instructions must be submitted with the applicable permit application.

This section also provide that the term “windborne debris region” has the same meaning as in the 7<sup>th</sup> edition Building Code, Residential, until the adoption of the 9<sup>th</sup> edition Building Code. It further provides that a homeowner or contractor is not prohibited from voluntarily complying with the definition of “windborne debris region” in the 8<sup>th</sup> edition.

### **Expedited Approval of Residential Building Permits and Preliminarily Plats**

**Section 1** creates s. 177.073, F.S., to require a governing body of a county or municipality to create:

- A two-step application process for the adoption of a preliminary plat and for a final plat in order to expedite the issuance of building permits related to such plats.
- A master building permit process consistent with existing master building permit application requirements for applicants seeking multiple building permits for planned residential subdivisions.

The bill requires the governing body to issue the number or percentage of building permits requested by an applicant, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

- The governing body has approved a preliminary plat for each residential subdivision or planned community.
- The applicant provides proof to the governing body that the applicant has provided a copy of the approved preliminary plat, along with the approved plans, to the relevant electric, water, and wastewater utilities.
- The applicant holds a valid performance bond for up to 120 percent of the necessary utilities, roads, and stormwater improvements that have not been completed upon submission of the application under this section.

By August 15, 2024, the bill requires a governing body of a county or municipality with 30,000 residents or more to create a program to expedite the process for issuing building permits for

residential subdivisions or planned communities before a final plat is recorded with the clerk of the circuit court.

If a governing body had a program in place before July 1, 2024, to expedite the building permit process, the bill requires such governing body to only update their program to approve an applicant's written application to issue up to 50 percent of the building permits for the residential subdivision or planned community.

The bill allows an applicant to use a private provider to review a preliminary plat and to obtain a building permit for each residential building or structure.

The bill allows a governing body to work with appropriate local government agencies to issue an address and a temporary parcel identification number for lot lines and lot sizes based on the metes and bounds of the plat contained in an application.

The bill allows an applicant to contract to sell, but not transfer ownership of, a residential structure or building located in the residential subdivision or planned community until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

The bill prohibits an applicant from obtaining a final certificate of occupancy for each residential structure or building for which a building permit is issued until the final plat is approved by the governing body and recorded in the public records by the clerk of the circuit court.

An applicant has a vested right in a preliminary plat that has been approved with conditions by a governing entity, if all of the following conditions are met:

- The applicant relies in good faith on the approved preliminary plat or any amendments,
- The applicant substantially changes his or her position, including making improvements pursuant to s. 117.031(9), F.S., or incurs other obligations and expenses; and
- Any change by the governing body would constitute an inequitable interference in the approved preliminary plat.

The bill requires an applicant to indemnify and hold harmless the governing body and its agents and employees from damages accruing and directly related to the issuance of a building permit for a residential building or structure located in the residential subdivision before the approval and recording of the final plat by the governing body.

The building official of a governing body that creates an expedited program pursuant to this bill must send to the Department of Business and Professional Regulation a letter indicating the program has been established and must include a brief explanation of the program.

The bill provides the following definitions:

- "Final plat" means the final tracing, map, or site plan presented by the subdivider to a governing body for final approval, and, upon approval by the appropriate governing body, is submitted to the clerk of the circuit court for recording.
- "Local building official" has the same meaning as in s. 553.791, F.S.

- “Plans” means any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.
- "Preliminary plat" means a map or delineated representation of the subdivision of lands that is a complete and exact representation of the residential subdivision or planned community and contains required land boundary information.

**Section 7** makes a technical change to correct a cross-reference and **Section 8** provides that the bill takes effect on July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

The bill may reduce the cost of permit fees paid by the private sector to local governments if local governments fail to meet the prescribed timeframes.

The streamlined platting processes in the bill may expedite some single family residential development across the state.

C. Government Sector Impact:

This bill may impact local governments because they may have to hire more employees to meet the prescribed timeframes.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 553.73, 553.79, 553.791, 553.792, 553.80, and 440.103.

This bill creates section 177.073 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on February 6, 2024:**

- Requires the Florida Building Commission to modify the Florida Building Code to state that sealed drawings by a design professional may not be required for the replacement of windows, doors, or garage doors. Such replacement windows and doors must be installed in accordance with the manufacturer's instructions and the current FL Building Code.  
Reverts the definition of "windborne debris region" in the Florida Building Code to the definition from the previous Code (7<sup>th</sup> edition), until the adoption of the next 9<sup>th</sup> edition of the Code.
- Provides that for permit applications with the seal of a private provider who is a licensed engineer or architect, the local government must issue the permit or provide written notice of plan deficiencies within 12 business days after receipt of the permit application. If the local building official does not provide written notice of deficiencies within the 12-day timeframe, the permit application is deemed approved.
- Restores current law by removing bill provisions requiring local governments to reduce a permit fee by 75 percent if an owner retains a private provider.
- Defines the term "private provider firm" for purposes of allowing local governments to establish a registration system to verify private provider licensure requirements.
- Replaces bill provisions modifying time periods for local governments to approve building permit applications with a new scheme based on size and type of structures.
- Authorizes local governments to use building code enforcement fee revenue to upgrade technology hardware and software systems used to enforce the Building Code.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
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The Committee on Community Affairs (DiCeglie) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 159 - 434

and insert:

Section 2. Paragraphs (g) and (h) are added to subsection (7) of section 553.73, Florida Statutes, to read:

553.73 Florida Building Code.—

(7)

(g) The Florida Building Commission shall modify section 505 of the Florida Building Code, 8th edition (2023) Existing



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Building, to state that sealed drawings by a design professional may not be required for the replacement of windows, doors, or garage doors. Replacement windows, doors, and garage doors must be installed in accordance with the manufacturer's instructions for the appropriate wind zone and must meet the design pressure and the current Florida Building Code. The manufacturer's instructions must be submitted with the permit application for replacement windows, doors, and garage doors. The manufacturer's installation instructions may be printed or in digital format.

(h) As used in this section, the term "windborne debris region" has the same meaning as in the Florida Building Code, 7th edition, Residential, until the adoption of the 9th edition of the Florida Building Code. This paragraph may not be construed to prohibit a homeowner or contractor from voluntarily complying with the definition of the term windborne debris region originally established in the 8th edition, until the adoption of the 9th edition.

Section 3. Subsection (16) of section 553.79, Florida Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

~~(16) Except as provided in paragraph (c), a building permit for a single-family residential dwelling must be issued within 30 business days after receiving the permit application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.~~

~~(a) If a local enforcement agency fails to issue a building permit for a single-family residential dwelling within 30 business days after receiving the permit application, it must reduce the building permit fee by 10 percent for each business~~





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~~day that it fails to meet the deadline. Each 10 percent reduction shall be based on the original amount of the building permit fee.~~

~~(b) A local enforcement agency does not have to reduce the building permit fee if it provides written notice to the applicant, by e-mail or United States Postal Service, within 30 business days after receiving the permit application, that specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.~~

~~(c) The applicant has 10 business days after receiving the written notice to address the reasons specified by the local enforcement agency and submit revisions to correct the permit application. If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for the first business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing. For each additional business day, but not to exceed 5 business days, that the local enforcement agency fails to meet the deadline, the~~



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~~building permit fee must be reduced by an additional 10 percent.  
Each reduction shall be based on the original amount of the  
building permit fee.~~

~~(d) If any building permit fees are refunded under this  
subsection, the surcharges provided in s. 468.631 or s. 553.721  
must be recalculated based on the amount of the building permit  
fees after the refund.~~

~~(e) A building permit for a single-family residential  
dwelling applied for by a contractor licensed in this state on  
behalf of a property owner who participates in a Community  
Development Block Grant-Disaster Recovery program administered  
by the Department of Economic Opportunity must be issued within  
15 working days after receipt of the application unless the  
permit application fails to satisfy the Florida Building Code or  
the enforcing agency's laws or ordinances.~~

Section 4. Present paragraphs (o) through (r) of subsection  
(1) and present subsections (10) through (21) of section  
553.791, Florida Statutes, are redesignated as paragraphs (p)  
through (s) and subsections (11) through (22), respectively, a  
new paragraph (o) is added to subsection (1) and a new  
subsection (10) is added to that section, and present paragraph  
(o) of subsection (1), paragraph (c) of subsection (4),  
paragraphs (b) and (d) of subsection (7), paragraph (b) of  
present subsection (13), and paragraph (b) of present subsection  
(16) of that section are amended, to read:

553.791 Alternative plans review and inspection.—

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

(o) "Private provider firm" means a business organization,  
including a corporation, partnership, business trust, or other



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98 legal entity, which offers services under this chapter to the  
99 public through licensees who are acting as agents, employees,  
100 officers, or partners of the firm. A person who is licensed as a  
101 building code administrator under part XII of chapter 468, as an  
102 engineer under chapter 471, or as an architect under chapter 481  
103 may act as a private provider for an agent, employee, or officer  
104 of the private provider firm.

105 (p) ~~(e)~~ "Request for certificate of occupancy or certificate  
106 of completion" means a properly completed and executed  
107 application for:

- 108 1. A certificate of occupancy or certificate of completion.
- 109 2. A certificate of compliance from the private provider  
110 required under subsection (12).
- 111 3. Any applicable fees.
- 112 4. Any documents required by the local building official to  
113 determine that the fee owner has secured all other government  
114 approvals required by law.

115  
116 (4) A fee owner or the fee owner's contractor using a  
117 private provider to provide building code inspection services  
118 shall notify the local building official in writing at the time  
119 of permit application, or by 2 p.m. local time, 2 business days  
120 before the first scheduled inspection by the local building  
121 official or building code enforcement agency that a private  
122 provider has been contracted to perform the required inspections  
123 of construction under this section, including single-trade  
124 inspections, on a form to be adopted by the commission. This  
125 notice shall include the following information:

- 126 (c) An acknowledgment from the fee owner or the fee owner's



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contractor in substantially the following form:

I have elected to use one or more private providers to provide building code plans review and/or inspection services on the building or structure that is the subject of the enclosed permit application, as authorized by s. 553.791, Florida Statutes. I understand that the local building official may not review the plans submitted or perform the required building inspections to determine compliance with the applicable codes, except to the extent specified in said law. Instead, plans review and/or required building inspections will be performed by licensed or certified personnel identified in the application. The law requires minimum insurance requirements for such personnel, but I understand that I may require more insurance to protect my interests. By executing this form, I acknowledge that I have made inquiry regarding the competence of the licensed or certified personnel and the level of their insurance and am satisfied that my interests are adequately protected. I agree to indemnify, defend, and hold harmless the local government, the local building official, and their building code enforcement personnel from any and all claims arising from my use of these licensed or certified personnel to perform building code inspection services with respect to the building or structure that is the subject of the enclosed permit application.



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If the fee owner or the fee owner's contractor makes any changes to the listed private providers or the services to be provided by those private providers, the fee owner or the fee owner's contractor shall, within 1 business day after any change or within 2 business days before the next scheduled inspection, update the notice to reflect such changes. A change of a duly authorized representative named in the permit application does not require a revision of the permit, and the building code enforcement agency shall not charge a fee for making the change.

(7)

(b) If the local building official provides a written notice of plan deficiencies to the permit applicant within the prescribed 20-day period, the 20-day period shall be tolled pending resolution of the matter. To resolve the plan deficiencies, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) ~~(14)~~ or to submit revisions to correct the deficiencies.

(d) If the local building official provides a second written notice of plan deficiencies to the permit applicant within the prescribed time period, the permit applicant may elect to dispute the deficiencies pursuant to subsection (15) ~~(14)~~ or to submit additional revisions to correct the deficiencies. For all revisions submitted after the first revision, the local building official has an additional 5 business days from the date of resubmittal to issue the requested permit or to provide a written notice to the permit applicant stating which of the previously identified plan features remain in noncompliance with the applicable codes, with



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specific reference to the relevant code chapters and sections.

(10) When the private provider is a person licensed as an engineer under chapter 471 or as an architect under chapter 481 and affixes his or her professional seal to the affidavit required under subsection (6), the local building official must issue the requested permit or provide a written notice to the permit applicant identifying the specific plan features that do not comply with the applicable codes, as well as the specific code chapters and sections, within 12 business days after receipt of the permit application and affidavit. The local building official must provide with specificity the plan's deficiencies, the reasons the permit application failed, and the applicable codes being violated in such written notice. If the local building official does not provide specific written notice to the permit applicant within the prescribed 12-day period, the permit application is deemed approved as a matter of law, and the permit must be issued by the local building official on the next business day.

(13)

(b) If the local building official does not provide notice of the deficiencies within the applicable time periods under paragraph (a), the request for a certificate of occupancy or certificate of completion is automatically granted and deemed issued as of the next business day. The local building official must provide the applicant with the written certificate of occupancy or certificate of completion within 10 days after it is automatically granted and issued. To resolve any identified deficiencies, the applicant may elect to dispute the deficiencies pursuant to subsection (15) ~~(14)~~ or to submit a



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corrected request for a certificate of occupancy or certificate of completion.

(16)

(b) A local enforcement agency, local building official, or local government may establish, for private provider firms, private providers, and duly authorized representatives working within that jurisdiction, a system of registration to verify compliance with the licensure requirements of paragraph (1)(n) and the insurance requirements of subsection (18) ~~(17)~~.

Section 5. Subsections (1) and (2) of section 553.792, Florida Statutes, are amended to read:

553.792 Building permit application to local government.—

(1)(a) A local government must approve, approve with conditions, or deny a building permit application after receipt of a completed and sufficient application within the following timeframes, unless the applicant waives such timeframes in writing:

1. Within 30 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures less than 7,500 square feet: residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

2. Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits for structures of 7,500 square feet or greater:



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residential units including a single-family residential unit or a single-family residential dwelling, accessory structure, alarm, electrical, irrigation, landscaping, mechanical, plumbing, or roofing.

3. Within 60 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: signs or nonresidential buildings less than 25,000 square feet.

4. Within 120 business days after receiving a complete and sufficient application, for an applicant using a local government plans reviewer to obtain the following building permits: multifamily residential not exceeding 50 units; site-plan approvals and subdivision plats not requiring public hearing or public notice; and lot grading and site alteration.

5. Within 15 business days after receiving a complete and sufficient application, for an applicant using a master building permit consistent with s. 553.794 to obtain a site-specific building permit.

6. Within 10 business days after receiving a complete and sufficient application, for an applicant for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Commerce, unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

(b) A local government must meet the timeframes set forth in this section for reviewing building permit applications





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unless the timeframes set by local ordinance are more stringent than those prescribed in this section.

(c) ~~After Within 10 days of an applicant submits submitting~~  
an application to the local government, the local government  
must provide written notice to the applicant within 5 business  
days after receipt of the application advising ~~shall advise~~ the  
applicant what information, if any, is needed to deem or  
determine that the application is properly completed in  
compliance with the filing requirements published by the local  
government. If the local government does not provide timely  
written notice that the applicant has not submitted the properly  
completed application, the application is ~~shall be~~ automatically  
deemed or determined to be properly completed and accepted.  
~~Within 45 days after receiving a completed application, a local~~  
~~government must notify an applicant if additional information is~~  
~~required for the local government to determine the sufficiency~~  
~~of the application, and shall specify the additional information~~  
~~that is required. The applicant must submit the additional~~  
~~information to the local government or request that the local~~  
~~government act without the additional information. While the~~  
~~applicant responds to the request for additional information,~~  
~~the 120-day period described in this subsection is tolled. Both~~  
~~parties may agree to a reasonable request for an extension of~~  
~~time, particularly in the event of a force majeure or other~~  
~~extraordinary circumstance. The local government must approve,~~  
~~approve with conditions, or deny the application within 120 days~~  
~~following receipt of a completed application.~~

(d) A local government shall maintain on its website a  
policy containing procedures and expectations for expedited



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processing of those building permits and development orders required by law to be expedited.

~~(b)1. When reviewing an application for a building permit, a local government may not request additional information from the applicant more than three times, unless the applicant waives such limitation in writing.~~

~~2. If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 15 days after receiving such information:~~

~~a. Determine if the application is properly completed;  
b. Approve the application;  
c. Approve the application with conditions;  
d. Deny the application; or  
e. Advise the applicant of information, if any, that is needed to deem the application properly completed or to determine the sufficiency of the application.~~

~~3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such information:~~

~~a. Determine if the application is properly completed;  
b. Approve the application;  
c. Approve the application with conditions;  
d. Deny the application; or  
e. Advise the applicant of information, if any, that is~~



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~~needed to deem the application properly completed or to  
determine the sufficiency of the application.~~

~~4. Before a third request for additional information may be  
made, the applicant must be offered an opportunity to meet with  
the local government to attempt to resolve outstanding issues.  
If a local government makes a third request for additional  
information from the applicant and the applicant submits the  
requested additional information to the local government within  
30 days after receiving the request, the local government must,  
within 10 days after receiving such information unless the  
applicant waived the local government's limitation in writing,  
determine that the application is complete and:~~

- ~~a. Approve the application;~~
- ~~b. Approve the application with conditions; or~~
- ~~c. Deny the application.~~

~~5. If the applicant believes the request for additional  
information is not authorized by ordinance, rule, statute, or  
other legal authority, the local government, at the applicant's  
request, must process the application and either approve the  
application, approve the application with conditions, or deny  
the application.~~

~~(e)(e) If a local government fails to meet a deadline under  
this subsection provided in paragraphs (a) and (b), it must  
reduce the building permit fee by 10 percent for each business  
day that it fails to meet the deadline, unless the parties agree  
in writing to a reasonable extension of time. Each 10-percent  
reduction shall be based on the original amount of the building  
permit fee, unless the parties agree to an extension of time.~~

~~(f) A local enforcement agency does not have to reduce the~~



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building permit fee if it provides written notice to the applicant by e-mail or United States Postal Service within the respective timeframes in paragraph (a) which specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

(g) If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for each business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing.

~~(2)(a) The procedures set forth in subsection (1) apply to the following building permit applications: accessory structure, alarm permit, nonresidential buildings less than 25,000 square feet, electric, irrigation permit, landscaping, mechanical, plumbing, residential units other than a single family unit, multifamily residential not exceeding 50 units, roofing, signs, site-plan approvals and subdivision plats not requiring public hearings or public notice, and lot grading and site alteration associated with the permit application set forth in this~~



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~~subsection. The procedures set forth in subsection (1) do not apply to permits for any wireless communications facilities or when a law, agency rule, or local ordinance specify different timeframes for review of local building permit applications.~~

~~(b) If a local government has different timeframes than the timeframes set forth in subsection (1) for reviewing building permit applications described in paragraph (a), the local government must meet the deadlines established by local ordinance. If a local government does not meet an established deadline to approve, approve with conditions, or deny an application, it must reduce the building permit fee by 10 percent for each business day that it fails to meet the deadline. Each 10-percent reduction shall be based on the original amount of the building permit fee, unless the parties agree to an extension of time. This paragraph does not apply to permits for any wireless communications facilities.~~

Section 6. Paragraph (a) of subsection (7) of section 553.80, Florida Statutes, is amended to read:

553.80 Enforcement.—

(7) (a) The governing bodies of local governments may provide a schedule of reasonable fees, as authorized by s. 125.56(2) or s. 166.222 and this section, for enforcing this part. These fees, and any fines or investment earnings related to the fees, may ~~shall~~ be used only ~~solely~~ for carrying out the local government's responsibilities in enforcing the Florida Building Code. When providing a schedule of reasonable fees, the total estimated annual revenue derived from fees, and the fines and investment earnings related to the fees, may not exceed the total estimated annual costs of allowable activities. Any



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unexpended balances must be carried forward to future years for allowable activities or must be refunded at the discretion of the local government. A local government may not carry forward an amount exceeding the average of its operating budget for enforcing the Florida Building Code for the previous 4 fiscal years. For purposes of this subsection, the term "operating budget" does not include reserve amounts. Any amount exceeding this limit must be used as authorized in subparagraph 2. However, a local government that established, as of January 1, 2019, a Building Inspections Fund Advisory Board consisting of five members from the construction stakeholder community and carries an unexpended balance in excess of the average of its operating budget for the previous 4 fiscal years may continue to carry such excess funds forward upon the recommendation of the advisory board. The basis for a fee structure for allowable activities must relate to the level of service provided by the local government and must include consideration for refunding fees due to reduced services based on services provided as prescribed by s. 553.791, but not provided by the local government. Fees charged must be consistently applied.

1. As used in this subsection, the phrase "enforcing the Florida Building Code" includes the direct costs and reasonable indirect costs associated with review of building plans, building inspections, reinspections, and building permit processing; building code enforcement; and fire inspections associated with new construction. The phrase may also include training costs associated with the enforcement of the Florida Building Code and enforcement action pertaining to unlicensed contractor activity to the extent not funded by other user fees.



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2. A local government must use any excess funds that it is prohibited from carrying forward to rebate and reduce fees, to upgrade hardware and software technology systems to enhance service delivery, ~~or~~ to pay for the construction of a building or structure that houses a local government's building code enforcement agency, or for ~~the~~ training programs for building officials, inspectors, or plans examiners associated with the enforcement of the Florida Building Code. Excess funds used to construct such a building or structure must be designated for such purpose by the local government and may not be carried forward for more than 4 consecutive years. An owner or builder who has a valid building permit issued by a local government for a fee, or an association of owners or builders located in the state that has members with valid building permits issued by a local government for a fee, may bring a civil action against the local government that issued the permit for a fee to enforce this subparagraph.

3. The following activities may not be funded with fees adopted for enforcing the Florida Building Code:

a. Planning and zoning or other general government activities.

b. Inspections of public buildings for a reduced fee or no fee.

c. Public information requests, community functions, boards, and any program not directly related to enforcement of the Florida Building Code.

d. Enforcement and implementation of any other local ordinance, excluding validly adopted local amendments to the Florida Building Code and excluding any local ordinance directly



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related to enforcing the Florida Building Code as defined in subparagraph 1.

4. A local government must use recognized management, accounting, and oversight practices to ensure that fees, fines, and investment earnings generated under this subsection are maintained and allocated or used solely for the purposes described in subparagraph 1.

5. The local enforcement agency, independent district, or special district may not require at any time, including at the time of application for a permit, the payment of any additional fees, charges, or expenses associated with:

- a. Providing proof of licensure under chapter 489;
- b. Recording or filing a license issued under this chapter;
- c. Providing, recording, or filing evidence of workers' compensation insurance coverage as required by chapter 440; or
- d. Charging surcharges or other similar fees not directly related to enforcing the Florida Building Code.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete lines 23 - 54

and insert:

creates the program; amending s. 553.73, F.S.;  
requiring the Florida Building Commission to modify a specific provision of the Florida Building Code to state that sealed drawings by a design professional are not required for replacement and installation of certain construction; requiring replacement windows, doors, and garage doors to be installed in accordance





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with the manufacturer's instructions for appropriate wind zones and to meet certain design pressures of the Florida Building Code; requiring the manufacturer's instructions to be submitted with the permit application for such replacements; defining the term "windborne debris region"; providing construction; amending s. 553.79, F.S.; removing provisions relating to acquiring building permits for certain residential dwellings; amending s. 553.791, F.S.; defining the term "private provider firm"; requiring a fee owner or the fee owner's contractor to provide a specified acknowledgment when notifying a local building official that a private provider will be used to provide building code inspection services; requiring the local building official to issue a permit or provide specified written notice to the permit applicant within a certain timeframe; requiring that such written notice provide specific information; providing that the permit application is deemed approved, and must be issued on the next business day, if the local building official does not meet the prescribed deadline; amending s. 553.792, F.S.; revising the timeframes for approving, approving with conditions, or denying certain building permits; requiring the local government to follow the prescribed timeframes unless those set by local ordinance are more stringent; requiring a local government to provide written notice to an applicant under certain circumstances; requiring a local



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government to reduce permit fees by a certain  
percentage if certain deadlines are not met; providing  
an exception; specifying requirements for the written  
notice to the permit applicant; specifying a timeframe  
for the applicant to correct the application;  
specifying a timeframe for the local government and  
local enforcement agency to approve or deny certain  
building permits following revision; requiring a  
reduction in the building permit fee if the approval  
deadline is not met; providing an exception; amending  
s. 553.80, F.S.; authorizing local governments to use  
certain fees for certain technology upgrades; making  
technical changes;

By Senator DiCeglie

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A bill to be entitled

An act relating to residential building permits; creating s. 177.073, F.S.; defining terms; requiring certain governing bodies, by a date certain, to create a program to expedite the process for issuing residential building permits before a final plat is recorded; providing an exception; requiring a governing body to create certain processes for purposes of the program; authorizing applicants to use a private provider for certain reviews; authorizing a governing body to issue addresses and temporary parcel identification numbers for specified purposes; requiring a governing body to issue a certain number or percentage of building permits requested in an application when certain conditions are met; providing certain conditions for applicants who apply to the program; providing that an applicant has a vested right in an approved preliminary plat when certain conditions are met; requiring local building officials to mail a signed, certified letter with specified information to the Department of Business and Professional Regulation after the governing body creates the program; amending s. 553.79, F.S.; removing provisions relating to acquiring building permits for certain residential dwellings; amending s. 553.791, F.S.; requiring local jurisdictions to reduce permit fees by a certain percentage under certain circumstances; amending s. 553.792, F.S.; revising the timeframes for approving or denying certain building

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permits; requiring local governments to provide written notice to an applicant under certain circumstances; revising the number of times that a local government may request additional information from an applicant; providing the circumstances under which a permit application is deemed complete and sufficient; requiring local governments to offer applicants the opportunity for an in-person or virtual meeting before a second request for additional information may be made; reducing permit fees by a certain percentage if certain timeframes are not met; authorizing both parties to extend certain timeframes under certain circumstances; specifying that the permit requirements apply to single-family residential units and single-family residential dwellings; providing that building permits for a single-family residential dwelling are valid indefinitely, subject to compliance with the Florida Building Code and local ordinances; requiring that local governments follow the prescribed timeframes unless a local ordinance is more stringent; requiring local governments, upon request, to issue a certain percentage of building permits if certain conditions are met; prohibiting transfers of ownership until certain conditions are met; conforming provisions to changes made by the act; amending s. 440.103, F.S.; conforming a cross-reference; providing an effective date.

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

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Section 1. Section 177.073, Florida Statutes, is created to read:

177.073 Expedited approval of residential building permits before a final plat is recorded.—

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

(a) "Final plat" means the final tracing, map, or site plan presented by the subdivider to a governing body for final approval and, upon approval by the appropriate governing body, submitted to the clerk of the circuit court for recording.

(b) "Local building official" has the same meaning as in s. 553.791.

(c) "Plans" means any building plans, construction plans, engineering plans, or site plans, or their functional equivalent, submitted by an applicant for a building permit.

(d) "Preliminary plat" means a map or delineated representation of the subdivision of lands which is a complete and exact representation of the residential subdivision and contains any additional information needed to be in compliance with the requirements of this chapter.

(2) (a) By August 15, 2024, a governing body that has 30,000 residents or more shall create a program to expedite the process for issuing building permits for residential subdivisions in accordance with the Florida Building Code and this section before a final plat is recorded with the clerk of the circuit court.

(b) A governing body that has a program in place before July 1, 2024, to expedite the building permit process, need only update its program to approve an applicant's request to issue up

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to 50 percent of the building permits for the residential subdivision in order to comply with this section.

(3) A governing body shall create all of the following:

(a) A two-step application process that includes the adoption of a preliminary plat and a final plat in order to expedite the issuance of building permits under this section. The governing body shall maximize its administrative processes to expedite the review and approval of applications, plats, and plans submitted under this section.

(b) A master building permit application process consistent with s. 553.794(3) for applicants seeking multiple building permits for planned residential subdivisions.

(4) An applicant may use a private provider consistent with s. 553.791 to review a preliminary plat and building permit for each residential building or structure.

(5) A governing body may work with appropriate local governmental agencies to issue an address and a temporary parcel identification number for lot lines and lot sizes based on the metes and bounds of the plat contained in the application.

(6) If an applicant requests a certain number or percentage of building permits in his or her application, the governing body must issue the number or percentage requested in accordance with the Florida Building Code, provided the residential buildings or structures are unoccupied and all of the following conditions are met:

(a) The governing body has approved a preliminary plat for each residential building or structure.

(b) The applicant provides proof to the governing body that the applicant has given a copy of the approved preliminary plat,

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117 along with the approved plans, to the relevant electric, water,  
118 and wastewater utilities.

119 (c) The applicant holds a valid performance bond for up to  
120 120 percent of the necessary utilities, roads, and stormwater  
121 improvements that have not been completed upon submission of the  
122 application under this section.

123 (7) (a) An applicant may contract to sell, but may not  
124 transfer ownership of, a residential structure or building  
125 located in the residential subdivision until the final plat is  
126 approved by the governing body and recorded in the public  
127 records by the clerk of the circuit court.

128 (b) An applicant may not obtain a final certificate of  
129 occupancy with respect to each residential structure or building  
130 for which a building permit is issued until the final plat is  
131 approved by the governing body and recorded in the public  
132 records by the clerk of the circuit court.

133 (c) An applicant must indemnify and hold harmless the  
134 governing body and its agents and employees from damages,  
135 including damages resulting from fire, flood, construction  
136 defects, and bodily injury, accruing and directly related to the  
137 issuance of a building permit for a residential building or  
138 structure located in the residential subdivision before the  
139 approval and recording of the final plat by the governing body.

140 (8) For purposes of this section, an applicant has a vested  
141 right in a preliminary plat that has been approved by a  
142 governing body if all of the following conditions are met:

143 (a) The applicant relies in good faith on the approved  
144 preliminary plat.

145 (b) The applicant substantially changes his or her

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position, including making improvements pursuant to s.  
177.031(9), or incurs other obligations and expenses.

(c) Any change by the governing body would constitute an  
inequitable interference in the approved preliminary plat.

(9) After a governing body creates the program required  
under this section, the local building official shall send to  
the Department of Business and Professional Regulation by  
certified mail, return receipt requested, a signed, certified  
letter indicating that the program has been established. The  
letter must contain a brief explanation of the program,  
including how the program expedites the process of issuing  
building permits for residential subdivisions before the final  
plat is recorded.

Section 2. Subsection (16) of section 553.79, Florida  
Statutes, is amended to read:

553.79 Permits; applications; issuance; inspections.—

~~(16) Except as provided in paragraph (c), a building permit~~  
~~for a single-family residential dwelling must be issued within~~  
~~30 business days after receiving the permit application unless~~  
~~the permit application fails to satisfy the Florida Building~~  
~~Code or the enforcing agency's laws or ordinances.~~

~~(a) If a local enforcement agency fails to issue a building~~  
~~permit for a single-family residential dwelling within 30~~  
~~business days after receiving the permit application, it must~~  
~~reduce the building permit fee by 10 percent for each business~~  
~~day that it fails to meet the deadline. Each 10-percent~~  
~~reduction shall be based on the original amount of the building~~  
~~permit fee.~~

~~(b) A local enforcement agency does not have to reduce the~~



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building permit fee if it provides written notice to the applicant, by e-mail or United States Postal Service, within 30 business days after receiving the permit application, that specifically states the reasons the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances. The written notice must also state that the applicant has 10 business days after receiving the written notice to submit revisions to correct the permit application and that failure to correct the application within 10 business days will result in a denial of the application.

(c) The applicant has 10 business days after receiving the written notice to address the reasons specified by the local enforcement agency and submit revisions to correct the permit application. If the applicant submits revisions within 10 business days after receiving the written notice, the local enforcement agency has 10 business days after receiving such revisions to approve or deny the building permit unless the applicant agrees to a longer period in writing. If the local enforcement agency fails to issue or deny the building permit within 10 business days after receiving the revisions, it must reduce the building permit fee by 20 percent for the first business day that it fails to meet the deadline unless the applicant agrees to a longer period in writing. For each additional business day, but not to exceed 5 business days, that the local enforcement agency fails to meet the deadline, the building permit fee must be reduced by an additional 10 percent. Each reduction shall be based on the original amount of the building permit fee.

(d) If any building permit fees are refunded under this

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subsection, the surcharges provided in s. 468.631 or s. 553.721 must be recalculated based on the amount of the building permit fees after the refund.

~~(e) A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered by the Department of Economic Opportunity must be issued within 15 working days after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.~~

Section 3. Paragraph (b) of subsection (2) of section 553.791, Florida Statutes, is amended to read:

553.791 Alternative plans review and inspection.—

(2)

(b) If an owner or a contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction must reduce the permit fee by 75 percent ~~the amount of cost savings realized by the local enforcement agency for not having to perform such services. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services.~~ The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which must ~~shall~~ be based on the cost that is actually incurred, including the labor cost of the personnel providing the service,

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by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both.

Section 4. Subsections (1) and (2) of section 553.792, Florida Statutes, are amended, and subsection (4) is added to that section, to read:

553.792 Building permit application to local government.—

(1) (a) After ~~Within 10 days of~~ an applicant submits ~~submitting~~ an application to the local government, the local government shall provide written notice to the applicant within 3 calendar days after receipt of the application advising ~~shall advise~~ the applicant of any ~~what~~ information, ~~if any, is~~ needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide timely written notice that the applicant has not submitted a ~~the~~ properly completed application, the application is ~~shall be~~ automatically deemed properly completed and sufficient ~~accepted~~.

(b) Within 9 calendar ~~45~~ days after receiving a completed application, a local government must provide written notice to ~~notify~~ an applicant if additional information is required for the local government to determine the sufficiency of the application, which notice must ~~and shall~~ specify the additional information that is required. The applicant may ~~must~~ submit the additional information to the local government or request that the local government act without the additional information. ~~While the applicant responds to the request for additional information, the 120-day period described in this subsection is tolled. Both parties may agree to a reasonable request for an~~

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~~extension of time, particularly in the event of a force majeure or other extraordinary circumstance. The local government must approve, approve with conditions, or deny the application within 120 days following receipt of a completed application.~~

(c) A local government shall maintain on its website a policy containing procedures and expectations for expedited processing of those building permits and development orders required by law to be expedited.

(d) 1. ~~(b) 1.~~ When reviewing an application for a building permit, a local government may not request additional information from the applicant more than two ~~three~~ times, unless the applicant waives such limitation in writing.

2. If a local government requests additional information from an applicant and the applicant submits the requested additional information to the local government ~~within 30 days after receiving the request~~, the local government must, within 9 ~~calendar 15~~ days after receiving such information:

a. Determine if the application is properly completed;

b. Approve the application;

c. Approve the application with conditions;

~~d. Deny the application; or~~

d.e. Advise the applicant in writing of any information, ~~if any,~~ that is needed to ~~deem the application properly completed or to~~ determine the sufficiency of the application.

~~3. If a local government makes a second request for additional information from the applicant and the applicant submits the requested additional information to the local government within 30 days after receiving the request, the local government must, within 10 days after receiving such~~

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291 ~~information:~~

292 ~~a. Determine if the application is properly completed;~~

293 ~~b. Approve the application;~~

294 ~~c. Approve the application with conditions;~~

295 ~~d. Deny the application; or~~

296 ~~e. Advise the applicant of information, if any, that is~~  
297 ~~needed to deem the application properly completed or to~~  
298 ~~determine the sufficiency of the application.~~

299 ~~3.4.~~ Before a second ~~third~~ request for additional  
300 information may be made, the local government must offer the  
301 applicant ~~must be offered~~ an opportunity to meet in person or  
302 virtually with the local government to attempt to resolve  
303 outstanding issues. Such meeting must occur within 5 calendar  
304 days after the applicant notifies the local government in  
305 writing that he or she wants an in-person or virtual meeting,  
306 unless the applicant agrees in writing to a later date.

307 4. If a local government makes a second ~~third~~ request for  
308 additional information from the applicant and the applicant  
309 submits the requested additional information to the local  
310 government ~~within 30 days after receiving the request, unless~~  
311 the applicant waives the required timeframe in writing, the  
312 local government must, within 9 calendar ~~10~~ days after receiving  
313 such information ~~unless the applicant waived the local~~  
314 ~~government's limitation in writing,~~ determine that the  
315 application is complete and:

316 a. Approve the application;

317 b. Approve the application with conditions; or

318 c. Deny the application and provide the applicant with  
319 sufficient reason for such denial.

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5. If the applicant believes the request for additional information is not authorized by ordinance, rule, statute, or other legal authority, the local government, at the applicant's written request, must process the application within 9 calendar days after receipt of the request and ~~either~~ approve the application, approve the application with conditions, or deny the application and provide the applicant with sufficient reason for such denial.

6. If a local government does not timely notify the applicant that the application is approved, approved with conditions, or denied, the application is deemed approved.

(e) The following timeframes apply for single-family or two-family dwellings or townhomes located within a master plan community for which the permit for the master plan community has already been approved under s. 553.794:

1. After an applicant submits an application to the local government, the local government must provide written notice to the applicant within 1 calendar day after receipt of the application advising the applicant of any information that is needed to deem the application properly completed in compliance with the filing requirements published by the local government. If the local government does not provide timely written notice that the applicant has not submitted a properly completed application, the application is automatically deemed properly completed and sufficient.

2. Within 5 calendar days after receiving a completed application, a local government must provide written notice to an applicant if additional information is required for the local government to determine the sufficiency of the application,

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which notice must specify the additional information that is required. The applicant may submit the additional information to the local government or request that the local government act without the additional information.

3. When reviewing an application under this paragraph, a local government may not request additional information from the applicant more than once, unless the applicant waives such limitation in writing.

4. If a local government requests additional information from the applicant and the applicant submits the requested additional information to the local government, the local government must, within 5 calendar days after receiving such information, unless the applicant waived the local government's time limitation in writing, determine that the application is complete and:

a. Approve the application;  
b. Approve the application with conditions; or  
c. Deny the application and provide the applicant with sufficient reason for such denial.

5. If a local government does not timely notify the applicant that the application is approved, approved with conditions, or denied, the application is deemed approved.

6. If an owner or a contractor retains a private provider for purposes of plans review, the timeframes in subparagraphs 2., 4., and 5. are reduced to 3 calendar days.

(f) A building permit for a single-family residential dwelling applied for by a contractor licensed in this state on behalf of a property owner who participates in a Community Development Block Grant-Disaster Recovery program administered

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by the Department of Commerce must be issued within 9 calendar days after receipt of the application unless the permit application fails to satisfy the Florida Building Code or the enforcing agency's laws or ordinances.

(g) ~~(e)~~ If a local government fails to meet a deadline specified under this subsection ~~provided in paragraphs (a) and (b)~~, it must reduce the building permit fee by 10 percent for each calendar ~~business~~ day that it fails to meet the deadline, unless the parties agree in writing to a reasonable extension of time. Each 10-percent reduction must ~~shall~~ be based on the original amount of the building permit fee, unless the parties agree to an extension of time.

(h) A building permit issued for a single-family residential dwelling is valid indefinitely but must comply with any changes to the Florida Building Code or a local government's rules or ordinances which are made after the issuance of the building permit.

(2) (a) The procedures set forth in subsection (1) apply to the following building permit applications: accessory structure; alarm permit; nonresidential buildings less than 25,000 square feet; electric; irrigation permit; landscaping; mechanical; plumbing; residential units, including a single-family residential ~~other than a single-family unit or a single-family residential dwelling~~; multifamily residential not exceeding 50 units; roofing; signs; site-plan approvals and subdivision plats not requiring public hearings or public notice; and lot grading and site alteration associated with the permit application set forth in this subsection. The procedures set forth in subsection (1) do not apply to permits for any wireless communications



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407 facilities ~~or when a law, agency rule, or local ordinance~~  
408 ~~specify different timeframes for review of local building permit~~  
409 ~~applications.~~

410 (b) ~~If A local government must meet has different~~  
411 ~~timeframes than the timeframes specified set forth in subsection~~  
412 (1) for reviewing building permit applications described in  
413 paragraph (a) unless the timeframes established, ~~the local~~  
414 ~~government must meet the deadlines established by local~~  
415 ~~ordinance are more stringent than those prescribed in subsection~~  
416 ~~(1). If a local government does not meet an established deadline~~  
417 ~~to approve, approve with conditions, or deny an application, it~~  
418 ~~must reduce the building permit fee by 10 percent for each~~  
419 ~~business day that it fails to meet the deadline. Each 10-percent~~  
420 ~~reduction shall be based on the original amount of the building~~  
421 ~~permit fee, unless the parties agree to an extension of time.~~  
422 ~~This paragraph does not apply to permits for any wireless~~  
423 ~~communications facilities.~~

424 (4) (a) Upon request by an applicant, the local government  
425 shall issue no less than 50 percent of the permits for the  
426 dwelling to be built, but not occupied, in the applicant's  
427 residential community, so long as the developer or owner meets  
428 the requirements of s. 177.073(6). The permit application must  
429 also meet the requirements of the Florida Building Code.

430 (b) An applicant may contract to sell, but may not transfer  
431 ownership of, a residential structure or building located in the  
432 residential subdivision until the final plat is approved by the  
433 governing body and recorded in the public records by the clerk  
434 of the circuit court.

435 Section 5. Section 440.103, Florida Statutes, is amended to

18-00696-24

2024684\_\_

read:

440.103 Building permits; identification of minimum premium policy.—Every employer shall, as a condition to applying for and receiving a building permit, show proof and certify to the permit issuer that it has secured compensation for its employees under this chapter as provided in ss. 440.10 and 440.38. Such proof of compensation must be evidenced by a certificate of coverage issued by the carrier, a valid exemption certificate approved by the department, or a copy of the employer's authority to self-insure and shall be presented, electronically or physically, each time the employer applies for a building permit. As provided in s. 553.79(23) ~~s. 553.79(24)~~, for the purpose of inspection and record retention, site plans or building permits may be maintained at the worksite in the original form or in the form of an electronic copy. These plans and permits must be open to inspection by the building official or a duly authorized representative, as required by the Florida Building Code. As provided in s. 627.413(5), each certificate of coverage must show, on its face, whether or not coverage is secured under the minimum premium provisions of rules adopted by rating organizations licensed pursuant to s. 627.221. The words "minimum premium policy" or equivalent language shall be typed, printed, stamped, or legibly handwritten.

Section 6. This act shall take effect July 1, 2024.

February 6, 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 684

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Tiffany Garling - Florida Chamber**

Phone **850-661-3339**

Address **136 S. Bronough Street**

Email **tgarling@flchamber.com**

Street

**Marianna**

**FL**

**32301**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Chamber of Commerce**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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2/16/2024  
Meeting Date

SB 684 (D. Coghill)  
Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Carol Bowen Phone (954) 465-6811

Address PO Box 880448 Email cbowen@abcfionda.com  
Street

Boca Raton FL 33488  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Associated Builders and Contractors of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

Community Affairs 2/6/24 **APPEARANCE RECORD**

684

Meeting Date

Deliver both copies of this form to

Bill Number or Topic

Senate professional staff conducting the meeting

Lisa Miller on behalf of the  
Committee

Amendment Barcode (if applicable)

Name

Private Provider Association of Florida

Phone

850 528 9229

Address

331 N. Monroe Street

Email

lisamiller@lisamillerassociates.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, Lisa Miller representing:

Private Provider Association of Florida

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24 3 pm

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

684

Bill Number or Topic

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **816 W THARPE ST**

Email **CULLENASEA@GMAIL.COM**

Street

**TALLAHASSEE**

**FL**

**32303**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**SIERRA CLUB FLORIDA**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
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2/16/21

Meeting Date

LA

Committee

1684

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kim Dinkins 1000 Friends of Florida

Phone

850-273-5055

Address

308 N Monroe St

Street

Email

kdinkins@1000fof.org

Tallahassee FL

City

State

32314

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

1000 Friends of FL

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
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216

Meeting Date

Community Affairs

Committee

684

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Stranburg

Phone 813-767-9087

Address 107 E College Street Ave

Email CStranburg@alpha.org

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Americans for Prosperity

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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2/6/24

Meeting Date

Community Affairs

Committee

684

Bill Number or Topic

695408

Amendment Barcode (if applicable)

Name

JEFF SCALA

Phone

Address

100 S Monroe

Email

jscala@flcounties.com

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Association of Counties

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
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684

Bill Number or Topic

695408

Amendment Barcode (if applicable)

Name Rusty Peyton

Phone 850-567-1073

Address 1319 Thomaswood Drive

Street

Email rpeyton@fhba.com

Tallahassee FL 32308

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

2/6/2024  
Meeting Date

Community Affairs  
Committee

684  
Bill Number or Topic

695408  
Amendment Barcode (if applicable)

Name Jeff Branch

Phone \_\_\_\_\_

Address \_\_\_\_\_  
Street

Email jbranch@flcities.com

Tallahassee FL  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida League of Cities

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 774

INTRODUCER: Community Affairs Committee and Senator Perry

SUBJECT: Towing and Storage

DATE: February 8, 2024

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Shutes	Vickers	TR	<b>Favorable</b>
2. Hackett	Ryon	CA	<b>Fav/CS</b>
3. _____	_____	RC	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 774 makes numerous changes related to wrecker operator systems and towing-storage operator practices, including allowable fees, payment acceptance, lien requirements, sale of unclaimed vehicles, and record retention. Specifically, the bill:

- Prohibits the Florida Highway Patrol from excluding a wrecker operator from its wrecker operator system based solely on a prior felony conviction, unless such conviction is for a specified felony offense.
- Defines the terms “good faith effort” “towing-storage operator,” “newer model,” and “older model.”
- Provides that a towing-storage operator may only charge reasonable fees for certain services.
- Requires towing-storage operators accept specified forms of payment.
- Requires a county or city with established maximum towing and storage rates to post them on its website and develop a process for investigating and resolving complaints regarding fees charged for more than maximum rates.
- Requires towing-storage operators to maintain a rate sheet listing posted in the place of business, of all fees for the recovery, removal, or storage of a vehicle or vessel.
- Reduces the timeframe in which a towing-storage operator must send the notice of lien, from seven to five business days, and reduces storage charges that may be charged if a lienor fails to provide this notice, also from seven to five days.
- Increases the timeframe an unclaimed vehicle or vessel three years of age or newer may be sold by a lienor, from 50 days to 57 days from the storage date, and requires the notice of lien must not be sent less than 55 days before the sale.

- The timeframe in which an unclaimed vehicle or vessel three years of age or older may be sold by a lienor is 35 days from the storage date, and requires the notice of lien must not be sent less than 30 days before the sale.
- Increases the timeframe for the public notice requirement related to sale on an unclaimed vehicle by a towing-storage operator, from ten days to 20 days before the sale.
- Clarifies the process for law enforcement's search for information on a towed vehicle or vessel related to a third-party service.
- Prohibits a towing-storage operator from releasing a towed rental vehicle or vessel to a renter unless the rental company appoints the renter as an agent of the company.
- Requires a towing-storage operator to make a towed vehicle available for inspection during normal business hours within one hour after arrival at a storage facility.
- Establishes the types of documents the towing-storage operator must accept as documentation of a person's interest in a vehicle or vessel..
- Requires a towing-storage operator retain records of all vehicles and vessels recovered, towed, or stored; all notice publications and certified mailings; and fees imposed under s. 713.78, F.S., for at least three years.
- Provides that foreclosing a storage lien on a vehicle or vessel must be through the process set forth in s. 713.78, F.S., as opposed to the warehouse lien and landlord and tenant statutes.
- Clarifies that an owner or lienholder of a vehicle or vessel does not have to file a lawsuit to secure the release when the owner or lienholder disputes the tow or the fees.
- Creates notice and bond requirements for foreclosure of storage liens on vehicles or vessels held by self-storage facilities.

The bill does not appear to have a fiscal impact on state or local government.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **Florida Highway Patrol Wrecker Operator System**

Section 321.051, F.S. authorizes the Florida Highway Patrol (FHP) to establish a wrecker operator system using qualified, reputable wrecker operators for removal and storage of wrecked or disabled vehicles from a crash scene or for removal and storage of abandoned vehicles. All reputable wrecker operators shall be eligible for use in the system provided their equipment and drivers meet recognized safety qualifications and mechanical standards set by FHP rules. The FHP has established rules for wrecker qualifications that apply only for those wreckers who participate in FHP's wrecker operator system.<sup>1</sup>

Rule 15B-9.007, F.A.C., provides FHP grounds to deny inclusion of, remove, or suspend a wrecker operator from FHP's wrecker rotation list. The rule includes removal from the list for "lack of reputability of a wrecker operator," which means, "FHP cannot trust the wrecker operator to safeguard the welfare and property of the public." This includes, but is not limited to:

- Conviction of any felony without restoration of the person's civil rights; and

---

<sup>1</sup> Chapter 15B-9, F.A.C.

- Conviction of any felony or first degree misdemeanor directly related to the business of operating a wrecker, regardless of whether civil rights have been restored.

### County and Municipal Wrecker Operator Systems

A county or municipal government may contract with one or more wrecker operators to tow or remove wrecked, disabled, or abandoned vehicles from streets, highways, and accident sites. After the establishment of such contracts, the county or municipality must create a “wrecker operator system” to apportion towing assignments between the contracted wrecker services. This apportionment may occur through the creation of geographic zones, a rotation schedule, or a combination of those methods.<sup>2</sup> Any wrecker operator that is included in the wrecker operator system is an “authorized wrecker operator” in the jurisdiction, while any wrecker operation not included is an “unauthorized wrecker operator.”<sup>3</sup>

Counties must establish maximum rates for the towing of vehicles or vessels removed from private property, as well as the towing and storage of vehicles or vessels removed from the scene of an accident or from where the vehicle or vessel is towed at the request of a law enforcement officer. Municipalities are also authorized to adopt maximum rate ordinances. If a municipality enacts an ordinance to establish towing fees, the county ordinance will not apply within the municipality.<sup>4</sup>

### Towing and Wrecker Companies

Towing and wrecker companies are licensed and regulated by county ordinances in the counties in which they operate.<sup>5</sup> These ordinances may establish license application procedures and fees, maximum towing rates, towing authorization requirements, and penalties for ordinance violations, among other things.<sup>6</sup>

State law does not require towing and wrecker companies to accept specific forms of payment. However, 11 states mandate towing companies accept credit cards as a form of payment.<sup>7</sup>

---

<sup>2</sup> Section 323.002(1)(c), F.S.

<sup>3</sup> Section 323.002(1)(a)-(b), F.S.

<sup>4</sup> Sections 125.0103(1)(c) and 166.043(1)(c), F.S. Section 715.07, F.S., relates to the towing and storage of vehicles or vessels illegally parked on *private* property without the consent of the registered owner or other legally authorized person in control of the vehicle.

<sup>5</sup> See, e.g., Hillsborough County, *Towing Companies*, available at <https://www.hillsboroughcounty.org/businesses/entrepreneur-and-small-business-support/business-licensing/towing-companies> ; Orange County, *Towing Information*, available at <http://www.orangecountyfl.net/traffictransportation/towingandparkinginformation/towinginformation.aspx#.XHdwbVxKiUk> (last visited December 19, 2023).

<sup>6</sup> See, e.g., Miami-Dade County, *Towing License*, available at [https://www8.miamidade.gov/global/license.page?Mduid\\_license=lic1495741572333567](https://www8.miamidade.gov/global/license.page?Mduid_license=lic1495741572333567) (last visited December 19, 2023).

<sup>7</sup> Van Cleef, Jacob and Murray, Teresa, *Towing Kickbacks: Only one-third of states ban incentives to property owners, law enforcement* (April 26, 2022), PIRG, available at <https://pirg.org/resources/towing-kickbacks-only-one-third-states-ban-incentives-property-owners-law-enforcement/> (last visited December 19, 2023).

## **Liens for Recovering, Towing, or Storing Vehicles or Vessels**

Liens are claims against property that evidence a debt, obligation, or duty. Liens can be created by judgment, equity, agreement, or statute. The rights and duties of a lienholder depend on the type of lien created and are generally set out in the order, agreement, or statute creating the lien. Liens on a vehicle or vessel for towing and storage charges are created in statute.<sup>8</sup>

A wrecker operator or other person engaged in the business of transporting vehicles or vessels who recovers, removes, or stores a vehicle or vessel possesses a lien on the vehicle or vessel for a reasonable towing fee, an administrative fee or charge imposed by a county or municipality, and a storage fee (for a vehicle or vessel stored for six hours or more) if the vehicle or vessel is removed upon instructions from:

- The owner of the vehicle or vessel;
- The owner, lessor, or authorized person acting on behalf of the owner or lessor of property on which the vehicle or vessel is wrongly parked (as long as the removal is performed according to s. 715.07, F.S.);
- The landlord or authorized person acting on behalf of a landlord, when the vehicle or vessel remains on the property after the expiration of tenancy and the removal is performed pursuant to enforcing a lien pursuant to s. 83.806, F.S., or for the removal of property left after a lease is vacated under s. 715.104, F.S.; or
- Any law enforcement agency.<sup>9</sup>

A wrecker operator who claims a lien is required to give notice, by certified mail, to the registered owner, the insurance company insuring the vehicle, and all persons claiming a lien, as disclosed by the records in the Department of Highway Safety and Motor Vehicles (DHSMV) or as disclosed by the records of any corresponding agency in any other state in which the vehicle is identified through a records check.

A towing-storage operator currently must use a third-party service<sup>10</sup> approved by the DHSMV to transmit the notice (as well as any other notices required under s. 713.78, F.S.). If there is no approved service, the operator may mail the notice and provide evidence of compliance upon application for a certificate of title.<sup>11</sup> The notice of lien must be sent by certified mail within seven business days after the date of storage of the vehicle or vessel.<sup>12</sup>

---

<sup>8</sup> Section 713.78, F.S.

<sup>9</sup> Section 713.78(2), F.S.

<sup>10</sup> The term “third-party service” is defined in s. 713.78(16)(a), F.S., to mean a qualified business entity that, upon a request submitted through a website by an operator: 1) Accesses the National Motor Vehicle Title Information System records to obtain the last state of record of the vehicle; 2) Accesses the owner, lienholder, and insurer information, as applicable, for a vehicle or vessel from the DHSMV; 3) Electronically generates the notices required of a towing-storage operator through the website; 4) Prints and sends the notices to each owner, lienholder, and insurer of record by certified mail; 5) Electronically returns tracking information or other proof of mailing and delivery of the notices to the towing-storage operator; and 6) Electronically reports to the DHSMV via an electronic data exchange process certain information related to the towing and storage notice.

<sup>11</sup> Section 713.78(16), F.S.

<sup>12</sup> Section 713.78(4)(a) and (c), F.S.

A lienor or its agent may charge an administrative fee<sup>13</sup> to the registered owner or other person claiming a lien against the vehicle or vessel for a release from the lien, not to exceed \$250.<sup>14</sup>

If a law enforcement agency authorized a towing-storage operator to remove a vehicle or vessel, or a towing-storage operator notifies a law enforcement agency of possession of a towed vehicle or vessel,<sup>15</sup> the law enforcement agency where the vehicle or vessel is stored must contact the DHSMV, or the appropriate agency in the state of registration, if known, within 24 hours and provide a full description of the vehicle or vessel.<sup>16</sup> The DHSMV, or appropriate state agency, must search its records to determine the identity of the owner, the company insuring the vehicle or vessel, and any lienholders and provide the information to the law enforcement agency within 72 hours.<sup>17</sup> The towing-storage operator must obtain such information from the law enforcement agency within 5 days after the date of storage and provide the required notice.<sup>18</sup>

If a towing-storage operator is unsuccessful in locating the name and address of the owner or other lienholder, the operator must, after seven business days after the initial tow or storage, notify the jurisdictional entity where the vehicle or vessel is stored, in writing by certified mail or acknowledged hand delivery, that the operator has been unable to locate the name and address, a physical search of the vehicle or vessel has revealed no ownership information, and a “good faith effort”<sup>19</sup> has been made, including a records check of the DHSMV database and of the National Motor Vehicle Title Information System.<sup>20</sup>

Failure of the towing-storage operator to make a good faith effort to identify the owner or lienholder of the vehicle or vessel precludes the towing-storage operator from assessing any storage charges.<sup>21</sup>

### ***Inspection of Vehicles and Vessels and Release of Property***

Towing and storage operators must permit vehicle or vessel owners, lienholders, insurance company representatives, or agents to inspect a towed vehicle or vessel and release to that person the vehicle, vessel, or all personal property that was not affixed when the vehicle or vessel came into the custody of the towing or storage operator.<sup>22</sup> The authorization of agency must be

---

<sup>13</sup> Defined to mean a lien fee or any fee imposed by the lienor or the lienor’s agent for administrative costs added to the amount due for towing and storing the vehicle or vessel. Section 713.78(15)(a), F.S.

<sup>14</sup> *Id.*

<sup>15</sup> Within 30 minutes after completion of a tow or removal from private property without the consent of the registered owner or other legally authorized person, a towing-storage operator must notify the municipal police department, or, in an unincorporated area, the sheriff, of the tow or removal, the storage site, the time of the tow or removal, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel. S. 715.07(2)(a)2., F.S.

<sup>16</sup> Section 713.78(4)(b), F.S.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> Section 713.78(5)(e), F.S., defines the term to mean that the operator has performed a list of “checks” of items such as searching specified databases and information systems; looking for any type of tag, tag record, temporary or regular tag on the vehicle or vessel; or looking for the vehicle identification number or the vessel registration number.

<sup>20</sup> “The National Motor Vehicle Title Information System (NMVTIS) is a system that allows the titling agency to instantly and reliably verify the information on the paper title with the electronic data from the state that issued the title.” See AAMVA, *National Motor Vehicle Title Information System (NMVTIS)*, available at <https://www.aamva.org/technology/systems/vehicle-systems/nmvtis#> (last visited December 19, 2023).

<sup>21</sup> Section 713.78(9), F.S.

<sup>22</sup> Section 713.78(10), F.S.



documented in an original writing acknowledged by the owner before a notary public or someone authorized to administer oaths.

Whoever violates the inspection and release provisions contained in s. 713.78(10) , F.S., is guilty of a third degree felony<sup>23</sup> which is punishable by a fine that does not exceed \$5,000<sup>24</sup> and imprisonment that does not exceed five years.<sup>25</sup>

### ***Bond to Release Vehicle or Vessel***

The owner or lienholder of a vehicle or vessel subject to a lien for towing and storage charges may, within ten days after learning of the location of the vehicle or vessel, file a complaint in the county court of the county where the vehicle or vessel is stored to determine whether the vehicle or vessel was wrongfully taken or withheld.<sup>26</sup> The vehicle or vessel must be released if, at any time before sale of the vehicle or vessel, the owner or lienholder posts with the court cash or a surety bond or other adequate security to ensure the payment of charges owed for towing and storage should the owner or lienholder not prevail in litigation.<sup>27</sup> After posting bond, the clerk must issue a notice of the bond to the towing-storage operator and direct the towing-storage operator to release the vehicle or vessel.<sup>28</sup>

Upon determining the respective rights of the parties, the court may award damages, attorney's fees, and costs in favor of the prevailing party. The final order provides immediate payment in full of recovery, towing, and storage fees by the responsible party.<sup>29</sup>

### ***Sale of Vehicles and Vessels and Required Notice***

A towing-storage operator may sell at public sale a stored vehicle or vessel that remains unclaimed, or for which charges for recovery, towing, or storage remain unpaid, after:

- 35 days from the date of storage if the vehicle or vessel is more than 3 years old; or
- 50 days from the date of storage if the vehicle or vessel is 3 years old or less.<sup>30</sup>

If the date of the sale was not included in the notice of claim of lien, the towing-storage operator must send a notice of sale by certified mail, no less than 30 days before the date of the sale, to:

- The person in whose name the vehicle or vessel is registered; and
- All persons claiming a lien on the vehicle or vessel as shown in the records of the DHSMV or any corresponding agency in any other state in which the vehicle is identified as being titled by a records check of the NMVTIS or an equivalent commercially available system.<sup>31</sup>

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<sup>23</sup> Section 713.78(12)(b), F.S.

<sup>24</sup> Section 775.083(1)(c), F.S.

<sup>25</sup> Section 775.082(3)(e), F.S. Additional penalties may apply for certain habitual felony offenders under s. 775.084, F.S.

<sup>26</sup> Section 713.78(5)(a), F.S.

<sup>27</sup> Section 713.78(5)(b), F.S.

<sup>28</sup> *Id.*

<sup>29</sup> Section 713.78(5)(c), F.S.

<sup>30</sup> Section 713.78(6), F.S.

<sup>31</sup> *Id.*

The towing-storage operator must also publish notice of the time and place of the sale, at least ten days before the date of the sale, in a newspaper of general circulation in the county where the sale will occur.<sup>32</sup>

### ***Proceeds of Sale***

If the owner or lienholder of the vehicle or vessel sold is absent, the proceeds of the sale of the vehicle or vessel, minus any reasonable towing and storage charges owed and costs of the sale, must be deposited with the clerk of the court for the county where the sale occurred.<sup>33</sup> The clerk must hold the proceeds for the benefit of the owner or lienholder whose interest in the vehicle or vessel was destroyed by the sale.<sup>34</sup>

### **Self-Service Storage Spaces**

The Self-storage Facility Act, codified as ss. 83.801-83.809, F.S., governs self-storage facilities in this state. The basic arrangement contemplated in the Act is a tenant contracting with an owner of a facility to store the tenant's personal property.<sup>35</sup> In this arrangement, the storage facility faces the risk that a tenant will fail to pay rent or other expenses. However, the Act provides the facility with a degree of protection from this risk by granting the storage facility a lien on all stored property of a tenant<sup>36</sup> and by authorizing the storage facility to sell the property of a delinquent tenant.<sup>37</sup>

Following failure of a tenant to pay rent, if the storage facility decides to pursue the sale of the tenant's property to enforce the lien, the storage facility must notify the tenant that the lien must be satisfied within 14 days or the storage facility will advertise the property for sale. After 14 days, the storage facility may advertise the sale of the property. The sale must be advertised at least once a week for two consecutive weeks in a newspaper in general circulation in the facility's area.<sup>38</sup> The sale may not take place until 15 days after the first advertisement.<sup>39</sup>

However, if a lien is claimed on a motor vehicle or watercraft, and rent and other charges related to the property remain unpaid for 60 days, the facility or unit owner may sell the property or have it towed.<sup>40</sup> The wrecker operator taking possession of the property must comply with all notification and sale requirements provided in s. 713.78, F.S.

## **III. Effect of Proposed Changes:**

This bill makes numerous changes relating to towing-storage operators.

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<sup>32</sup> Section 713.78(6), F.S.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Section 83.803(1), F.S.

<sup>36</sup> See s. 83.805, F.S.

<sup>37</sup> See s. 83.806, F.S.

<sup>38</sup> See, s. 83.806(4)(c), F.S., regarding how sales must be advertised if there is no newspaper in the area of the storage facility.

<sup>39</sup> Section 83.806(4)(b)3., F.S.

<sup>40</sup> Section 83.806(10), F.S.

## Florida Highway Patrol Wrecker Operator System

The bill amends s. 322.051, F.S., to prohibit the Florida Highway Patrol (FHP) from excluding a wrecker operator from FHP's wrecker operator system or fail to designate him or her as an authorized wrecker operator based solely on a prior felony conviction, unless such conviction was for:

- A forcible felony<sup>41</sup>;
- Theft of a motor vehicle under s. 812.014(2)(c)6., F.S.; or
- Knowingly owning, operating, or conducting a chop shop<sup>42</sup> or knowingly aiding and abetting another person in owning, operating, or conducting a chop shop.

## Definitions

The bill defines "good faith effort" as all of the following checks have been performed by a towing-storage company to establish prior state of registration and title of a vehicle or vessel that has been towed or stored by the company:

- A check in the department's database for owner or lienholder.
- A check in the electronic National Motor Vehicle Title Information System or an equivalent system to determine the state of registration when not available in the department's database.
- A check of the vehicle for any type of tag, tag record, temporary tag, or regular tag.
- If the request was made by law enforcement, a check from the law enforcement report for the tag number or other information to identify the vehicle or vessel.
- If the request was a private tow, a check of the tow trip sheet or tow ticket of the tow truck operator to determine whether a tag was on the vehicle or vessel at the beginning of the tow.
- If there is no address available of the owner on the impound report, a check in the law enforcement report to determine whether an out-of-state address is indicated from the driver license information.
- A check of the vehicle stickers or decals that might indicate a state or registration.
- A check of the interior vehicle, whether it be glove box, trunk, or other areas for any papers that may indicate registration.
- A check of the vehicle or vessel for a vehicle or vessel identification number.
- A check of the vessel hull for a hull identification number which should be carved, burned stamped, embossed, or otherwise permanently affixed to the outboard side of the transom, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

The bill defines a "towing-storage operator" as a person who regularly engages in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier.

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<sup>41</sup> A "forcible felony" is defined as "treason; murder; manslaughter; sexual battery; carjacking; home-invasion robbery; robbery; burglary; arson; kidnapping; aggravated assault; aggravated battery; aggravated stalking; aircraft piracy; unlawful throwing, placing, or discharging of a destructive device or bomb; and any other felony which involves the use or threat of physical force or violence against any individual." Section 776.08, F.S.

<sup>42</sup> Section 812.16(1)(a), F.S., defines "chop shop" as, "any area, building, storage lot, field, or other premises or place where one or more persons are engaged or have engaged in altering, dismantling, reassembling, or in any way concealing or disguising the identity of a stolen motor vehicle or of any major component part of a stolen motor vehicle; where there are two or more stolen motor vehicles present; or where there are major component parts from two or more stolen motor vehicles present."

The bill defines “newer model” as a vehicle or vessel that is 3 model years old or less, beginning with the model year of the vehicle or vessel as year one.

The bill also defines “older model” as a vehicle or vessel that is more than 3 model years old, beginning with the model year of the vehicle or vessel as year one.

### **Towing-Storage Operator Fees and Payment**

The bill provides towing-storage operators may charge only the following fees for, or incidental to, the recovery, removal, or storage of a vehicle or vessel:

- Any reasonable fee for service specifically authorized by ordinance, resolution, regulation, or rule of the county or municipal in which the service is performed.
- Any reasonable fee for service specifically authorized by contract or agreement between a towing-storage operator and a county, municipality, or other governmental agency.
- Any reasonable fee for service specifically authorized by rule of the DHSMV.
- Any reasonable fee for service as agreed upon in writing between a towing-storage operator and the owner of a vehicle or vessel.
- Any lien release administrative fee as set forth in 713.78(15)(a), F.S.
- Any reasonable administrative fee or charge imposed upon the registered owner or other legally authorized person in control of a vehicle or vessel by a county or municipality pursuant to ss. 125.01047, 166.04465, or 323.002, F.S.<sup>43</sup>

The bill also requires towing-storage operators accept at least one form of payment from at least two of the following groupings of payment methods:

- Cash, cashier’s check, money order, or traveler’s check.
- Bank, debit, or credit card.
- Mobile payment service, digital wallet, or other electronic payment system.

The bill requires a county or city with established maximum towing and storage rates to post them on its website and develop a process for investigating and resolving complaints regarding fees charged more than the permitted maximum rates. In counties or cities where rates have not been established, the rates established by the Division of Florida Highway Patrol under s. 321.051(2) apply in such areas.

The bill also requires towing-storage operators to maintain a rate sheet listing all fees for the recovery, removal, or storage of a vehicle or vessel. It requires the rate sheet must be posted at the place of business and make it available upon request by the vehicle or vessel owner, lienholder, insurance company, or their agent.

Towing-storage operators may not require a person to provide more than one form of current government photo identification for identity verification during payment.

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<sup>43</sup> These sections authorize a county or municipality to impose a reasonable administrative fee or charge, not to exceed 25 percent of the maximum towing rate, to cover the cost of enforcement, including parking enforcement. Authorized wrecker operators or towing businesses may impose, collect, and remit this fee or charge on behalf of the county or municipality.

### **Liens for Recovering, Towing, or Storing Vehicles or Vessels**

The bill amends various parts of s. 713.78, F.S., relating to liens for recovering, towing, or storing vehicles or vessels, and designates this section as the exclusive remedy for the placement or foreclosure of a storage lien placed on a vehicle or vessel. The bill prohibits ss. 83.19 and 677.210, F.S., related to placing and foreclosing a lien by a landlord or warehouse, being used for placing a lien on a vehicle or vessel.

The bill also:

- Adds county or municipality to impose fees if she or he has a lien on the vehicle, except a storage fee if the vehicle or vessel is stored for less than 6 hours.
- Reduces the notification timeframe in which a towing-storage operator must send the notice of lien to the registered owner, the insurance company insuring the vehicle, and all other lienholders, from seven business days to five business days.
- Provides that notification requirements in s. 713.78(4)(b), F.S., are to be used if an approved third-party service cannot obtain the vehicle's or vessel's owner, lienholder, and insurer information or last state of record pursuant to s. 713.78(16), F.S. However, notices still must be sent by the third-party service.
- Provides that the notice of lien may not be sent to the registered owner, the insurance company insuring the vehicle or vessel, and all other persons claiming a lien less than 30 days before the sale of a vehicle or vessel that is more than 3 years of age or less than 60 days before the sale of a vehicle or vessel that is 3 years of age or less.
- Reduces the timeframe, within five days, excluding Saturday, Sunday, and federal holidays, instead of seven business days, for a towing-storage operator to notify the jurisdictional entity where the vehicle or vessel is stored, in writing by certified mail or electronic delivery, if the towing-storage operator is unsuccessful in locating the name and address of the owner or other lienholder. Removes that this can be done through acknowledged hand delivery while adding electronic delivery.
- Provides that failure to make good faith efforts to *substantially* comply with the requirements of this section or to provide notice claiming a lien precludes the imposition of storage charges against the vehicle or vessel for more than five days of storage (formerly seven days of storage fees for failure to provide notice of a lien).

### ***Inspection of Vehicles and Vessels and Release of Property***

The bill clarifies that vehicle or vessel owners, rental vehicle or vessel owners, lienholders, insurance company representatives, or their agents are authorized to inspect a towed vehicle and have released to that person the vehicle or all personal property that was not affixed when the vehicle came into the custody of the towing-storage operator. Towing-storage operators must allow this during normal business hours within one hour after the person arrives at the storage facility where the vehicle or vessel is stored.

The bill clarifies that a rental agreement is not evidence that the renter is an agent of the rental vehicle or vessel owner, prohibiting a towing company from releasing a vehicle or vessel owned by a rental car company to the renter. Additionally, a towing-storage operator must accept a photocopy of a contract between a lender and the owner of a vehicle or vessel, a contract between a lessor and the lessee of the vehicle or vessel, an electronic title, a paper title, or a

notarized written agreement evidencing that the person is an agent of the vehicle or vessel owner; lienholder; or insurance company as evidence of a person's interest in a vehicle or vessel.

### ***Sale of Vehicles and Vessels and Required Notice***

The bill increases the timeframe an unclaimed vehicle or vessel that is a "newer model" may be sold by a lienor, from 50 days to 55 days. For a "newer model," the notice of lien must be sent no less than 57 days before the sale of the vehicle or vessel. The timeframe in which an unclaimed vehicle or vessel that is an "older model" may be sold by a lienor, is 35 days. For a vehicle that is an "older model", the notice of lien must be sent no less than 30 days before the sale of the vehicle or vessel.

The bill also increases the timeframe required for publishing notice of the time and place of the sale in a newspaper of general circulation in the county where the sale will occur, from at least 10 days to 20 days before the sale. The notice will be made on the website available to the public that is maintained by an approved third-party service and be provided to DHSMV.

The bill adds the insurance company insuring the vehicle or vessel must be sent, by certified mail, a notice of sale of the vehicle or vessel by the storage owner or operator.

### ***Towing-Storage Operators Record Retention Requirements***

The bill requires towing-storage operators to retain records for all vehicles and vessels recovered, towed, stored, or released for at least three years. Such records must include:

- All notice publications and certified mailings;
- The purchase price of unclaimed vehicles or vessels sold;
- The names and addresses of unclaimed vehicle or vessel purchasers;
- The names and addresses of persons to which vehicles or vessels were released; and
- All fees imposed under s. 713.78, F.S.

### ***Self-Service Storage Spaces***

#### ***Contracts***

The bill requires in self-storage contracts that the rental agreement contain a provision authorizing the tenant to designate an optional alternate contact person who may be contacted only for providing notice of enforcement of a lien or as authorized by the rental agreement. This designation does not give the alternate contact an interest in the contents stored in the self-service storage facility.

#### ***Liens on Vehicles or Vessels***

The bill amends s. 83.705, F.S., regarding a lien on a vehicle or vessel, as those defined in s. 713.78(1), of a tenant or lessee must be foreclosed pursuant to s. 713.78 and may not be foreclosed under this chapter.

The bill amends s. 83.806(10), F.S., regarding liens claimed on motor vehicles or vessels by a self-service storage facility or unit owner, to align such process closer to the process used by

towing-storage operators pursuant to s. 713.78, F.S. If a facility or unit owner intends to sell the motor vehicle or vessel, he or she will be required to:

- Conduct a records check with DHSMV for a current registration. If no registration is found, conduct a NMVTIS or an equivalent commercially available system search.
- If persons claiming a lien are identified, send a notice of lien by certified mail to such persons stating:
  - The make, model, and last eight digits of the vehicle identification number of the vehicle subject to the lien, or the hull identification number of a vessel subject to the lien;
  - The name, physical address, and telephone number of the facility or unit owner, and the entity name where the vehicle or vessel is stored;
  - The name of the person listed as the tenant in the rental agreement;
  - The fact of possession of the vessel or vehicle; that a lien is claimed; the address at which the vehicle or vessel is located;
  - That charges have accrued, including an itemized statement of the amount thereof; and
  - That any vehicle or vessel that remains unclaimed may be sold free of all prior liens 30 days after notification is sent.

If at any time before the proposed or scheduled date of sale, a person claiming ownership interest in or a lien on the vehicle or vessel may request to inspect the vehicle or vessel. The facility or unit owner must make the vehicle or vessel available for inspection during regular business hours within three days after receiving a request for inspection.

### ***Bond to Release Vehicle or Vessel***

Prior to the sale of the vehicle or vessel, a person of record claiming a lien against the vehicle or vessel may have it released upon posting with the clerk of court in the county where the vehicle or vessel is being held, a cash or a surety bond or other adequate security to ensure the payment of charges owed. After posting bond, the clerk of court shall automatically issue a certificate notifying the owner of the storage facility and the release of the vehicle or vessel. The towing-storage operator must release the vehicle or vessel. If after 60 days, the owner or lienholder has not filed a lawsuit, the towing-storage operator may request the court to release the surety or cash bond to them.

### ***Sale of Vehicle or Vessel***

The bill requires that the lien sale take place at least ten days after publication of the advertisement of sale, instead of 15 days after the first publication of advertisement of sale.

Failure to make good faith efforts to comply with these notice requirements precludes the imposition of any storage charges against the vehicle or vessel.

### ***Effective Date***

The bill takes effect July 1, 2024.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None Identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

The bill may have an indeterminate negative fiscal impact on towing-storage operators due to the increased requirements and limitation on fees that can be charged.

**C. Government Sector Impact:**

The bill does not appear to have a fiscal impact on state or local government.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 321.051, 713.78, 83.19, 83.806, 83.808, 677.210, and 715.07.



**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on February 6, 2024:**

The committee substitute:

- Requires a county or city with established maximum towing and storage rates to post them on its website and develop a process for investigating and resolving complaints regarding fees charged more than the maximum rates.
- Provides that foreclosing a storage lien on a vehicle or vessel must be through the process outlined in the towing statute instead of the warehouse lien and landlord/tenant statutes.
- Revises timelines related to notices of sale to account for older and newer model vehicles.
- Clarifies that an owner or lienholder of a vehicle or vessel does not have to file a lawsuit to secure the release when the owner or lienholder disputes the tow or the fees. They may post a cash or surety bond equal to the amount of towing and storage charges to secure the release.
- Requires towing-storage operators to maintain a rate sheet listing all fees for the recovery, removal, or storage of a vehicle or vessel, and requires the rate sheet to be posted at the place of business and make it available upon request by the vehicle or vessel owner, lienholder, insurance company, or their agent.
- Removes a provision related to rental agreement alternate contact requirements.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
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The Committee on Community Affairs (Perry) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Subsection (5) is added to section 83.19,  
Florida Statutes, to read:

83.19 Sale of property distrained.—

(5) A lien on a vehicle or vessel, as those terms are  
defined in s. 713.78(1), of a tenant or lessee must be  
foreclosed pursuant to s. 713.78 and may not be foreclosed



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pursuant to this section.

Section 2. Paragraphs (b) and (c) of subsection (1) of section 125.0103, Florida Statutes, are amended, and paragraph (d) is added to that subsection, to read:

125.0103 Ordinances and rules imposing price controls.—

(1)

(b) This section does not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, or port rates; ~~rates for towing of vehicles or vessels from or immobilization of vehicles or vessels on private property;~~ or rates for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel.

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property or which may be charged for removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or



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immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance does not apply within such municipality.

(d) A county or municipality that has established rates as described in paragraph (c) must publish such rates on its website and must establish a process for investigating and resolving complaints regarding fees charged in excess of such rates. In counties or municipalities where no rates as described in paragraph (c) have been established, the rates established by the Division of Florida Highway Patrol under s. 321.051(2) apply in such areas.

Section 3. Paragraph (c) of subsection (1) of section 166.043, Florida Statutes, is amended to read:

166.043 Ordinances and rules imposing price controls.—

(1)

(c) Counties must establish maximum rates which may be charged on the towing of vehicles or vessels from or immobilization of vehicles or vessels on private property, removal and storage of wrecked or disabled vehicles or vessels from an accident scene or for the removal and storage of vehicles or vessels, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle or vessel. However, if a municipality chooses to enact an ordinance establishing the maximum rates for the towing or immobilization of vehicles or vessels as described in paragraph (b), the county's ordinance established under s. 125.0103 does not apply within such municipality. A county or municipality that has



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established maximum rates pursuant to this paragraph must  
publish such rates on its website. A county or municipality  
where no maximum rates have been established pursuant to this  
paragraph, the maximum rates established by the Division of  
Florida Highway Patrol under s. 321.051(2) apply in such areas.

Section 4. Subsection (2) of section 321.051, Florida  
Statutes, is amended, and subsection (5) is added to that  
section, to read:

321.051 Florida Highway Patrol wrecker operator system;  
penalties for operation outside of system.—

(2) The Division of Florida Highway Patrol of the  
Department of Highway Safety and Motor Vehicles is authorized to  
establish within areas designated by the patrol a wrecker  
operator system using qualified, reputable wrecker operators for  
removal and storage of wrecked or disabled vehicles from a crash  
scene or for removal and storage of abandoned vehicles, in the  
event the owner or operator is incapacitated or unavailable or  
leaves the procurement of wrecker service to the officer at the  
scene. All reputable wrecker operators shall be eligible for use  
in the system provided their equipment and drivers meet  
recognized safety qualifications and mechanical standards set by  
rules of the Division of Florida Highway Patrol for the size of  
vehicle it is designed to handle. The division is authorized to  
limit the number of wrecker operators participating in the  
wrecker operator system, which authority shall not affect  
wrecker operators currently participating in the system  
established by this section. The division is authorized to  
establish maximum rates for the towing and storage of vehicles  
removed at the division's request, where such rates have not



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been set by a county or municipality pursuant to s. 125.0103 or s. 166.043. Such rates shall not be considered rules for the purpose of chapter 120; however, the department shall establish by rule a procedure for setting such rates. The department must publish on its website the maximum rates established under this subsection and must establish a process for investigating and resolving complaints regarding fees charged in excess of such maximum rates. Any provision in chapter 120 to the contrary notwithstanding, a final order of the department denying, suspending, or revoking a wrecker operator's participation in the system shall be reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the circuit court in the county wherein such wrecker operator resides.

(5) The Division of the Florida Highway Patrol may not exclude a wrecker operator from the wrecker operator system or fail to designate him or her as an authorized wrecker operator based solely on a prior felony conviction unless such conviction is for a forcible felony as defined in s. 776.08 or a felony listed under s. 812.014(2)(c) 6. or s. 812.16(2).

Section 5. Subsection (10) is added to section 677.210, Florida Statutes, to read:

677.210 Enforcement of warehouse's lien.—

(10) A lien on a vehicle or vessel, as those terms are defined in s. 713.78(1), must be foreclosed pursuant to s. 713.78 and may not be foreclosed pursuant to this section.

Section 6. Subsections (1), (2), (4), (5), (6), (8), (9), and (10), paragraph (a) of subsection (11), paragraphs (a) and (d) of subsection (12), paragraphs (a), (b), and (d) of



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subsection (13), and subsection (17) of section 713.78, Florida Statutes, are amended, and subsections (18) through (21) are added to that section, to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

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

(g)~~(a)~~ "Vehicle" means any mobile item, whether motorized or not, which is mounted on wheels.

(h)~~(b)~~ "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02.

(i)~~(c)~~ "Wrecker" means any truck or other vehicle that ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~ vehicles or vessels upon the streets and highways of this state and ~~which~~ is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

(c)~~(d)~~ "National Motor Vehicle Title Information System" means the federally authorized electronic National Motor Vehicle Title Information System.

(a)~~(e)~~ "Equivalent commercially available system" means a service that charges a fee to provide vehicle information and that at a minimum maintains records from those states participating in data sharing with the National Motor Vehicle Title Information System.

(b) "Good faith effort" means that all of the following checks have been performed by a towing-storage operator to establish the prior state of registration and title of a vehicle or vessel that has been towed or stored by the towing-storage



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operator:

1. A check of the department's database for the owner and any lienholder.

2. A check of the electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not a current registration record for the vehicle or vessel on file with the department.

3. A check of the vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.

4. A check of the law enforcement report for a tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.

5. A check of the trip sheet or tow ticket of the tow truck operator to determine whether a tag was on the vehicle or vessel at the beginning of the tow, if a private tow.

6. If there is no address of the owner on the impound report, a check of the law enforcement report to determine whether an out-of-state address is indicated from driver license information.

7. A check of the vehicle or vessel for an inspection sticker or other stickers and decals that may indicate a state of possible registration.

8. A check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.

9. A check of the vehicle for a vehicle identification number.





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185        10. A check of the vessel for a vessel registration number.

186        11. A check of the vessel hull for a hull identification  
187 number which should be carved, burned, stamped, embossed, or  
188 otherwise permanently affixed to the outboard side of the  
189 transom or, if there is no transom, to the outmost seaboard side  
190 at the end of the hull that bears the rudder or other steering  
191 mechanism.

192        (d) "Newer model" means a vehicle or vessel that is 3 model  
193 years old or less, beginning with the model year of the vehicle  
194 or vessel as year one.

195        (e) "Older model" means a vehicle or vessel that is more  
196 than 3 model years old, beginning with the model year of the  
197 vehicle or vessel as year one.

198        (f) "Towing-storage operator" means a person who regularly  
199 engages in the business of transporting vehicles or vessels by  
200 wrecker, tow truck, or car carrier, or the storing of such  
201 vehicles or vessels.

202        (2) (a) ~~Whenever~~ A towing-storage operator may charge the  
203 owner or operator of a vehicle or vessel only the following fees  
204 for, or incidental to, the recovery, removal, or storage of the  
205 vehicle or vessel:

206        1. Any reasonable fee for service specifically authorized  
207 under s. 125.0103 or s. 166.043 by ordinance, resolution,  
208 regulation, or rule of the county or municipality in which the  
209 service is performed.

210        2. Any reasonable fee for service specifically authorized  
211 by the Division of Florida Highway Patrol of the Department of  
212 Highway Safety and Motor Vehicles under s. 321.051(2).

213        3. Any reasonable fee for service as agreed upon in writing



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between a towing-storage operator and the owner of a vehicle or vessel.

4. Any lien release administrative fee as set forth in paragraph (15) (a).

5. Any reasonable administrative fee or charge imposed by a county or municipality pursuant to s. 125.01047, s. 166.04465, or s. 323.002 upon the registered owner or other legally authorized person in control of a vehicle or vessel.

(b) If a towing-storage operator ~~person regularly engaged in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier~~ recovers, removes, or stores a vehicle or vessel upon instructions from:

1. ~~(a)~~ The owner thereof;

2. ~~(b)~~ The owner or lessor, or a person authorized by the owner or lessor, of property on which such vehicle or vessel is wrongfully parked, and the removal is done in compliance with s. 715.07;

3. ~~(c)~~ The landlord or a person authorized by the landlord, when such ~~motor~~ vehicle or vessel remained on the premises after the tenancy terminated and the removal is done in compliance with s. 83.806 or s. 715.104; or

4. ~~(d)~~ Any law enforcement agency, county, or municipality,

she or he has ~~shall have~~ a lien on the vehicle or vessel for fees specified in paragraph (a) ~~a reasonable towing fee, for a reasonable administrative fee or charge imposed by a county or municipality, and for a reasonable storage fee;~~ except that a storage fee may not be charged if the vehicle or vessel is stored for less ~~fewer~~ than 6 hours.



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(4) (a) A towing-storage operator ~~person regularly engaged in the business of recovering, towing, or storing vehicles or vessels~~ who comes into possession of a vehicle or vessel pursuant to paragraph (2) (b) subsection (2), and who claims a lien for recovery, towing, or storage services, must ~~shall~~ give notice, by certified mail, pursuant to subsection (16), to the registered owner, the insurance company insuring the vehicle notwithstanding s. 627.736, and all persons claiming a lien thereon, as disclosed by the records in the Department of Highway Safety and Motor Vehicles or as disclosed by the records of any corresponding agency in any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled or registered.

(b) When ~~Whenever~~ a law enforcement agency, county, or municipality authorizes the removal of a vehicle or vessel or ~~whenever~~ a towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle or vessel pursuant to s. 715.07(2)(a)2., if an approved third-party service cannot obtain the vehicle's or vessel's owner, lienholder, and insurer information or last state of record pursuant to subsection (16), then the person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place must request such information from the law enforcement agency of the jurisdiction where the vehicle or vessel is stored. The law enforcement agency to which the request was made must ~~shall~~ contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known,



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within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department must ~~shall~~ search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place must request ~~shall obtain~~ such information from the applicable law enforcement agency within 5 days after the date of storage and, if such information is provided by the law enforcement agency, must provide the information to the approved third-party service in order to transmit notices as required under subsection (16) ~~shall give notice pursuant to paragraph (a)~~. The department may release the insurance company information to the requestor notwithstanding s. 627.736.

(c) The notice of lien must be sent by an approved third-party service by certified mail to the registered owner, the insurance company insuring the vehicle notwithstanding s. 627.736, and all other persons claiming a lien thereon within 5 ~~7~~ business days, excluding a Saturday, and Sunday, or federal legal holiday, after the date of storage of the vehicle or vessel. ~~However, in no event shall the notice of lien be sent less than 30 days before the sale of the vehicle or vessel.~~ The notice must state all of the following:

1. If the claim of lien is for a vehicle, the last 8 digits of the vehicle identification number of the vehicle subject to



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the lien, or, if the claim of lien is for a vessel, the hull identification number of the vessel subject to the lien, clearly printed in the delivery address box and on the outside of the envelope sent to the registered owner and all other persons claiming an interest in ~~therein~~ or lien on the vehicle or vessel ~~thereon~~.

2. The name, physical address, and telephone number of the lienor, and the entity name, as registered with the Division of Corporations, of the business where the towing and storage occurred, which must also appear on the outside of the envelope sent to the registered owner and all other persons claiming an interest in or lien on the vehicle or vessel.

3. The fact of possession of the vehicle or vessel.

4. The name of the person or entity that authorized the lienor to take possession of the vehicle or vessel.

5. That a lien as provided in paragraph (2)(b) ~~subsection (2)~~ is claimed.

6. That charges have accrued and include an itemized statement of the amount thereof.

7. That the lien is subject to enforcement under law and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5).

8. That any vehicle or vessel that remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens 35 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is a newer model ~~3 years of age or less~~.



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9. The address at which the vehicle or vessel is physically located.

(d) The notice of lien may not be sent to the registered owner, the insurance company insuring the vehicle or vessel, and all other persons claiming a lien thereon less than 30 days before the sale of a the vehicle or vessel that is an older model or less than 55 days before the sale of a vehicle or vessel that is a newer model.

(e) If attempts to locate the name and address of the owner or lienholder are prove unsuccessful, 5 the towing-storage operator shall, after 7 business days, excluding a Saturday, and Sunday, or federal legal holiday, after the initial tow or storage, the towing-storage operator must notify the public agency of jurisdiction where the vehicle or vessel is stored in writing by certified mail or receipt-acknowledged electronic delivery ~~acknowledged hand delivery~~ that the towing-storage operator ~~company~~ has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made, including records checks of the Department of Highway Safety and Motor Vehicles database and the National Motor Vehicle Title Information System or an equivalent commercially available system. ~~For purposes of this paragraph and subsection (9), the term "good faith effort" means that the following checks have been performed by the company to establish the prior state of registration and for title:~~

~~1. A check of the department's database for the owner and any lienholder.~~

~~2. A check of the electronic National Motor Vehicle Title~~



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~~Information System or an equivalent commercially available system to determine the state of registration when there is not a current registration record for the vehicle or vessel on file with the department.~~

~~3. A check of the vehicle or vessel for any type of tag, tag record, temporary tag, or regular tag.~~

~~4. A check of the law enforcement report for a tag number or other information identifying the vehicle or vessel, if the vehicle or vessel was towed at the request of a law enforcement officer.~~

~~5. A check of the trip sheet or tow ticket of the tow truck operator to determine whether a tag was on the vehicle or vessel at the beginning of the tow, if a private tow.~~

~~6. If there is no address of the owner on the impound report, a check of the law enforcement report to determine whether an out-of-state address is indicated from driver license information.~~

~~7. A check of the vehicle or vessel for an inspection sticker or other stickers and decals that may indicate a state of possible registration.~~

~~8. A check of the interior of the vehicle or vessel for any papers that may be in the glove box, trunk, or other areas for a state of registration.~~

~~9. A check of the vehicle for a vehicle identification number.~~

~~10. A check of the vessel for a vessel registration number.~~

~~11. A check of the vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the~~



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~~transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.~~

(5) (a) The registered owner of a vehicle or vessel in the possession of a towing-storage operator removed pursuant to subsection (2), the insurance company insuring the vehicle or vessel, and all other persons claiming a lien thereon ~~or any person claiming a lien, other than the towing-storage operator, may initiate judicial proceedings within 10 days after the time she or he has knowledge of the location of the vehicle or vessel, may file a complaint in the county court of competent jurisdiction in the county in which the vehicle or vessel is stored to determine whether the vehicle or vessel her or his property was wrongfully taken or withheld or whether fees were wrongfully charged.~~

(b) Regardless of whether judicial proceedings have been initiated pursuant to subparagraph (a), at any time before the sale of the vehicle or vessel by the towing-storage operator, the an owner of the vehicle or vessel, the insurance company insuring the vehicle or vessel, and all other persons claiming a lien thereon other than the towing-storage operator or ~~lienholder~~ may have the her or his vehicle or vessel released upon posting with the clerk of the county court in the county in which the vehicle is held court a cash or surety bond or other adequate security equal to the amount of the accrued charges set forth in the notice of lien, plus accrued storage charges, at the time of the release of the vehicle or vessel, if any, of the charges for towing or storage and lot rental amount to ensure the payment of such charges in the event a court determines that





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the vehicle or vessel was not wrongfully taken or withheld or fees were not wrongfully charged ~~she or he does not prevail~~. The owner of the vehicle or vessel, the insurance company insuring the vehicle or vessel, and all other persons claiming a lien thereon other than the towing-storage operator must not be required to initiate judicial proceedings in order to post the bond in the registry of the court and are not required to use a particular form for posting the bond unless the clerk provides such form. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court must automatically issue a certificate notifying the towing-storage operator of the posting of the bond and directing the towing-storage operator to release the vehicle or vessel to the party that posted the bond ~~the clerk of the court shall issue a certificate notifying the lienor of the posting of the bond and directing the lienor to release the vehicle or vessel~~. At the time of such release, after reasonable inspection, the party that posted the bond must ~~she or he shall~~ give a receipt to the towing-storage operator ~~company~~ reciting any claims ~~she or he has~~ for loss or damage to the vehicle or vessel or the contents thereof, or such claims are deemed waived.

1. Upon receiving a copy of a certificate giving notice of the posting of the bond in the required amount and directing release of the vehicle or vessel, a towing-storage operator who fails to release or return the vehicle or vessel to the party which posted the bond commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

2. If the party posting the bond does not initiate judicial proceedings pursuant to paragraph subparagraph (a) within 60



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days after the issuance of the certificate by the clerk of the court, then upon request by the towing-storage operator the clerk of court must release the cash or surety bond to the towing-storage operator.

(c) Upon determining the respective rights of the parties, the court may award damages, attorney ~~attorney's~~ fees, and costs in favor of the prevailing party. In the event the towing-storage operator prevails ~~In any event~~, the final order must ~~shall~~ provide for immediate payment in full of recovery, towing, and storage fees by the vehicle or vessel owner or lienholder; or the agency ordering the tow; or the owner, lessee, or agent thereof of the property from which the vehicle or vessel was removed.

(6) A vehicle or vessel that is stored pursuant to paragraph (2)(b) ~~subsection (2)~~ and remains unclaimed, or for which reasonable charges for recovery, towing, or storing remain unpaid, and any contents not released pursuant to subsection (10), may be sold by the owner or operator of the storage space for such towing or storage charge 35 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is an older model ~~more than 3 years of age~~ or 57 ~~50~~ days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is a newer model ~~3 years of age or less~~. The sale must ~~shall~~ be at public sale for cash. If the date of the sale was not included in the notice required in subsection (4), notice of the sale must ~~shall~~ be given to the person in whose name the vehicle or vessel is registered and to all persons claiming a lien on the vehicle or vessel as shown on the records of the Department of Highway Safety and Motor Vehicles or of any



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corresponding agency in any other state in which the vehicle is identified through a records check of the National Motor Vehicle Title Information System or an equivalent commercially available system as being titled. Notice of the sale must be sent by certified mail to the registered owner of the vehicle or vessel, the insurance company insuring the vehicle or vessel, and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency at least 30 days before the sale of the vehicle or vessel. ~~The notice must have clearly identified and printed, if the claim of lien is for a motor vehicle,~~ The last 8 digits of the vehicle identification number of the ~~motor~~ vehicle subject to the lien, or, if the claim of lien is for a vessel, the hull identification number of the vessel subject to the lien, must be clearly identified and printed in the delivery address box and on the outside of the envelope sent to the registered owner and all other persons claiming an interest in ~~therein~~ or lien on the vehicle or vessel ~~thereon.~~ ~~The notice must be sent to the owner of the vehicle or vessel and the person having the recorded lien on the vehicle or vessel at the address shown on the records of the registering agency at least 30 days before the sale of the vehicle or vessel.~~ The notice must state the name, physical address, and telephone number of the lienor, and the vehicle identification number if the claim of lien is for a vehicle or the hull identification number if the claim of lien is for a vessel, all of which must also appear in the return address section on the outside of the envelope containing the notice of sale. After diligent search and inquiry, if the name and address of the registered owner or the owner of the recorded lien cannot



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be ascertained, the requirements of notice by mail may be dispensed with. In addition to the notice by mail, public notice of the time and place of sale must ~~shall~~ be made by publishing a notice thereof one time, at least 20 ~~10~~ days before the date of the sale, on the publicly available website maintained by an approved third-party service. The third-party service must electronically report to the Department of Highway Safety and Motor Vehicles, via an electronic data exchange process using a web interface, the name, physical address, and telephone number of the lienor; the time and place of the sale; the vehicle's license plate number, if known; the vehicle identification number, if the claim of lien is for a vehicle, or the hull identification number, if the claim of lien is for a vessel; and the amount due for towing, recovery, storage, and administrative fees. The third-party service that publishes the public notice of sale and electronically reports the required information to the department may collect and retain a service charge of no more than \$1 in a newspaper of general circulation in the county in which the sale is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, and costs of the sale, in that order of priority, must ~~shall~~ be deposited with the clerk of the circuit court for the county if the owner or lienholder is absent, and the clerk must ~~shall~~ hold such proceeds subject to the claim of the owner or lienholder legally entitled thereto. The clerk is ~~shall be~~ entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this section must ~~this law shall~~ be discharged of all liens unless otherwise provided by court order. The owner or lienholder may file a complaint after



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the vehicle or vessel has been sold in the county court of the county in which it is stored. Upon determining the respective rights of the parties, the court may award damages, attorney fees, and costs in favor of the prevailing party.

(8) A towing-storage operator ~~person regularly engaged in the business of recovering, towing, or storing vehicles or vessels,~~ except a person licensed under chapter 493 while engaged in "repossession" activities as defined in s. 493.6101, may not operate a wrecker, tow truck, or car carrier unless the name, address, and telephone number of the company performing the service is clearly printed in contrasting colors on the driver and passenger sides of its vehicle. The name must be in at least 3-inch permanently affixed letters, and the address and telephone number must be in at least 1-inch permanently affixed letters.

(9) Failure to make good faith efforts to comply with the notice requirements of this section precludes the imposition of any storage charges against the vehicle or vessel. If a lienor fails to provide notice to a person claiming a lien on a vehicle or vessel in accordance with subsection (4), the lienor may not charge the person for more than 5 7 days of storage, but such failure does not affect charges made for towing the vehicle or vessel or the priority of liens on the vehicle or vessel.

(10) A towing-storage operator must ~~Persons who provide services pursuant to this section shall~~ permit vehicle or vessel owners, lienholders, insurance company representatives, or their agents, whose interest in the vehicle or vessel is evidenced by any of the documents listed in subsection (17) ~~which agency is evidenced by an original writing acknowledged by the owner~~



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~~before a notary public or other person empowered by law to~~  
~~administer oaths,~~ to inspect the towed vehicle or vessel and  
~~must shall~~ release to the owner, lienholder, or agent the  
vehicle, vessel, or all personal property not affixed to the  
vehicle or vessel which was in the vehicle or vessel at the time  
the vehicle or vessel came into the custody of the towing-  
storage operator. The inspection and release of the vehicle,  
vessel, or personal property must be permitted within 1 hour  
after the owner, lienholder, insurance company representative,  
or their agent presents any of the documents listed in  
subsection (17) to the towing-storage operator during normal  
business hours at the site where the vehicle or vessel is  
stored. Notwithstanding subparagraph (17)(a)5., a rental vehicle  
or vessel agreement is not evidence that the person who rented a  
vehicle or vessel is an agent of the rental vehicle or vessel  
owner for the purpose of releasing the vehicle or vessel.  
However, a towing-storage operator must release to the renter of  
a rental vehicle or vessel all personal property belonging to  
the renter which is not affixed to the rental vehicle or vessel  
within 1 hour after the renter's arrival ~~person providing such~~  
~~services.~~

(11)(a) A towing-storage operator ~~Any person regularly~~  
~~engaged in the business of recovering, towing, or storing~~  
~~vehicles or vessels~~ who comes into possession of a vehicle or  
vessel pursuant to paragraph (2)(b) ~~subsection (2)~~ and who has  
complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),  
when such vehicle or vessel is to be sold for purposes of being  
dismantled, destroyed, or changed in such manner that it is not  
the ~~motor~~ vehicle or vessel described in the certificate of



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title, must ~~shall~~ report the vehicle to the National Motor Vehicle Title Information System and apply to the Department of Highway Safety and Motor Vehicles for a certificate of destruction. A certificate of destruction, which authorizes the dismantling or destruction of the vehicle or vessel described therein, is ~~shall be~~ reassignable a maximum of two times before dismantling or destruction of the vehicle is ~~shall be~~ required, and must ~~shall~~ accompany the vehicle or vessel for which it is issued, when such vehicle or vessel is sold for such purposes, in lieu of a certificate of title. The application for a certificate of destruction must include proof of reporting to the National Motor Vehicle Title Information System and an affidavit from the applicant that she or he ~~it~~ has complied with all applicable requirements of this section and, if the vehicle or vessel is not registered in this state or any other state, by a statement from a law enforcement officer that the vehicle or vessel is not reported stolen, and must ~~shall~~ be accompanied by such documentation as may be required by the department.

(12) (a) Any person who violates ~~any provision of subsection (1),~~ subsection (2), subsection (4), subsection (5), subsection (6), or subsection (7) commits ~~is guilty of~~ a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) Employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers are authorized to inspect the records of a towing-storage operator ~~any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels or transporting vehicles or vessels by wrecker, tow truck, or car carrier,~~ to ensure compliance with



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the requirements of this section. A towing-storage operator ~~Any person~~ who fails to maintain records, or fails to produce records when required in a reasonable manner and at a reasonable time, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(13) (a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under subparagraph (2) (b) 4. ~~paragraph (2) (d)~~ for recovery, towing, or storage of an abandoned vehicle or vessel upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11) and the vehicle has been reported to the National Motor Vehicle Title Information System, the department shall place the name of the registered owner of that vehicle or vessel on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle or vessel is owned jointly by more than one person, the name of each registered owner must ~~shall~~ be placed on the list. The notice of wrecker operator's lien must ~~shall~~ be submitted on forms provided by the department and, which must include all of the following:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle or vessel and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle or vessel, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration





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license plate number, state, and year; validation decal number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle or vessel be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle or vessel for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under paragraph (2)(b) ~~subsection (2)~~ or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department will prevent issuance of a license plate or revalidation sticker.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle or vessel attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker



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operator's lien by the registered owner, the department must  
~~shall~~ immediately remove the registered owner's name from the  
list of those persons who may not be issued a license plate or  
revalidation sticker for any motor vehicle under s. 320.03(8),  
thereby allowing issuance of a license plate or revalidation  
sticker. Issuance of a certificate of discharged wrecker  
operator's lien under this paragraph does not discharge the  
entire amount of the wrecker operator's lien claimed under  
paragraph (2)(b) ~~subsection (2)~~, but only certifies to the  
department that the amount of the wrecker operator's lien  
allowed by paragraph (b), for which the department will prevent  
issuance of a license plate or revalidation sticker, has been  
discharged.

(17) (a) A towing-storage operator must accept an original  
or a copy of any of the following documents as evidence of a  
person's interest in a vehicle or vessel:

1. An electronic title.

2. A paper title.

3. A contract between a lender and the owner of the vehicle  
or vessel.

4. A contract between a lessor and the lessee of the  
vehicle or vessel.

5. A notarized written agreement evidencing that the person  
is an agent of the vehicle or vessel owner, lienholder, or  
insurance company.

(b) Except as otherwise provided, a towing-storage operator  
may not require any of the documents listed in paragraph (a) to  
be notarized.

(c) Presenting one form of current government-issued photo



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identification constitutes sufficient identity verification for  
the purposes of this section ~~A lienor must accept either a copy~~  
~~of an electronic title or a paper title as evidence of a~~  
~~person's interest in a vehicle or vessel.~~

(18) A towing-storage operator must retain for 3 years  
records produced for all vehicles or vessels recovered, towed,  
stored, or released. Such records must include at least all of  
the following:

(a) All notice publications and certified mailings.

(b) The purchase price of any unclaimed vehicle or vessel  
sold.

(c) The names and addresses of persons to which vehicles or  
vessels were released.

(d) The names and addresses of vehicle or vessel  
purchasers.

(e) All fees imposed under this section, including the  
itemized invoice required under paragraph (20) (c).

(19) (a) A towing-storage operator must accept payment for  
accrued charges from an authorized person listed in subsection  
(10) in any form from at least two of the following  
subparagraphs:

1. Cash, cashier's check, money order, or traveler's check.

2. Bank, debit, or credit card.

3. Mobile payment service, digital wallet, or other  
electronic payment system.

(b) Any of the authorized persons listed in subsection (10)  
are not required to furnish more than one form of current  
government-issued photo identification when payment is made in  
any of the forms listed in paragraph (a).



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(20) (a) A towing-storage operator must maintain a rate sheet listing all fees for, or incidental to, the recovery, removal, or storage of a vehicle or vessel and must do all of the following:

1. Post the rate sheet at the towing-storage operator's place of business.

2. Make the rate sheet available upon request by the vehicle or vessel owner, lienholder, insurance company, or their agent.

3. Before attaching a vehicle or vessel to a wrecker, furnish the rate sheet to the owner or operator of the vehicle or vessel, if the owner or operator is present at the scene of the disabled vehicle or vessel.

(b) Any fee charged in excess of those listed on the rate sheet required under this subsection is deemed unreasonable.

(c) An itemized invoice of actual fees charged by a towing-storage operator for a completed tow must be produced and be available to the vehicle or vessel owner, lienholder, insurance company, or their agent no later than 1 business day after:

1. The tow is completed; or

2. The towing-storage operator has obtained all necessary information to be included on the invoice, including any charges submitted by subcontractors used by the towing-storage operator to complete the tow and recovery.

(d) The itemized invoice required under paragraph (c) must contain all of the following information:

1. The date and time the vehicle or vessel was towed.

2. The location to which the vehicle or vessel was towed.

3. The name, address, and telephone number of the towing-



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storage operator.

4. A description of the towed vehicle or vessel, including the color, make, model, model year, and vehicle identification number of the vehicle or hull identification number of the vessel.

5. The license plate number and state of registration for the towed vehicle or vessel.

6. The cost of the initial towing service.

7. The cost of any storage fees, expressed as a daily rate.

8. Other fees, including administrative fees, vehicle or vessel search fees, fees for hazardous material and nonhazardous material cleanup, and fees for labor.

9. A list of the services that were performed under a warranty or that were otherwise performed at no cost to the owner of the vehicle or vessel.

(e) Any service performed or fee charged in addition to those described in subparagraph (d)6. or subparagraph (d)7. must be set forth on the itemized invoice required under paragraph (c) individually as a single line item that includes an explanation of the service or fee and the exact amount charged for the service or the exact amount of the fee.

(f) A towing-storage operator must make the itemized invoice required under paragraph (c) available for inspection and copying no later than 48 hours after receiving a written request to inspect such invoice from:

1. A law enforcement agency;

2. The Attorney General;

3. A city attorney, a county attorney, or the prosecuting attorney having jurisdiction in the location of any of the



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towing-storage operator's business locations;

4. The vehicle or vessel owner, lienholder, insurance  
company, or their agent; or

5. If the vehicle or vessel was involved in a collision,  
any individual involved in the underlying collision or the  
individual's insurance company.

(21) This section is the exclusive remedy for the placement  
or foreclosure of a storage lien placed on a vehicle or vessel  
pursuant to ss. 83.19 and 677.210.

Section 7. Paragraph (a) of subsection (2) of section  
715.07, Florida Statutes, is amended to read:

715.07 Vehicles or vessels parked on private property;  
towing.—

(2) The owner or lessee of real property, or any person  
authorized by the owner or lessee, which person may be the  
designated representative of the condominium association if the  
real property is a condominium, may cause any vehicle or vessel  
parked on such property without her or his permission to be  
removed by a person regularly engaged in the business of towing  
vehicles or vessels, without liability for the costs of removal,  
transportation, or storage or damages caused by such removal,  
transportation, or storage, under any of the following  
circumstances:

(a) The towing or removal of any vehicle or vessel from  
private property without the consent of the registered owner or  
other legally authorized person in control of that vehicle or  
vessel is subject to substantial compliance with the following  
conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored



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at a site within a 10-mile radius of the point of removal in any county of 500,000 population or more, and within a 15-mile radius of the point of removal in any county of fewer than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal in any county of 500,000 population or more, and within a 30-mile radius of the point of removal in any county of fewer than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.



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3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, before towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway





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access or curb cut allowing vehicular access to the property within 10 feet from the road, as defined in s. 334.03(22). If there are no curbs or access barriers, the signs must be posted not fewer than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not fewer than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not fewer than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not fewer than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not fewer than 24 hours before the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs before any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not fewer than 4-inch high, light-reflective letters on a contrasting background.

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in



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sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control or custody of a vehicle or vessel to pay the costs of towing and storage before redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control or custody of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the towing or removal, have the name, address, and telephone number



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of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the vehicle. The name shall be in at least 3-inch permanently affixed letters, and the address and telephone number shall be in at least 1-inch permanently affixed letters.

8. Vehicle entry for the purpose of removing the vehicle or vessel shall be allowed with reasonable care on the part of the person or firm towing the vehicle or vessel. Such person or firm shall be liable for any damage occasioned to the vehicle or vessel if such entry is not in accordance with the standard of reasonable care.

9. When a vehicle or vessel has been towed or removed pursuant to this section, it must be released to its owner or person in control or custody within 1 hour after requested. Any vehicle or vessel owner or person in control or custody has the right to inspect the vehicle or vessel before accepting its return, and no release or waiver of any kind which would release the person or firm towing the vehicle or vessel from liability for damages noted by the owner or person in control or custody at the time of the redemption may be required from any vehicle or vessel owner or person in control or custody as a condition of release of the vehicle or vessel to its owner or person in control or custody. A detailed receipt showing the legal name of the company or person towing or removing the vehicle or vessel must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

Section 8. This act shall take effect July 1, 2024.

===== T I T L E   A M E N D M E N T =====



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And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to towing and storage; amending s.  
83.19, F.S.; conforming provisions to changes made by  
this act; amending ss. 125.0103 and 166.043, F.S.;  
requiring certain counties and municipalities to  
publish specified rates on their websites and  
establish a specified process; providing that rates  
established by the Division of Florida Highway Patrol  
apply to certain areas of the state; amending s.  
321.051, F.S.; requiring the Department of Highway  
Safety and Motor Vehicles to publish certain rates on  
its website and establish a specified process;  
prohibiting the Division of Florida Highway Patrol  
from excluding or failing to designate certain wrecker  
operators from the wrecker operator system solely  
because the wrecker operator has been convicted of  
certain felonies; amending s. 677.210, F.S.; requiring  
certain vehicles or vessels to be foreclosed pursuant  
to certain provisions; amending s. 713.78, F.S.;  
providing and reordering definitions; authorizing  
towing-storage operators to charge certain fees;  
requiring that towing-storage operators who come into  
possession of a vehicle or vessel and claim a lien on  
it give certain notice to the vehicle or vessel owner;  
prohibiting towing-storage operators from charging a  
storage fee if the vehicle or vessel is stored under



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997 certain circumstances; revising requirements for law  
998 enforcement agencies and the department relating to  
999 the removal of vehicles or vessels; revising  
1000 requirements for notices of lien; requiring towing-  
1001 storage operators in possession of a vehicle or vessel  
1002 to request certain information from law enforcement if  
1003 a third-party service cannot provide it; revising  
1004 requirements for towing-storage operators providing  
1005 notice to public agencies of jurisdiction; revising  
1006 the timeframe within which certain unclaimed vehicles  
1007 or vessels may be sold; revising requirements for  
1008 notices of sale; authorizing certain persons with an  
1009 interest on a vehicle or vessel in the possession of a  
1010 towing-storage operator to initiate judicial  
1011 proceedings where the vehicle or vessel was taken from  
1012 to determine certain findings; authorizing certain  
1013 interested parties of a vehicle or vessel to take  
1014 possession of it prior to sale if the interested party  
1015 posts a cash or surety bond with the county clerk of  
1016 courts without first initiating judicial proceedings;  
1017 requiring the clerk of court to issue a certificate  
1018 notifying the towing-storage operator of the posting  
1019 of the bond and to direct the towing-storage operator  
1020 to release the vehicle or vessel to the interested  
1021 party; requiring the party who posts the bond to give  
1022 a receipt to the towing-storage operator reciting any  
1023 property loss or damage to the vehicle or vessel or  
1024 the contents thereof, and waiving such claims if such  
1025 receipt is not provided; providing criminal penalties



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1026 for towing-storage operators who fail to release or  
1027 return the vehicle or vessel to the interested party  
1028 after posting a cash or surety bond; requiring the  
1029 clerk of courts to release the cash or surety bond to  
1030 the towing-storage operator if the interested party  
1031 does not initiate judicial proceedings within a  
1032 certain timeframe; requiring the court award all fees  
1033 to the towing-storage operator if he or she prevails  
1034 in the judicial proceedings; revising the timeframes  
1035 within which certain vehicles or vessels may be sold  
1036 by a towing-storage operator if the vehicle or vessel  
1037 is being stored by the lienor; revising notice  
1038 requirements for sale; requiring approved third-party  
1039 services to publish public notices of sale and report  
1040 certain information by specified means to the  
1041 department; providing the maximum fee that approved  
1042 third-party services may collect and retain for such  
1043 services; revising provisions for permission to  
1044 inspect a vehicle or vessel; revising how many days a  
1045 lienor may not charge for storage for failing to  
1046 comply with the notice requirements; providing  
1047 timeframes within which a vehicle, vessel, or personal  
1048 property must be made available for inspection and  
1049 release; revising criminal penalties; requiring  
1050 towing-storage operators to accept certain documents  
1051 as evidence of a person's interest in a vehicle or  
1052 vessel; prohibiting certain persons from being  
1053 required to furnish more than one form of current  
1054 government-issued photo identification for purposes of



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1055        verifying their identity; requiring towing-storage  
1056        operators to maintain certain records for a certain  
1057        period of time; requiring towing-storage operators to  
1058        accept certain types of payment; requiring towing-  
1059        storage operators to maintain a rate sheet; providing  
1060        requirements for such rate sheet; providing that  
1061        certain fees are unreasonable; requiring towing-  
1062        storage operators to maintain an itemized invoice for  
1063        specified fees; providing requirements for such  
1064        invoice; requiring disclosure of such invoice to  
1065        specified persons and entities within a certain  
1066        timeframe; providing applicability; making technical  
1067        changes; amending s. 715.07, F.S.; conforming a cross-  
1068        reference; providing an effective date.

By Senator Perry

9-01096-24

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A bill to be entitled

An act relating to towing and storage; 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 exceptions; amending s. 713.78, F.S.; defining the terms "good faith effort" and "towing-storage operator"; authorizing a towing-storage operator to charge certain fees; providing that a lien can only be placed on specified fees; revising requirements for law enforcement agencies and the Department of Highway Safety and Motor Vehicles relating to the removal of vehicles or vessels; revising requirements for notices of lien; revising requirements for towing-storage operators providing notice to public agencies of jurisdiction; revising the timeframe in which certain unclaimed vehicles or vessels may be sold; revising requirements for notices of sale; revising provisions for permission to inspect a vehicle or vessel; providing when a vehicle must be made available for inspection; revising criminal penalties; requiring a towing-storage operator to maintain certain records for at least a specified period of time; providing the exclusive remedy for certain liens; requiring towing-storage operators to accept certain types of payment; prohibiting certain persons from being required to furnish more than one form of current government photo



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identification for purposes of verifying their  
identity; making technical changes; amending ss. 83.19  
and 83.805, F.S.; conforming provisions to changes  
made by the act; amending s. 83.806, F.S.; revising  
requirements for the sale or disposition of property  
at self-service storage facilities; providing  
inspection requirements for vehicles or vessels being  
sold by a facility or unit owner; requiring vehicles  
or vessels to be released under certain circumstances;  
providing a criminal penalty; providing requirements  
for filing lawsuits relating to such vehicles or  
vessels; specifying that failure to make good faith  
efforts to comply with certain notice requirements  
precludes the imposition of certain storage charges;  
specifying that copies of specified documents  
constitute satisfactory proof for transfer of title;  
conforming provisions to changes made by the act;  
amending s. 83.808, F.S.; requiring that rental  
agreements for self-service storage facilities  
authorize tenants to designate an optional alternate  
contact person; specifying that such person may be  
contacted only for certain purposes; specifying that  
such person does not have an interest in the contents  
stored at the self-service storage facility or in the  
self-contained storage unit; amending s. 677.210,  
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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Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (5) is added to section 321.051, Florida Statutes, to read:

321.051 Florida Highway Patrol wrecker operator system; penalties for operation outside of system.—

(5) The Division of the Florida Highway Patrol may not exclude a wrecker operator from the wrecker operator system or fail to designate him or her as an authorized wrecker operator based solely on a prior felony conviction unless such conviction is for a forcible felony as defined in s. 776.08 or a felony listed under s. 812.014(2)(c) 6. or s. 812.16(2).

Section 2. Subsections (1), (2), and (4), paragraph (a) of subsection (5), subsections (6), (8), (9), and (10), paragraph (a) of subsection (11), paragraphs (a) and (d) of subsection (12), and paragraphs (a), (b), and (d) of subsection (13) of section 713.78, Florida Statutes, are amended, and subsections (18), (19), and (20) are added to that section, to read:

713.78 Liens for recovering, towing, or storing vehicles and vessels.—

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

(e)~~(a)~~ "Vehicle" means any mobile item, whether motorized or not, which is mounted on wheels.

(f)~~(b)~~ "Vessel" means every description of watercraft, barge, and airboat used or capable of being used as a means of transportation on water, other than a seaplane or a "documented vessel" as defined in s. 327.02.

(b) "Good faith effort" means that all of the following checks have been performed by a towing-storage company to

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88 establish the prior state of registration and title of a vehicle  
89 or vessel that has been towed or stored by the company:

90 1. A check of the department's database for the owner and  
91 any lienholder.

92 2. A check of the electronic National Motor Vehicle Title  
93 Information System or an equivalent commercially available  
94 system to determine the state of registration when there is not  
95 a current registration record for the vehicle or vessel on file  
96 with the department.

97 3. A check of the vehicle or vessel for any type of tag,  
98 tag record, temporary tag, or regular tag.

99 4. A check of the law enforcement report for a tag number  
100 or other information identifying the vehicle or vessel, if the  
101 vehicle or vessel was towed at the request of a law enforcement  
102 officer.

103 5. A check of the trip sheet or tow ticket of the tow truck  
104 operator to determine whether a tag was on the vehicle or vessel  
105 at the beginning of the tow, if a private tow.

106 6. If there is no address of the owner on the impound  
107 report, a check of the law enforcement report to determine  
108 whether an out-of-state address is indicated from driver license  
109 information.

110 7. A check of the vehicle or vessel for an inspection  
111 sticker or other stickers and decals that may indicate a state  
112 of possible registration.

113 8. A check of the interior of the vehicle or vessel for any  
114 papers that may be in the glove box, trunk, or other areas for a  
115 state of registration.

116 9. A check of the vehicle for a vehicle identification

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number.

10. A check of the vessel for a vessel registration number.

11. A check of the vessel hull for a hull identification number which should be carved, burned, stamped, embossed, or otherwise permanently affixed to the outboard side of the transom or, if there is no transom, to the outmost seaboard side at the end of the hull that bears the rudder or other steering mechanism.

(g)~~(e)~~ "Wrecker" means any truck or other vehicle that ~~which~~ is used to tow, carry, or otherwise transport ~~motor~~ vehicles or vessels upon the streets and highways of this state and ~~which~~ is equipped for that purpose with a boom, winch, car carrier, or other similar equipment.

(c)~~(d)~~ "National Motor Vehicle Title Information System" means the federally authorized electronic National Motor Vehicle Title Information System.

(d) "Towing-storage operator" means a person who regularly engages in the business of transporting vehicles or vessels by wrecker, tow truck, or car carrier.

(a)~~(e)~~ "Equivalent commercially available system" means a service that charges a fee to provide vehicle information and that at a minimum maintains records from those states participating in data sharing with the National Motor Vehicle Title Information System.

(2) (a) Whenever A towing-storage operator may charge only the following fees for, or incidental to, the recovery, removal, or storage of a vehicle or vessel:

1. Any reasonable fee for service specifically authorized by ordinance, resolution, regulation, or rule of the county or

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146 municipality in which the service is performed.

147 2. Any reasonable fee for service specifically authorized  
148 by contract or agreement between a towing-storage operator and a  
149 county, municipality, or other governmental agency.

150 3. Any reasonable fee for service specifically authorized  
151 by rule of the Department of Highway Safety and Motor Vehicles.

152 4. Any reasonable fee for service as agreed upon in writing  
153 between a towing-storage operator and the owner of a vehicle or  
154 vessel.

155 5. Any lien release administrative fee as set forth in  
156 paragraph (15) (a).

157 6. Any reasonable administrative fee or charge imposed by a  
158 county or municipality pursuant to s. 125.01047, s. 166.04465,  
159 or s. 323.002 upon the registered owner or other legally  
160 authorized person in control of a vehicle or vessel.

161 (b) If a towing-storage operator ~~person regularly engaged~~  
162 ~~in the business of transporting vehicles or vessels by wrecker,~~  
163 ~~tow truck, or car carrier~~ recovers, removes, or stores a vehicle  
164 or vessel upon instructions from:

165 1.(a) The owner thereof;

166 2.(b) The owner or lessor, or a person authorized by the  
167 owner or lessor, of property on which such vehicle or vessel is  
168 wrongfully parked, and the removal is done in compliance with s.  
169 715.07;

170 3.(c) The landlord or a person authorized by the landlord,  
171 when such ~~motor~~ vehicle or vessel remained on the premises after  
172 the tenancy terminated and the removal is done in compliance  
173 with s. 83.806 or s. 715.104; or

174 4.(d) Any law enforcement agency, county, or municipality,

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175  
176 she or he has ~~shall have~~ a lien on the vehicle or vessel for a  
177 reasonable towing fee, for a reasonable administrative fee or  
178 charge imposed by a county or municipality, and for a reasonable  
179 storage fee; except that a storage fee may not be charged if the  
180 vehicle or vessel is stored for less ~~fewer~~ than 6 hours.

181 (4) (a) A towing-storage operator ~~person regularly engaged~~  
182 ~~in the business of recovering, towing, or storing vehicles or~~  
183 ~~vessels~~ who comes into possession of a vehicle or vessel  
184 pursuant to paragraph (2) (b) ~~subsection (2)~~, and who claims a  
185 lien for recovery, towing, or storage services, must ~~shall~~ give  
186 notice, by certified mail, pursuant to subsection (16), to the  
187 registered owner, the insurance company insuring the vehicle  
188 notwithstanding s. 627.736, and all persons claiming a lien  
189 thereon, as disclosed by the records in the Department of  
190 Highway Safety and Motor Vehicles or as disclosed by the records  
191 of any corresponding agency in any other state in which the  
192 vehicle is identified through a records check of the National  
193 Motor Vehicle Title Information System or an equivalent  
194 commercially available system as being titled or registered.

195 (b) When ~~Whenever~~ a law enforcement agency authorizes the  
196 removal of a vehicle or vessel or ~~whenever~~ a towing service,  
197 garage, repair shop, or automotive service, storage, or parking  
198 place notifies the law enforcement agency of possession of a  
199 vehicle or vessel pursuant to s. 715.07(2)(a)2., if an approved  
200 third-party service cannot obtain the vehicle's or vessel's  
201 owner, lienholder, and insurer information or last state of  
202 record pursuant to subsection (16), the law enforcement agency  
203 of the jurisdiction where the vehicle or vessel is stored must

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~~shall~~ contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications, giving the full description of the vehicle or vessel. Upon receipt of the full description of the vehicle or vessel, the department shall search its files to determine the owner's name, the insurance company insuring the vehicle or vessel, and whether any person has filed a lien upon the vehicle or vessel as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place must request ~~shall obtain~~ such information from the applicable law enforcement agency within 5 days after the date of storage and ~~shall~~ give notice pursuant to paragraph (a). The department may release the insurance company information to the requestor notwithstanding s. 627.736.

(c) The notice of lien must be sent by certified mail to the registered owner, the insurance company insuring the vehicle notwithstanding s. 627.736, and all other persons claiming a lien thereon within 4 7 business days, excluding a Saturday, and Sunday, or federal legal holiday, after the date of storage of the vehicle or vessel. ~~However, in no event shall the notice of lien be sent less than 30 days before the sale of the vehicle or vessel.~~ The notice must state all of the following:

1. If the claim of lien is for a vehicle, the last 8 digits of the vehicle identification number of the vehicle subject to the lien, or, if the claim of lien is for a vessel, the hull identification number of the vessel subject to the lien, clearly

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printed in the delivery address box and on the outside of the envelope sent to the registered owner and all other persons claiming an interest in ~~therein~~ or lien on the vehicle or vessel ~~thereon~~.

2. The name, physical address, and telephone number of the lienor, and the entity name, as registered with the Division of Corporations, of the business where the towing and storage occurred, which must also appear on the outside of the envelope sent to the registered owner and all other persons claiming an interest in or lien on the vehicle or vessel.

3. The fact of possession of the vehicle or vessel.

4. The name of the person or entity that authorized the lienor to take possession of the vehicle or vessel.

5. That a lien as provided in paragraph (2) (b) ~~subsection (2)~~ is claimed.

6. That charges have accrued and include an itemized statement of the amount thereof.

7. That the lien is subject to enforcement under law and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5).

8. That any vehicle or vessel that remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold free of all prior liens 35 days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is more than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is stored by the lienor if the vehicle or vessel is 3 years of age or less.

9. The address at which the vehicle or vessel is physically located.



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(d) The notice of lien may not be sent to the registered owner, the insurance company insuring the vehicle or vessel, and all other persons claiming a lien thereon less than 30 days before the sale of a the vehicle or vessel that is more than 3 years of age or less than 60 days before the sale of a vehicle or vessel that is 3 years of age or less.

(e) If attempts to locate the name and address of the owner or lienholder are ~~prove~~ unsuccessful, 4 ~~the towing-storage operator shall, after 7~~ business days, excluding a Saturday, and Sunday, or federal legal holiday, after the initial tow or storage, the towing-storage operator must notify the public agency of jurisdiction where the vehicle or vessel is stored in writing by certified mail or electronic delivery ~~acknowledged hand delivery~~ that the towing-storage company has been unable to locate the name and address of the owner or lienholder and a physical search of the vehicle or vessel has disclosed no ownership information and a good faith effort has been made, including records checks of the Department of Highway Safety and Motor Vehicles database and the National Motor Vehicle Title Information System or an equivalent commercially available system. ~~For purposes of this paragraph and subsection (9), the term "good faith effort" means that the following checks have been performed by the company to establish the prior state of registration and for title:~~

~~1. A check of the department's database for the owner and any lienholder.~~

~~2. A check of the electronic National Motor Vehicle Title Information System or an equivalent commercially available system to determine the state of registration when there is not~~

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291 ~~a current registration record for the vehicle or vessel on file~~  
292 ~~with the department.~~

293 ~~3. A check of the vehicle or vessel for any type of tag,~~  
294 ~~tag record, temporary tag, or regular tag.~~

295 ~~4. A check of the law enforcement report for a tag number~~  
296 ~~or other information identifying the vehicle or vessel, if the~~  
297 ~~vehicle or vessel was towed at the request of a law enforcement~~  
298 ~~officer.~~

299 ~~5. A check of the trip sheet or tow ticket of the tow truck~~  
300 ~~operator to determine whether a tag was on the vehicle or vessel~~  
301 ~~at the beginning of the tow, if a private tow.~~

302 ~~6. If there is no address of the owner on the impound~~  
303 ~~report, a check of the law enforcement report to determine~~  
304 ~~whether an out-of-state address is indicated from driver license~~  
305 ~~information.~~

306 ~~7. A check of the vehicle or vessel for an inspection~~  
307 ~~sticker or other stickers and decals that may indicate a state~~  
308 ~~of possible registration.~~

309 ~~8. A check of the interior of the vehicle or vessel for any~~  
310 ~~papers that may be in the glove box, trunk, or other areas for a~~  
311 ~~state of registration.~~

312 ~~9. A check of the vehicle for a vehicle identification~~  
313 ~~number.~~

314 ~~10. A check of the vessel for a vessel registration number.~~

315 ~~11. A check of the vessel hull for a hull identification~~  
316 ~~number which should be carved, burned, stamped, embossed, or~~  
317 ~~otherwise permanently affixed to the outboard side of the~~  
318 ~~transom or, if there is no transom, to the outmost seaboard side~~  
319 ~~at the end of the hull that bears the rudder or other steering~~

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320 ~~mechanism.~~

321 (5) (a) The owner of a vehicle or vessel removed pursuant to  
322 paragraph (2) (b) ~~subsection (2)~~, or any person claiming a lien,  
323 other than the towing-storage operator, within 10 days after the  
324 time she or he has knowledge of the location of the vehicle or  
325 vessel, may file a complaint in the county court of the county  
326 in which the vehicle or vessel is stored to determine whether  
327 her or his property was wrongfully taken or withheld.

328 (6) A vehicle or vessel that is stored pursuant to  
329 paragraph (2) (b) ~~subsection (2)~~ and remains unclaimed, or for  
330 which reasonable charges for recovery, towing, or storing remain  
331 unpaid, and any contents not released pursuant to subsection  
332 (10), may be sold by the owner or operator of the storage space  
333 for such towing or storage charge 35 days after the vehicle or  
334 vessel is stored by the lienor if the vehicle or vessel is more  
335 than 3 years of age or 65 ~~50~~ days after the vehicle or vessel is  
336 stored by the lienor if the vehicle or vessel is 3 years of age  
337 or less. The sale must ~~shall~~ be at public sale for cash. If the  
338 date of the sale was not included in the notice required in  
339 subsection (4), notice of the sale must ~~shall~~ be given to the  
340 person in whose name the vehicle or vessel is registered and to  
341 all persons claiming a lien on the vehicle or vessel as shown on  
342 the records of the Department of Highway Safety and Motor  
343 Vehicles or of any corresponding agency in any other state in  
344 which the vehicle is identified through a records check of the  
345 National Motor Vehicle Title Information System or an equivalent  
346 commercially available system as being titled. Notice of the  
347 sale must be sent by certified mail to the registered owner of  
348 the vehicle or vessel, the insurance company insuring the

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349 vehicle or vessel, and the person having the recorded lien on  
350 the vehicle or vessel at the address shown on the records of the  
351 registering agency at least 30 days before the sale of the  
352 vehicle or vessel. ~~The notice must have clearly identified and~~  
353 ~~printed, if the claim of lien is for a motor vehicle,~~ The last 8  
354 digits of the vehicle identification number of the ~~motor~~ vehicle  
355 subject to the lien, or, if the claim of lien is for a vessel,  
356 the hull identification number of the vessel subject to the  
357 lien, must be clearly identified and printed in the delivery  
358 address box and on the outside of the envelope sent to the  
359 registered owner and all other persons claiming an interest in  
360 ~~therein~~ or lien on the vehicle or vessel ~~thereon.~~ ~~The notice~~  
361 ~~must be sent to the owner of the vehicle or vessel and the~~  
362 ~~person having the recorded lien on the vehicle or vessel at the~~  
363 ~~address shown on the records of the registering agency at least~~  
364 ~~30 days before the sale of the vehicle or vessel.~~ The notice  
365 must state the name, physical address, and telephone number of  
366 the lienor, and the vehicle identification number if the claim  
367 of lien is for a vehicle or the hull identification number if  
368 the claim of lien is for a vessel, all of which must also appear  
369 in the return address section on the outside of the envelope  
370 containing the notice of sale. After diligent search and  
371 inquiry, if the name and address of the registered owner or the  
372 owner of the recorded lien cannot be ascertained, the  
373 requirements of notice by mail may be dispensed with. In  
374 addition to the notice by mail, public notice of the time and  
375 place of sale must ~~shall~~ be made by publishing a notice thereof  
376 one time, at least 20 ~~10~~ days before the date of the sale, in a  
377 newspaper of general circulation in the county in which the sale

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is to be held. The proceeds of the sale, after payment of reasonable towing and storage charges, and costs of the sale, in that order of priority, must ~~shall~~ be deposited with the clerk of the circuit court for the county if the owner or lienholder is absent, and the clerk shall hold such proceeds subject to the claim of the owner or lienholder legally entitled thereto. The clerk is ~~shall be~~ entitled to receive 5 percent of such proceeds for the care and disbursement thereof. The certificate of title issued under this section must ~~this law shall~~ be discharged of all liens unless otherwise provided by court order. The owner or lienholder may file a complaint after the vehicle or vessel has been sold in the county court of the county in which it is stored. Upon determining the respective rights of the parties, the court may award damages, attorney fees, and costs in favor of the prevailing party.

(8) A towing-storage operator ~~person regularly engaged in the business of recovering, towing, or storing vehicles or vessels~~, except a person licensed under chapter 493 while engaged in "repossession" activities as defined in s. 493.6101, may not operate a wrecker, tow truck, or car carrier unless the name, address, and telephone number of the company performing the service is clearly printed in contrasting colors on the driver and passenger sides of its vehicle. The name must be in at least 3-inch permanently affixed letters, and the address and telephone number must be in at least 1-inch permanently affixed letters.

(9) Failure to make good faith efforts to substantially comply with the notice requirements of this section or ~~precludes the imposition of any storage charges against the vehicle or~~

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407 ~~vessel. If a lienor fails to provide notice to a person claiming~~  
408 ~~a lien on a vehicle or vessel in accordance with subsection (4)~~  
409 ~~precludes the imposition of storage charges against the vehicle~~  
410 ~~or vessel, the lienor may not charge the person for more than 4~~  
411 ~~7 days of storage, but such failure does not affect charges made~~  
412 ~~for towing the vehicle or vessel or the priority of liens on the~~  
413 ~~vehicle or vessel.~~

414 (10) A towing-storage operator must ~~Persons who provide~~  
415 ~~services pursuant to this section shall permit vehicle or vessel~~  
416 ~~owners, including rental vehicle or vessel owners, lienholders,~~  
417 ~~insurance company representatives, or their agents, which agency~~  
418 ~~is evidenced by an original writing acknowledged by the owner~~  
419 ~~before a notary public or other person empowered by law to~~  
420 ~~administer oaths, to inspect the towed vehicle or vessel and~~  
421 ~~shall release to the owner, lienholder, or agent the vehicle,~~  
422 ~~vessel, or all personal property not affixed to the vehicle or~~  
423 ~~vessel which was in the vehicle or vessel at the time the~~  
424 ~~vehicle or vessel came into the custody of the towing-storage~~  
425 ~~operator. A towing-storage operator must allow vehicle or vessel~~  
426 ~~owners, rental vehicle or vessel owners, lienholders, insurance~~  
427 ~~company representatives, or their agents to inspect the towed~~  
428 ~~vehicle or vessel during normal business hours within 30 minutes~~  
429 ~~after their arrival at the storage site where the vehicle or~~  
430 ~~vessel is stored. A photocopy of an agency agreement is~~  
431 ~~sufficient evidence of agency. A rental vehicle or vessel~~  
432 ~~agreement is not evidence that the person who rented a vehicle~~  
433 ~~or vessel is an agent of the rental vehicle or vessel owner.~~  
434 Towing-storage operators must accept a photocopy of a contract,  
435 an electronic title, or a paper title as evidence of a person's

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436 interest in a vehicle or vessel ~~person providing such services.~~

437 (11) (a) A towing-storage operator ~~Any person regularly~~  
438 ~~engaged in the business of recovering, towing, or storing~~  
439 ~~vehicles or vessels~~ who comes into possession of a vehicle or  
440 vessel pursuant to paragraph (2) (b) ~~subsection (2)~~ and who has  
441 complied with ~~the provisions of~~ subsections (4) ~~(3)~~ and (6),  
442 when such vehicle or vessel is to be sold for purposes of being  
443 dismantled, destroyed, or changed in such manner that it is not  
444 the ~~motor~~ vehicle or vessel described in the certificate of  
445 title, must ~~shall~~ report the vehicle to the National Motor  
446 Vehicle Title Information System and apply to the Department of  
447 Highway Safety and Motor Vehicles for a certificate of  
448 destruction. A certificate of destruction, which authorizes the  
449 dismantling or destruction of the vehicle or vessel described  
450 therein, is ~~shall be~~ reassignable a maximum of two times before  
451 dismantling or destruction of the vehicle is ~~shall be~~ required,  
452 and must ~~shall~~ accompany the vehicle or vessel for which it is  
453 issued, when such vehicle or vessel is sold for such purposes,  
454 in lieu of a certificate of title. The application for a  
455 certificate of destruction must include proof of reporting to  
456 the National Motor Vehicle Title Information System and an  
457 affidavit from the applicant that she or he ~~it~~ has complied with  
458 all applicable requirements of this section and, if the vehicle  
459 or vessel is not registered in this state or any other state, by  
460 a statement from a law enforcement officer that the vehicle or  
461 vessel is not reported stolen, and must ~~shall~~ be accompanied by  
462 such documentation as may be required by the department.

463 (12) (a) Any person who violates paragraph (2) (b) ~~any~~  
464 ~~provision of subsection (1), subsection (2),~~ subsection (4),

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subsection (5), subsection (6), or subsection (7) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(d) Employees of the Department of Highway Safety and Motor Vehicles and law enforcement officers are authorized to inspect the records of a towing-storage operator ~~any person regularly engaged in the business of recovering, towing, or storing vehicles or vessels or transporting vehicles or vessels by wrecker, tow truck, or car carrier,~~ to ensure compliance with the requirements of this section. A towing-storage operator ~~Any person~~ who fails to maintain records, or fails to produce records when required in a reasonable manner and at a reasonable time, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(13) (a) Upon receipt by the Department of Highway Safety and Motor Vehicles of written notice from a wrecker operator who claims a wrecker operator's lien under subparagraph (2) (b) 4. ~~paragraph (2) (d)~~ for recovery, towing, or storage of an abandoned vehicle or vessel upon instructions from any law enforcement agency, for which a certificate of destruction has been issued under subsection (11) and the vehicle has been reported to the National Motor Vehicle Title Information System, the department shall place the name of the registered owner of that vehicle or vessel on the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8). If the vehicle or vessel is owned jointly by more than one person, the name of each registered owner must ~~shall~~ be placed on the list. The notice of wrecker operator's lien must ~~shall~~ be submitted on forms provided by the



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department ~~and, which must~~ include all of the following:

1. The name, address, and telephone number of the wrecker operator.

2. The name of the registered owner of the vehicle or vessel and the address to which the wrecker operator provided notice of the lien to the registered owner under subsection (4).

3. A general description of the vehicle or vessel, including its color, make, model, body style, and year.

4. The vehicle identification number (VIN); registration license plate number, state, and year; validation decal number, state, and year; vessel registration number; hull identification number; or other identification number, as applicable.

5. The name of the person or the corresponding law enforcement agency that requested that the vehicle or vessel be recovered, towed, or stored.

6. The amount of the wrecker operator's lien, not to exceed the amount allowed by paragraph (b).

(b) For purposes of this subsection only, the amount of the wrecker operator's lien for which the department will prevent issuance of a license plate or revalidation sticker may not exceed the amount of the charges for recovery, towing, and storage of the vehicle or vessel for 7 days. These charges may not exceed the maximum rates imposed by the ordinances of the respective county or municipality under ss. 125.0103(1)(c) and 166.043(1)(c). This paragraph does not limit the amount of a wrecker operator's lien claimed under paragraph (2)(b)

~~subsection (2)~~ or prevent a wrecker operator from seeking civil remedies for enforcement of the entire amount of the lien, but limits only that portion of the lien for which the department

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will prevent issuance of a license plate or revalidation sticker.

(d) Upon discharge of the amount of the wrecker operator's lien allowed by paragraph (b), the wrecker operator must issue a certificate of discharged wrecker operator's lien on forms provided by the department to each registered owner of the vehicle or vessel attesting that the amount of the wrecker operator's lien allowed by paragraph (b) has been discharged. Upon presentation of the certificate of discharged wrecker operator's lien by the registered owner, the department must ~~shall~~ immediately remove the registered owner's name from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker. Issuance of a certificate of discharged wrecker operator's lien under this paragraph does not discharge the entire amount of the wrecker operator's lien claimed under paragraph (2)(b) ~~subsection (2)~~, but only certifies to the department that the amount of the wrecker operator's lien allowed by paragraph (b), for which the department will prevent issuance of a license plate or revalidation sticker, has been discharged.

(18) A towing-storage operator must retain for 3 years records produced for all vehicles or vessels recovered, towed, stored, or released. Such records must include at least all of the following:

(a) All notice publications and certified mailings.

(b) The purchase price of any unclaimed vehicle or vessel sold.

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552 (c) The names and addresses of persons to which vehicles or  
553 vessels were released.

554 (d) The names and addresses of vehicle or vessel  
555 purchasers.

556 (e) All fees imposed under this section.

557 (19) This section is the exclusive remedy for the placement  
558 or foreclosure of a storage lien placed on a vehicle or vessel  
559 pursuant to ss. 83.19 and 677.210.

560 (20) (a) A towing-storage operator must accept payment for  
561 accrued charges from an authorized person listed in subsection  
562 (10) in any form from at least two of the following  
563 subparagraphs:

564 1. Cash, cashier's check, money order, or traveler's check.  
565 2. Bank, debit, or credit card.  
566 3. Mobile payment service, digital wallet, or other  
567 electronic payment system.

568 (b) Any of the authorized persons listed in subsection (10)  
569 are not required to furnish more than one form of current  
570 government photo identification when payment is made in any of  
571 the forms listed in paragraph (a). Presenting one form of  
572 current government photo identification constitutes sufficient  
573 identity verification for the purposes of this subsection.

574 Section 3. Subsection (5) is added to section 83.19,  
575 Florida Statutes, to read:

576 83.19 Sale of property distrained.—

577 (5) A lien on a vehicle or vessel, as those terms are  
578 defined in s. 713.78(1), of a tenant or lessee must be  
579 foreclosed pursuant to s. 713.78 and may not be foreclosed under  
580 this chapter.

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Section 4. Section 83.805, Florida Statutes, is amended to read:

83.805 Lien.—

(1) The owner of a self-service storage facility or self-contained storage unit and the owner's heirs, executors, administrators, successors, and assigns have a lien upon all personal property, whether or not owned by the tenant, located at a self-service storage facility or in a self-contained storage unit for rent, labor charges, or other charges, present or future, in relation to the personal property and for expenses necessary for its preservation or expenses reasonably incurred in its sale or other disposition pursuant to ss. 83.801-83.809. The lien provided for in this section attaches as of the date that the personal property is brought to the self-service storage facility or as of the date the tenant takes possession of the self-contained storage unit, and the priority of this lien shall be the same as provided in s. 83.08; however, in the event of default, the owner must give notice to persons who hold perfected security interests under the Uniform Commercial Code in which the tenant is named as the debtor.

(2) A lien on a vehicle or vessel, as those terms are defined in s. 713.78(1), of a tenant or lessee must be foreclosed pursuant to s. 713.78 and may not be foreclosed under this chapter.

Section 5. Subsection (1), paragraphs (a) and (b) of subsection (4), and subsections (8) and (10) of section 83.806, Florida Statutes, are amended to read:

83.806 Enforcement of lien.—An owner's lien as provided in s. 83.805 may be satisfied as follows:

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(1) The tenant shall be notified by written notice delivered in person, by e-mail, or by first-class mail with a certificate of mailing to the tenant's last known address and the last known address of the alternate contact person designated by the tenant under the rental agreement, if any, and conspicuously posted at the self-service storage facility or on the self-contained storage unit. If the owner sends notice of a pending sale of property to the tenant's and alternate contact person's last known e-mail address and does not receive a response, return receipt, or delivery confirmation from the same e-mail address, the owner must send notice of the sale to the tenant and alternate contact person by first-class mail with a certificate of mailing to the tenant's and alternate contact person's last known address before proceeding with the sale.

(4) After the expiration of the time given in the notice, an advertisement of the sale or other disposition shall be published once a week for 2 consecutive weeks in a newspaper of general circulation in the area where the self-service storage facility or self-contained storage unit is located.

(a) A lien sale may be conducted on a public website that customarily conducts personal property auctions. The facility or unit owner is not required to hold a license to post property for online sale. ~~Inasmuch~~ As any sale may involve property of more than one tenant, a single advertisement may be used to dispose of property at any one sale.

(b) The advertisement shall include:

1. A brief and general description of what is believed to constitute the personal property contained in the storage unit, as provided in paragraph (2) (b).

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639           2. The address of the self-service storage facility or the  
640 address where the self-contained storage unit is located and the  
641 name of the tenant.

642           3. The time, place, and manner of the sale or other  
643 disposition. The sale or other disposition shall take place at  
644 least 10 ~~15~~ days after ~~the first~~ publication.

645           (8) In the event of a sale under this section, the owner  
646 may satisfy his or her lien from the proceeds of the sale,  
647 provided the owner's lien has priority over all other liens in  
648 the personal property. The lien rights of secured lienholders  
649 are automatically transferred to the remaining proceeds of the  
650 sale. The balance, if any, must ~~shall~~ be held by the owner for  
651 delivery on demand to the tenant. A notice of any balance must  
652 ~~shall~~ be delivered by the owner to the tenant and the alternate  
653 contact person designated by the tenant under the rental  
654 agreement, if any, in person or by first-class mail with a  
655 certificate of mailing to the last known address of the tenant  
656 and alternate contact person. If the tenant does not claim the  
657 balance of the proceeds within 2 years after the date of sale,  
658 the proceeds are ~~shall be~~ deemed abandoned, and the owner has  
659 ~~shall have~~ no further obligation with regard to the payment of  
660 the balance. In the event that the owner's lien does not have  
661 priority over all other liens, the sale proceeds must ~~shall~~ be  
662 held for the benefit of the holders of those liens having  
663 priority. A notice of the amount of the sale proceeds must ~~shall~~  
664 be delivered by the owner to the tenant; alternate contact  
665 person, if any; and ~~or~~ secured lienholders in person or by  
666 first-class mail with a certificate of mailing to their last  
667 known addresses. If the tenant or ~~the~~ secured lienholders do not

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claim the sale proceeds within 2 years after the date of sale, the proceeds are ~~shall be~~ deemed abandoned, and the owner has ~~shall have~~ no further obligation with regard to the payment of the proceeds.

(10) (a) If a lien is claimed on property that is a ~~motor~~ vehicle or vessel ~~a watercraft~~ and rent and other charges related to the property remain unpaid or unsatisfied for 60 days after the maturity of the obligation to pay the rent and other charges, the facility or unit owner may sell the property pursuant to this section or have the property towed.

(b) If a facility or unit owner intends to sell the vehicle or vessel, the facility or unit owner must conduct a check of records with the Department of Highway Safety and Motor Vehicles. In the event that no current registration is found in the search, the facility or unit owner must conduct a search through the National Motor Vehicle Title Information System or an equivalent commercially available system. If a person claiming a lien is not identified in either search, the property may be sold by the facility or unit owner pursuant to this section. The facility or unit owner must send a notice of lien by certified mail to all persons claiming a lien at least 30 days before the date of the sale. The notice must state all of the following:

1. The make, model, and last 8 digits of the vehicle identification number of the vehicle subject to the lien, or, if the claim of lien is for a vessel, the hull identification number of the vessel subject to the lien. Such information must be clearly printed in the delivery address box and on the outside of the envelope sent to the registered owner and all

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other persons claiming an interest in or a lien on the vehicle or vessel.

2. The name, physical address, and telephone number of the facility or unit owner, and the entity name, as registered with the Division of Corporations, of the business where the vehicle or vessel is stored, which must also appear on the outside of the envelope sent to all persons claiming a lien on the vehicle or vessel.

3. The fact of possession of the vehicle or vessel.

4. The name of the person or entity listed as tenant in the rental agreement.

5. That a lien is claimed.

6. That charges have accrued and include an itemized statement of the amount thereof.

7. That any vehicle or vessel that remains unclaimed may be sold free of all prior liens 30 days after notification is sent.

8. The address at which the vehicle or vessel is physically located.

(c) At any time before the proposed or scheduled date of sale of a vehicle or vessel, a person claiming an interest in or a lien on the vehicle or vessel may request to inspect the vehicle or vessel. The facility or unit owner must make the vehicle or vessel available for inspection during regular business hours within 3 business days after receiving a written request to inspect the vehicle or vessel.

(d) At any time before the sale of the vehicle or vessel, a person of record claiming a lien against the vehicle or vessel may have her or his vehicle or vessel released upon posting with the clerk of the court in the county in which the vehicle or



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vessel is held a cash or surety bond or other adequate security equal to the amount of the storage charges and administrative fees required to ensure the payment of such charges in the event she or he does not prevail. A particular form for posting the bond is not required unless the clerk provides such form to the customer or person for filing. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall automatically issue a certificate notifying the facility or unit owner of the posting of the bond and directing the owner to release the vehicle or vessel to the person of record claiming a lien against the vehicle or vessel. The certificate must be presented during regular business hours. The facility or unit owner, or an employee or agent thereof who is authorized to release the vehicle or vessel and who, upon receiving a copy of a certificate giving notice of the posting of the bond in the required amount and directing release of the vehicle or vessel, fails to release or return the property to the person of record claiming a lien pursuant to this section, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(e) The person of record claiming a lien against a vehicle or vessel has 30 days after the issuance of the certificate by the clerk to file a lawsuit to determine the validity of the storage charges. Upon determining the respective rights of the parties under this section, the court may award damages, attorney fees, and costs in favor of the prevailing party. Upon failure of the party posting the bond to timely file suit and a request by the facility or unit owner, the clerk must release the cash or surety bond to the facility or unit owner.

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755       (f) Failure to make good faith efforts, as defined in s.  
756 713.78(1), to comply with the notice requirements of this  
757 section precludes the imposition of any storage charges against  
758 the vehicle or vessel.

759       (g) A copy of the notice of sale, proof of notice mailed to  
760 any person claiming a lien as required herein, and proof of the  
761 required check of the records of the Department of Highway  
762 Safety and Motor Vehicles and the National Motor Vehicle Title  
763 Information System or an equivalent commercially available  
764 system, if applicable, shall constitute satisfactory proof for  
765 application to the Department of Highway Safety and Motor  
766 Vehicles for transfer of title, together with any other proof  
767 required by any rules and regulations of the department.

768       (h) If a ~~motor~~ vehicle or vessel ~~watercraft~~ is towed, the  
769 facility or unit owner is not liable for the ~~motor~~ vehicle or  
770 ~~vessel~~ ~~watercraft~~ or any damages to the ~~motor~~ vehicle or vessel  
771 ~~watercraft~~ once a wrecker takes possession of the property. The  
772 wrecker taking possession of the property must comply with all  
773 notification and sale requirements provided in s. 713.78.

774       Section 6. Subsection (4) is added to section 83.808,  
775 Florida Statutes, to read:

776       83.808 Contracts.—

777       (4) A rental agreement must contain a provision that  
778 authorizes the tenant to designate an optional alternate contact  
779 person. The alternate contact person may be contacted only for  
780 purposes of providing notice under s. 83.806 or as otherwise  
781 authorized by the rental agreement. Designating an alternate  
782 contact person does not give such person an interest in the  
783 contents stored at the self-service storage facility or in the

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self-contained storage unit.

Section 7. Subsection (10) is added to section 677.210, Florida Statutes, to read:

677.210 Enforcement of warehouse's lien.—

(10) A lien on a vehicle or vessel, as those terms are defined in s. 713.78(1), must be foreclosed pursuant to s. 713.78 and may not be foreclosed under this chapter.

Section 8. Paragraph (a) of subsection (2) of section 715.07, Florida Statutes, is amended to read:

715.07 Vehicles or vessels parked on private property; towing.—

(2) The owner or lessee of real property, or any person authorized by the owner or lessee, which person may be the designated representative of the condominium association if the real property is a condominium, may cause any vehicle or vessel parked on such property without her or his permission to be removed by a person regularly engaged in the business of towing vehicles or vessels, without liability for the costs of removal, transportation, or storage or damages caused by such removal, transportation, or storage, under any of the following circumstances:

(a) The towing or removal of any vehicle or vessel from private property without the consent of the registered owner or other legally authorized person in control of that vehicle or vessel is subject to substantial compliance with the following conditions and restrictions:

1.a. Any towed or removed vehicle or vessel must be stored at a site within a 10-mile radius of the point of removal in any county of 500,000 population or more, and within a 15-mile

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radius of the point of removal in any county of fewer than 500,000 population. That site must be open for the purpose of redemption of vehicles on any day that the person or firm towing such vehicle or vessel is open for towing purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall have prominently posted a sign indicating a telephone number where the operator of the site can be reached at all times. Upon receipt of a telephoned request to open the site to redeem a vehicle or vessel, the operator shall return to the site within 1 hour or she or he will be in violation of this section.

b. If no towing business providing such service is located within the area of towing limitations set forth in subparagraph a., the following limitations apply: any towed or removed vehicle or vessel must be stored at a site within a 20-mile radius of the point of removal in any county of 500,000 population or more, and within a 30-mile radius of the point of removal in any county of fewer than 500,000 population.

2. The person or firm towing or removing the vehicle or vessel shall, within 30 minutes after completion of such towing or removal, notify the municipal police department or, in an unincorporated area, the sheriff, of such towing or removal, the storage site, the time the vehicle or vessel was towed or removed, and the make, model, color, and license plate number of the vehicle or description and registration number of the vessel and shall obtain the name of the person at that department to whom such information was reported and note that name on the trip record.

3. A person in the process of towing or removing a vehicle or vessel from the premises or parking lot in which the vehicle

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or vessel is not lawfully parked must stop when a person seeks the return of the vehicle or vessel. The vehicle or vessel must be returned upon the payment of a reasonable service fee of not more than one-half of the posted rate for the towing or removal service as provided in subparagraph 6. The vehicle or vessel may be towed or removed if, after a reasonable opportunity, the owner or legally authorized person in control of the vehicle or vessel is unable to pay the service fee. If the vehicle or vessel is redeemed, a detailed signed receipt must be given to the person redeeming the vehicle or vessel.

4. A person may not pay or accept money or other valuable consideration for the privilege of towing or removing vehicles or vessels from a particular location.

5. Except for property appurtenant to and obviously a part of a single-family residence, and except for instances when notice is personally given to the owner or other legally authorized person in control of the vehicle or vessel that the area in which that vehicle or vessel is parked is reserved or otherwise unavailable for unauthorized vehicles or vessels and that the vehicle or vessel is subject to being removed at the owner's or operator's expense, any property owner or lessee, or person authorized by the property owner or lessee, before towing or removing any vehicle or vessel from private property without the consent of the owner or other legally authorized person in control of that vehicle or vessel, must post a notice meeting the following requirements:

a. The notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 10 feet from the road, as defined in s. 334.03(22). If

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there are no curbs or access barriers, the signs must be posted not fewer than one sign for each 25 feet of lot frontage.

b. The notice must clearly indicate, in not fewer than 2-inch high, light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense. The words "tow-away zone" must be included on the sign in not fewer than 4-inch high letters.

c. The notice must also provide the name and current telephone number of the person or firm towing or removing the vehicles or vessels.

d. The sign structure containing the required notices must be permanently installed with the words "tow-away zone" not fewer than 3 feet and not more than 6 feet above ground level and must be continuously maintained on the property for not fewer than 24 hours before the towing or removal of any vehicles or vessels.

e. The local government may require permitting and inspection of these signs before any towing or removal of vehicles or vessels being authorized.

f. A business with 20 or fewer parking spaces satisfies the notice requirements of this subparagraph by prominently displaying a sign stating "Reserved Parking for Customers Only Unauthorized Vehicles or Vessels Will be Towed Away At the Owner's Expense" in not fewer than 4-inch high, light-reflective letters on a contrasting background.

g. A property owner towing or removing vessels from real property must post notice, consistent with the requirements in sub-subparagraphs a.-f., which apply to vehicles, that unauthorized vehicles or vessels will be towed away at the

9-01096-24

2024774\_\_

owner's expense.

A business owner or lessee may authorize the removal of a vehicle or vessel by a towing company when the vehicle or vessel is parked in such a manner that restricts the normal operation of business; and if a vehicle or vessel parked on a public right-of-way obstructs access to a private driveway the owner, lessee, or agent may have the vehicle or vessel removed by a towing company upon signing an order that the vehicle or vessel be removed without a posted tow-away zone sign.

6. Any person or firm that tows or removes vehicles or vessels and proposes to require an owner, operator, or person in control or custody of a vehicle or vessel to pay the costs of towing and storage before redemption of the vehicle or vessel must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services and post at the storage site an identical rate schedule and any written contracts with property owners, lessees, or persons in control of property which authorize such person or firm to remove vehicles or vessels as provided in this section.

7. Any person or firm towing or removing any vehicles or vessels from private property without the consent of the owner or other legally authorized person in control or custody of the vehicles or vessels shall, on any trucks, wreckers as defined in s. 713.78(1) ~~s. 713.78(1)(c)~~, or other vehicles used in the towing or removal, have the name, address, and telephone number of the company performing such service clearly printed in contrasting colors on the driver and passenger sides of the

9-01096-24

2024774\_\_

929 vehicle. The name shall be in at least 3-inch permanently  
930 affixed letters, and the address and telephone number shall be  
931 in at least 1-inch permanently affixed letters.

932 8. Vehicle entry for the purpose of removing the vehicle or  
933 vessel shall be allowed with reasonable care on the part of the  
934 person or firm towing the vehicle or vessel. Such person or firm  
935 shall be liable for any damage occasioned to the vehicle or  
936 vessel if such entry is not in accordance with the standard of  
937 reasonable care.

938 9. When a vehicle or vessel has been towed or removed  
939 pursuant to this section, it must be released to its owner or  
940 person in control or custody within 1 hour after requested. Any  
941 vehicle or vessel owner or person in control or custody has the  
942 right to inspect the vehicle or vessel before accepting its  
943 return, and no release or waiver of any kind which would release  
944 the person or firm towing the vehicle or vessel from liability  
945 for damages noted by the owner or person in control or custody  
946 at the time of the redemption may be required from any vehicle  
947 or vessel owner or person in control or custody as a condition  
948 of release of the vehicle or vessel to its owner or person in  
949 control or custody. A detailed receipt showing the legal name of  
950 the company or person towing or removing the vehicle or vessel  
951 must be given to the person paying towing or storage charges at  
952 the time of payment, whether requested or not.

953 Section 9. This act shall take effect July 1, 2024.





The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 29, 2024

---

I respectfully request that **Senate Bill #774**, relating to Towing and Storage, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry". The signature is written in a cursive style with a long, sweeping underline.

---

Senator Keith Perry  
Florida Senate, District 9

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Comm. Affairs

Committee

SB 794

Bill Number or Topic

Amendment Barcode (if applicable)

Name Eric De Campos

Phone 847.989.7104

Address 1515 W 22nd St. Ste 1300W

Email edecampos@nicb.org

Street

Oak Brook IL 600523

City

State

Zip

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

National Insurance Crime Bureau



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

774

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Mike Seamon

Phone

407-462-1040

Address

4718 Edgewater Dr

Email

mseamon@hotmail.com

Street

Orlando

State

FL

32804

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Professional Wrecker Operators of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2-6-24

Meeting Date

774

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Sean Lascenzo

Phone

954 444 4814

Address

2385 SW 66th Court

Email

sean@asuperiorlaw.com

Street

Davie

City

FL

State

33317

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2/6/24

Meeting Date

774

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Leslie Dughi

Phone

Address

119 S Monroe St Ste 200

Email

Street

City

State

Zip

32301

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Enterprise Mobility

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

02/06/2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

774 by Sen. Perry

Bill Number or Topic

Amendment Barcode (if applicable)

Name David R. Custin & Associates, Inc. (David Custin) Phone 305-607-8576

Address 6401 SW 113 Place Email CustinDR@DavidRCustin.com

Street

Miami

City

FL

State

33173

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Beach Towing Services, Inc.

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

774

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Candice Ericks

Phone

954-648-1209

Address

205 S. Adams St

Email

Candice@tsecgov.com

Street

Tallahassee FL 32311

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

JM Family

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

774

Bill Number or Topic

430566

Amendment Barcode (if applicable)

Name Candice Ericks

Phone 954-648-1204

Address 205 S. Adams St

Email Candice@tsecgov.com

Street

Tallahassee FL 32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

JM Family

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

774

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Harvey Spencer

Phone

352-673-8486

Address

261 NE 341 Ave

Email

tricitytowing352@yahoo.com

Street

Old Town

City

FL

State

32680

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

~~I am a registered lobbyist,  
representing.~~

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

774

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Ramon Crego

Phone

305 986-5364

Address

12340 SW 98 St

Email

SIRRAY RCA@AOL  
com

Street

Miami FL

State

33180

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

774

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

MARSON JOHNSON Jr

Phone

727-638-7198

Address

545 52nd Street S.

Email

MARSONJOHNSON@gmail.com

Street

St Petersburg FL

City

State

33707

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

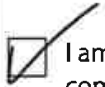
☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

774

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Doug Bell

Phone

Address

119 S. Monroe St, Suite

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

Business Law  
Section of the Fl. Bar

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/24

Meeting Date

774

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Doug Bell

Phone

Address

119 S. Monroe St Ste 200

Email

Street

Tall

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

Avis/Budget

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**THE FLORIDA SENATE**  
**APPEARANCE RECORD**

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/65/2024 2/6/24

Meeting Date

774

Bill Number (if applicable)

Topic Towing and Storage

Amendment Barcode (if applicable)

Name Adam Basford

Job Title VP-Government Relations

Address 516 N Adams St

Phone 850-224-7173

Street

Tallahassee

FL

32301

Email abasford@aif.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

*While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.*

**This form is part of the public record for this meeting.**

S-001 (10/14/14)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

474

Bill Number or Topic

2/6/24

Meeting Date

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

JAMES JENNINGS-EMERALD TAWING

Phone

561-239-7720

Address

41000 N POWERLINE Rd

Email

Jim@EMERALDTAWING.COM

Street

Pompano Bch FL

33073

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/6/2024

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SD 774

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Name

Crystal Griffin

Sunshine State  
Towing Assoc

Phone

561 3101796

Amendment Barcode (if applicable)

Address

11071 Mount Ridge Rd

Email

griffin2413e

Street

PBS

FL

33410

bellsouth.net

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Guardian Fleet

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date  
Community Affairs  
Committee

774  
Bill Number or Topic  
430566  
Amendment Barcode (if applicable)

Name ALIX MILLER

Phone 850-222-9900

Address 350 E. College Ave  
Street  
Tallahassee FL 32301  
City State Zip

Email alix@floridatrucking.org

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

FLORIDA TRUCKING ASSOCIATION

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/24

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

774

Bill Number or Topic

430566

Amendment Barcode (if applicable)

Name

Leslie Dughi

Phone

Address

119 S. Monroe St Ste 20

Email

Street

City

State

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

Enterprise Mobility



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

02/06/2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

774

Bill Number or Topic

430566

Amendment Barcode (if applicable)

Name David R. Custin & Associates, Inc. (David Custin) Phone 305-607-8576

Address 6401 SW 113 Place Email CustinDR@DavidRCustin.com

Street

Miami

City

FL

State

33173

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Beach Towing Services, Inc.

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1, [2020-2022 Joint Rules pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 818

INTRODUCER: Senators Avila and Collins

SUBJECT: Military Leave

DATE: February 5, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Brown	Proctor	MS	<b>Favorable</b>
2.	Hunter	Ryon	CA	<b>Favorable</b>
3.			FP	

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## I. Summary:

SB 818 revises a requirement that a public employer provide an employee or official who is a servicemember a full paid leave of absence for the first 30 days of active military service. The bill limits application of the paid leave of absence to a servicemember who is activated under federal military service that is equal to or greater than 90 consecutive days.

The bill takes effect July 1, 2024.

## II. Present Situation:

### Uniformed Services Employment and Reemployment Rights Act (USERRA)

The provisions of the federal USERRA<sup>1</sup> apply to the state.<sup>2</sup> USERRA provides employment protections to servicemembers who have to leave employment to perform military service.

USERRA areas of coverage apply to:

- Reemployment rights;
- Freedom from discrimination and retaliation; and
- Continuation of health insurance coverage.<sup>3</sup>

USERRA requires compliance of private and public employers, including at the state and local level.<sup>4</sup>

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<sup>1</sup> Chapter 43, Title 38 U.S.C.

<sup>2</sup> Section 115.15, F.S.

<sup>3</sup> U.S. Dept' of Labor, *Veterans' Employment and Training Service, Know Your Rights*, available at <https://www.dol.gov/agencies/vets/programs/userra/aboutuserra#:~:text=USERRA%20prohibits%20employment%20discrimination%20against,obligations%2C%20or%20intent%20to%20serve> (last visited Jan. 5, 2024).

<sup>4</sup> *Id.* at 2.

### **State Law on Public Employment Leave of Absence for Active Military Duty**

A paid leave of absence from public employment<sup>5</sup> for a servicemember to participate in training or active military service is governed by ch. 115, F.S.

A servicemember means a person serving as a member of the:

- United States Armed Forces<sup>6</sup> on active or state active duty;
- Florida National Guard; or
- United States Reserve Forces.<sup>7</sup>

A period of active military service means the duration of the date of entering active military service until death or 30 days immediately succeeding the date of discharge from active military service or return from active military service, whichever is first.<sup>8</sup>

A public official or employee who is also a servicemember of the National Guard or a reserve component of the United States Armed Forces is eligible to receive full public pay, regardless of any other compensation from the military or other source, for the first 30 days of a leave of absence to perform active military service.<sup>9,10</sup> Beyond the first 30 days, an employer may supplement military pay to bring the total salary of the employee, including base military pay to the amount earned before the start of active military duty.<sup>11</sup> During the time that a public employee is in active military service, the employer must continue to provide state-issued health insurance and other public benefits.<sup>12</sup>

A leave of absence due to military training is addressed separately from active military duty.<sup>13</sup> A public official or employee who is a servicemember is entitled to a leave of absence without loss of vacation leave, pay, time, or efficiency rating for each day ordered to military training. However, a leave of absence is limited to 240 working hours in any one annual period.<sup>14</sup>

### **III. Effect of Proposed Changes:**

SB 818 revises a requirement that a public employer provide an employee or official who is a servicemember a full paid leave of absence for the first 30 days of active military service. The bill limits application of the paid leave of absence to a servicemember who is activated under federal military service that is equal to or greater than 90 consecutive days.

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<sup>5</sup> Sections 115.09 and 115.14, F.S., provide that public employment includes employment with the state, a county, a municipality or another political subdivision of the state, including district school and community college officers, and applies to both employment as an official and an employee.

<sup>6</sup> Section 250.01(4), F.S., defines “armed forces” to mean the United States Army, Navy, Air Force, Marine Corps, Space Force, or Coast Guard.

<sup>7</sup> Section 250.01(19), F.S.

<sup>8</sup> Section 115.08(2), F.S.

<sup>9</sup> Sections 115.09 and 115.14, F.S.

<sup>10</sup> Op. Att’y Gen. Fla. 98-43 (1998).

<sup>11</sup> Section 115.14, F.S.

<sup>12</sup> *Id.*

<sup>13</sup> Section 115.07, F.S.

<sup>14</sup> Section 115.07(2), F.S.

The bill takes effect July 1, 2024.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Public employers may realize a cost savings by the narrowing application of the bill to active federal military service of at least a minimum duration of 90 days. A servicemember called to active federal military service for fewer than 90 days would not be eligible for up to 30 days of pay by the public employer.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 115.09 and 115.14.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Avila

39-01058-24

2024818\_\_

A bill to be entitled  
An act relating to military leave; amending ss. 115.09  
and 115.14, F.S.; providing that public officials and  
employees of the state, a county, a municipality, or a  
political subdivision, respectively, are entitled to  
their full pay for the first 30 days of military  
service, if such service is equal to or greater than a  
specified timeframe; making technical changes;  
providing an effective date.

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

Section 1. Section 115.09, Florida Statutes, is amended to  
read:

115.09 Leave to public officials for military service.—All  
officials of the state, the several counties of the state, and  
the municipalities or political subdivisions of the state,  
including district school and community college officers, which  
officials are also servicemembers in the National Guard or a  
reserve component of the Armed Forces of the United States, must  
~~shall~~ be granted leave of absence from their respective offices  
and duties to perform active military service, with the first 30  
days of any such leave of absence to be with full pay for active  
federal military service that is equal to or greater than 90  
consecutive days.

Section 2. Section 115.14, Florida Statutes, is amended to  
read:

115.14 Employees.—All employees of the state, the several  
counties of the state, and the municipalities or political

39-01058-24

2024818\_\_

subdivisions of the state must ~~shall~~ be granted leave of absence under the terms of this law; upon such leave of absence being granted such ~~said~~ employee must ~~shall~~ enjoy the same rights and privileges as are ~~hereby~~ granted to officials under this law, ~~insofar as may be,~~ including, without limitation, receiving full pay for the first 30 days for federal military service that is equal to or greater than 90 consecutive days. Notwithstanding ~~the provisions of s. 115.09,~~ the employing authority may supplement the military pay of its officials and employees who are reservists called to active military service after the first 30 days in an amount necessary to bring their total salary, inclusive of their base military pay, to the level earned at the time they were called to active military duty. The employing authority shall continue to provide all health insurance and other existing benefits to such officials and employees as required by the Uniformed Services Employment and Reemployment Rights Act, chapter 43 of Title 38 U.S.C.

Section 3. This act shall take effect July 1, 2024.



**SENATOR Bryan Avila**  
39th District

## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**

Government Oversight and Accountability, Chair  
Appropriations  
Appropriations Committee on Education  
Appropriations Committee of Health and Human  
Services  
Education Pre-K 12  
Ethics and Elections  
Health Policy  
Select Committee on Resiliency  
Joint Select Committee on Collective Bargaining

January 16, 2024

Honorable Senator Alexis Calatayud  
Committee on Community Affairs

Honorable Chair Calatayud:

I respectfully request SB 818 Military Leave be placed on the next committee agenda.

SB 818 Military Leave; Providing that public officials and employees of the state, a county, a municipality, or a political subdivision, respectively, are entitled to their full pay for the first 30 days of military service, if such service is equal to or greater than a specified timeframe.

Sincerely,

A handwritten signature in blue ink that reads "Bryan Avila".

---

Senator Bryan Avila  
Florida Senate, District 39

CC: Elizabeth Ryon, Staff Director  
Tatiana Warden, Committee Administrative Assistant  
Alian Collazo, Legislative Assistant

REPLY TO:

- ☐ 10001 Northwest 87th Avenue, Hialeah Gardens, Florida 33016 (305) 364-3073
- ☐ 326 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5039

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**Kathleen Passidomo**  
President of the Senate

**Dennis Baxley**  
President Pro Tempore

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 818

Bill Number or Topic

Amendment Barcode (if applicable)

2/6/21  
Meeting Date

Community Affairs  
Committee

Name Mark Oglesby Phone 850-591-3078

Address 400 S Monroe St Email mark.t.oglesby@amy.mn

Tallahassee FL 32399  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information OR Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Dept of Military Affairs

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 862

INTRODUCER: Community Affairs Committee and Senator Jones

SUBJECT: Public Records/County Administrators and City Managers

DATE: February 8, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	<b>Fav/CS</b>
2.			GO	
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 862 creates a public records exemption for specified personal information of current county administrators and city managers. Specifically, the bill exempts from public records disclosure requirements the home addresses, telephone numbers, and dates of birth for these personnel.

Additionally, the following personal information is exempt from public records disclosure requirements for the spouses and children of current county administrators and city managers:

- Names, home addresses, telephone numbers, photographs, places of employment, and dates of birth of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

A statement of public necessity is included in the bill as required by the State Constitution.

This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2029, unless reviewed and saved from the repeal through reenactment by the Legislature.

Because this bill creates a public records exemption, it will require a two-thirds vote of each house in order to pass.

The bill takes effect on July 1, 2024.

## **II. Present Situation:**

### **Access to Public Records - Generally**

The State Constitution provides that the public has the right to inspect or copy records made or received in connection with official governmental business.<sup>1</sup> The right to inspect or copy applies to the official business of any public body, officer, or employee of the state, including all three branches of state government, local governmental entities, and any person acting on behalf of the government.<sup>2</sup>

Additional requirements and exemptions related to public records are found in various statutes and rules, depending on the branch of government involved. For instance, s. 11.0431, F.S., provides public access requirements for legislative records. Relevant exemptions are codified in s. 11.0431(2)-(3), F.S., and adopted in the rules of each house of the Legislature.<sup>3</sup> Florida Rule of Judicial Administration 2.420 governs public access to judicial branch records.<sup>4</sup> Lastly, chapter 119, F.S., known as the Public Records Act, provides requirements for public records held by executive agencies.

### **Executive Agency Records – The Public Records Act**

The Public Records Act provides that all state, county and municipal records are open for personal inspection and copying by any person, and that providing access to public records is a duty of each agency.<sup>5</sup>

Section 119.011(12), F.S., defines “public records” to include:

All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connections with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to “perpetuate, communicate, or formalize knowledge of some type.”<sup>6</sup>

The Florida Statutes specify conditions under which public access to public records must be provided. The Public Records Act guarantees every person’s right to inspect and copy any public

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<sup>1</sup> FLA. CONST. art. I, s. 24(a).

<sup>2</sup> *Id.*

<sup>3</sup> See Rule 1.48, *Rules and Manual of the Florida Senate*, (2020-2022) and Rule 14.1, *Rules of the Florida House of Representatives*, Edition 2, (2020-2022).

<sup>4</sup> *State v. Wooten*, 260 So. 3d 1060 (Fla. 4th DCA 2018).

<sup>5</sup> Section 119.01(1), F.S. Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

<sup>6</sup> *Shevin v. Byron, Harless, Schaffer, Reid and Assoc., Inc.*, 379 So. 2d 633, 640 (Fla. 1980).

record at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record.<sup>7</sup> A violation of the Public Records Act may result in civil or criminal liability.<sup>8</sup>

The Legislature may exempt public records from public access requirements by passing a general law by a two-thirds vote of both the House and the Senate.<sup>9</sup> The exemption must state with specificity the public necessity justifying the exemption and must be no broader than necessary to accomplish the stated purpose of the exemption.<sup>10</sup>

General exemptions from the public records requirements are contained in the Public Records Act.<sup>11</sup> Specific exemptions often are placed in the substantive statutes relating to a particular agency or program.<sup>12</sup>

When creating a public records exemption, the Legislature may provide that a record is “exempt” or “confidential and exempt.” There is a difference between records the Legislature has determined to be exempt from the Public Records Act and those which the Legislature has determined to be exempt from the Public Records Act *and confidential*.<sup>13</sup> Records designated as “confidential and exempt” are not subject to inspection by the public and may only be released under the circumstances defined by statute.<sup>14</sup> Records designated as “exempt” may be released at the discretion of the records custodian under certain circumstances.<sup>15</sup>

### **Open Government Sunset Review Act**

The provisions of s. 119.15, F.S., known as the Open Government Sunset Review Act<sup>16</sup> (the Act), prescribe a legislative review process for newly created or substantially amended<sup>17</sup> public records or open meetings exemptions, with specified exceptions.<sup>18</sup> The Act requires the repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.<sup>19</sup>

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<sup>7</sup> Section 119.07(1)(a), F.S.

<sup>8</sup> Section 119.10, F.S. Public records laws are found throughout the Florida Statutes, as are the penalties for violating those laws.

<sup>9</sup> FLA. CONST. art. I, s. 24(c).

<sup>10</sup> *Id. See, e.g., Halifax Hosp. Medical Center v. News-Journal Corp.*, 724 So. 2d 567 (Fla. 1999) (holding that a public meetings exemption was unconstitutional because the statement of public necessity did not define important terms and did not justify the breadth of the exemption); *Baker County Press, Inc. v. Baker County Medical Services, Inc.*, 870 So. 2d 189 (Fla. 1st DCA 2004) (holding that a statutory provision written to bring another party within an existing public records exemption is unconstitutional without a public necessity statement).

<sup>11</sup> *See, e.g., s. 119.071(1)(a), F.S.* (exempting from public disclosure examination questions and answer sheets of examinations administered by a governmental agency for the purpose of licensure).

<sup>12</sup> *See, e.g., s. 213.053(2)(a), F.S.* (exempting from public disclosure information contained in tax returns received by the Department of Revenue).

<sup>13</sup> *WFTV, Inc. v. The Sch. Bd. of Seminole County*, 874 So. 2d 48, 53 (Fla. 5th DCA 2004).

<sup>14</sup> *Id.*

<sup>15</sup> *Williams v. City of Minneola*, 575 So. 2d 683 (Fla. 5th DCA 1991).

<sup>16</sup> Section 119.15, F.S.

<sup>17</sup> An exemption is considered to be substantially amended if it is expanded to include more records or information or to include meetings as well as records. Section 119.15(4)(b), F.S.

<sup>18</sup> Section 119.15(2)(a) and (b), F.S., provides that exemptions required by federal law or applicable solely to the Legislature or the State Court System are not subject to the Open Government Sunset Review Act.

<sup>19</sup> Section 119.15(3), F.S.

The Act provides that a public records or open meetings exemption may be created or maintained only if it serves an identifiable public purpose and is no broader than is necessary.<sup>20</sup> An exemption serves an identifiable purpose if it meets one of the following purposes *and* the Legislature finds that the purpose of the exemption outweighs open government policy and cannot be accomplished without the exemption:

- It allows the state or its political subdivisions to effectively and efficiently administer a governmental program, and administration would be significantly impaired without the exemption;<sup>21</sup>
- It protects sensitive, personal information, the release of which would be defamatory, cause unwarranted damage to the good name or reputation of the individual, or would jeopardize the individual's safety. If this public purpose is cited as the basis of an exemption, however, only personal identifying information is exempt;<sup>22</sup> or
- It protects information of a confidential nature concerning entities, such as trade or business secrets.<sup>23</sup>

The Act also requires specified questions to be considered during the review process.<sup>24</sup> In examining an exemption, the Act directs the Legislature to question the purpose and necessity of reenacting the exemption.

If the exemption is continued and expanded, then a public necessity statement and a two-thirds vote for passage are required.<sup>25</sup> If the exemption is continued without substantive changes or if the exemption is continued and narrowed, then a public necessity statement and a two-thirds vote for passage are *not* required. If the Legislature allows an exemption to expire, the previously exempt records will remain exempt unless otherwise provided by law.<sup>26</sup>

### **General Public Records Exemptions for State and Local Agency Personnel**

There are three general public records exemptions that apply to all state and local agency<sup>27</sup> personnel: disclosure of an employee's social security number, medical information, and personal identifying information of dependent children who are insured by an agency group insurance plan.<sup>28</sup>

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<sup>20</sup> Section 119.15(6)(b), F.S.

<sup>21</sup> Section 119.15(6)(b)1., F.S.

<sup>22</sup> Section 119.15(6)(b)2., F.S.

<sup>23</sup> Section 119.15(6)(b)3., F.S.

<sup>24</sup> Section 119.15(6)(a), F.S. The specified questions are:

- What specific records or meetings are affected by the exemption?
- Whom does the exemption uniquely affect, as opposed to the general public?
- What is the identifiable public purpose or goal of the exemption?
- Can the information contained in the records or discussed in the meeting be readily obtained by alternative means? If so, how?
- Is the record or meeting protected by another exemption?
- Are there multiple exemptions for the same type of record or meeting that it would be appropriate to merge?

<sup>25</sup> See generally s. 119.15, F.S.

<sup>26</sup> Section 119.15(7), F.S.

<sup>27</sup> See *Supra* note 5.

<sup>28</sup> Section 119.071(4)(a) and (b), F.S.



### ***Social Security Numbers***

Social security numbers of all prospective, current, and former agency personnel are confidential and exempt when held by the employing agency.<sup>29</sup> An employing agency may only release social security numbers for the following reasons:

- It is required by federal or state law, or court order.
- A receiving government agency needs the social security number to perform its duties.
- The employee consents to disclose his or her social security number.<sup>30</sup>

In addition, there is a general exemption for social security numbers which applies to the public that makes social security numbers confidential and exempt.<sup>31</sup> This exemption applies to any agency that holds anyone's social security number, including those belonging to the personnel of that agency. This exemption, however, permits the agency to disclose social security numbers of agency personnel in order to administer health or retirement benefits.<sup>32</sup>

### ***Medical Information***

A prospective, current, or former agency employee's medical information is also exempt from public disclosure if the medical information could identify the employee. Such information may be disclosed if the person to whom the information pertains or the person's legal representative provides written permission pursuant to a court order.<sup>33</sup>

### ***Personal Identifying Information***

The personal identifying information of a dependent child of an agency employee who is insured by an agency group insurance plan is exempt from public disclosure. This exemption applies to the dependent children of current and former employees and is also retroactively applied.<sup>34</sup>

### **Public Records Exemptions for Specified Personnel and their Families (s. 119.071(4)(d), F.S.)**

Provisions in s. 119.071(4)(d), F.S., exempt from public disclosure certain personal identification and location information of specified state and local government agency personnel and their spouses and children. Personnel covered by these exemptions include, in part:

- Active or former sworn or civilian law enforcement personnel employed by a law enforcement agency;<sup>35</sup>
- Certain current or former nonsworn investigative personnel of the Department of Financial Services;<sup>36</sup>

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<sup>29</sup> Section 119.071(4)(a)1., F.S.

<sup>30</sup> Section 119.071(4)(a), F.S.

<sup>31</sup> Section 119.071(5)(a)5., F.S.

<sup>32</sup> Section 119.071(5)(a)6.f. and g., F.S.

<sup>33</sup> Section 119.071(4)(b)1., F.S.

<sup>34</sup> Section 119.071(4)(b)2., F.S.

<sup>35</sup> Section 119.071(4)(d)2.a., F.S.

<sup>36</sup> Section 119.071(4)(d)2.b., F.S.

- Certain current or former nonsworn investigative personnel of the Office of Financial Regulation's Bureau of Financial Investigations;<sup>37</sup>
- Current or former certified firefighters;<sup>38</sup>
- Current or former justices of the Supreme Court, district court of appeal judges, circuit court judges, and county court judges;<sup>39</sup>
- Current or former state attorneys, assistant state attorneys, statewide prosecutors, and assistant statewide prosecutors;<sup>40</sup>
- Current or former code enforcement officers;<sup>41</sup>
- Current or former guardians ad litem;<sup>42</sup>
- Current or former public defenders, assistant public defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel;<sup>43</sup>
- Current or former investigators or inspectors of the Department of Business and Professional Regulation;<sup>44</sup>
- County tax collectors;<sup>45</sup>
- Current or former certified emergency medical technicians and paramedics;<sup>46</sup>
- Current or former directors, managers, supervisors, nurses, and clinical employees of an addiction treatment facility;<sup>47</sup>
- Current or former directors, managers, supervisors, and clinical employees of certain child advocacy centers;<sup>48</sup> and
- Current or former staff of domestic violence centers, including domestic violence advocates.<sup>49</sup>

The specified exempt information for each profession provided in s. 119.071(4)(d), F.S., varies among the professions, however, generally, the home addresses,<sup>50</sup> telephone numbers,<sup>51</sup> dates of birth of the specified personnel are exempt, and also identifying information of their spouse and children, including place of employment, school and/or daycare facility. For many of the

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<sup>37</sup> Section 119.071(4)(d)2.c., F.S.

<sup>38</sup> Section 119.071(4)(d)2.d., F.S.

<sup>39</sup> Section 119.071(4)(d)2.e., F.S.

<sup>40</sup> Section 119.071(4)(d)2.f., F.S.

<sup>41</sup> Section 119.071(4)(d)2.i., F.S.

<sup>42</sup> Section 119.071(4)(d)2.j., F.S.

<sup>43</sup> Section 119.071(4)(d)2.l., F.S.

<sup>44</sup> Section 119.071(4)(d)2.m., F.S.

<sup>45</sup> Section 119.071(4)(d)2.n., F.S.

<sup>46</sup> Section 119.071(4)(d)2.q., F.S.

<sup>47</sup> Section 119.071(4)(d)2.s., F.S.

<sup>48</sup> Section 119.071(4)(d)2.t., F.S.

<sup>49</sup> Section 119.071(4)(d)2.u., F.S.

<sup>50</sup> Section 119.071(4)(d)1.a., F.S., defines "home addresses" to mean "the dwelling location at which an individual resides and includes the physical address, mailing address, street address, parcel identification number, plot identification number, legal property description, neighborhood name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address."

<sup>51</sup> Section 119.071(4)(d)1.b., F.S., defines "telephone numbers" to include "home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices."

professions photographs of the employee are exempt,<sup>52</sup> and in some instances, the photographs of the employee's spouse and children are exempt as well.<sup>53</sup>

The employing agency or the employee must assert the right to the exemption by submitting a written and notarized request to each non-employer agency that holds the employee's information.<sup>54</sup> Further, all of these exemptions have retroactive application, applying to information held by an agency before, on, or after the effective date of the exemption.<sup>55</sup>

The exemptions for specified agency personnel in s. 119.071(4)(d), F.S., are subject to the Open Government Sunset Review Act and stand repealed on October 2, 2029, unless reviewed and saved from repeal by the Legislature.

### **III. Effect of Proposed Changes:**

The bill creates a public records exemption for the home addresses, telephone numbers, and dates of birth of current county administrators and city managers.<sup>56</sup>

Additionally, the following personal information is exempt from public records disclosure requirements for the spouses and children of current county administrators and city managers:

- Names, home addresses, telephone numbers, photographs, places of employment, and dates of birth of the spouses and children; and
- Names and locations of schools and day care facilities attended by the children.

The bill provides a public necessity statement as required by Article I, s. 24(c) of the State Constitution.

This bill is subject to the Open Government Sunset Review Act and stands repealed on October 2, 2029, unless reviewed and saved from the repeal through reenactment by the Legislature.

The bill takes effect on July 1, 2024.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

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<sup>52</sup> See, e.g., s. 119.071(4)(d)2.1, F.S.

<sup>53</sup> See, e.g., s. 119.071(4)(d)2.a., F.S.

<sup>54</sup> Section 119.071(4)(d)3. and 4., F.S.

<sup>55</sup> Section 119.071(4)(d)6., F.S.

<sup>56</sup> Section 125.73(1), F.S., provides that "[e]ach county... shall appoint a county administrator, who shall be the administrative head of the county and shall be responsible for the administration of all departments of the county government which the board of county commissioners has authority to control pursuant to this act, the general laws of Florida, or other applicable legislation." City managers are municipal employees typically serving a corresponding role in city government to that of a county administrator.

**B. Public Records/Open Meetings Issues:****Vote Requirement**

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a bill creating or expanding an exemption to the public records requirements. This bill enacts a new exemption for the personal identifying and location information of current county administrators and city managers, thus, the bill requires a two-thirds vote to be enacted.

**Public Necessity Statement**

Article I, s. 24(c) of the State Constitution requires a bill creating or expanding an exemption to the public records requirements to state with specificity the public necessity justifying the exemption. Section 2 of the bill contains a statement of public necessity for the exemption.

**Breadth of Exemption**

Article I, s. 24(c) of the State Constitution requires an exemption to the public records requirements to be no broader than necessary to accomplish the stated purpose of the law. The stated purpose of the law is to protect the public employees and their families from the danger of becoming a victim of stalking, emotional abuse, and physical violence. This bill exempts only certain personal identifying information from the public records requirements, consistent with 21 similar exemptions. The exemption does not appear to be broader than necessary to accomplish the purpose of the law.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

C. Government Sector Impact:

The may cause cities and counties to incur costs associated with redacting the exempt information prior to releasing a record. However, the costs would likely be absorbed as they are part of the day-to-day responsibilities.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 119.071 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on February 6, 2024:**

The committee substitute removes deputy county administrators, assistant county administrators, deputy city managers, and assistant city managers from the bill provisions, applying the new exemption only to current county administrators and current city managers.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
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The Committee on Community Affairs (Jones) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 307 - 440

and insert:

birth of current county administrators and city managers; the  
names, home addresses, telephone numbers, dates of birth,  
photographs, and places of employment of the spouses and  
children of current county administrators and city managers; and  
the names and locations of schools and day care facilities  
attended by the children of current county administrators and



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city managers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution. This sub-subparagraph is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may



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not remove the street address, legal description, or other information identifying real property within the agency's records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a





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protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such real property no longer constitutes a protected party's home address as defined in sub-subparagraph 1.a., the protected party must submit a written request to release the removed information to the county recorder. The written request to release the removed information must be notarized, must confirm that a protected party's request for release is pursuant to a conveyance of his or her dwelling location, and must specify the Official Records book and page, instrument number, or clerk's file number for each document containing the information to be released.

9. Upon the death of a protected party as verified by a certified copy of a death certificate or court order, any party can request the county recorder to release a protected decedent's removed information unless there is a related request on file with the county recorder for continued removal of the decedent's information or unless such removal is otherwise prohibited by statute or by court order. The written request to release the removed information upon the death of a protected party must attach the certified copy of a death certificate or court order and must be notarized, must confirm the request for release is due to the death of a protected party, and must specify the Official Records book and page number, instrument number, or clerk's file number for each document containing the information to be released. A fee may not be charged for the release of any document pursuant to such request.

10. Except as otherwise expressly provided in this paragraph, this paragraph is subject to the Open Government



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Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2024, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, and dates of birth of current county administrators and city managers; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current county administrators and city managers; and the names and locations of schools and day care facilities attended by the children of current county administrators and city managers be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Such personal identifying and location information can be used as a tool to perpetrate fraud against an individual or to acquire sensitive personal, financial, medical, or familial information, the release of which could cause great financial or professional harm to the individual. In the course of performing their managerial functions, current county administrators and city managers may make decisions and determinations that upset members of the public and may incur the ill will of those residents, making current county administrators and city managers and their spouses and children targets for acts of revenge. If such personal identifying and location information is released, the safety of current county administrators and city managers and their spouses and children could be

===== T I T L E   A M E N D M E N T =====  
And the title is amended as follows:



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127       Delete lines 5 - 13  
128 and insert:  
129       location information of current county administrators  
130       and city managers, including the names and personal  
131       identifying and location information of the spouses  
132       and children of current county administrators and city  
133       managers; providing for future

By Senator Jones

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A bill to be entitled  
An act relating to public records; amending s.  
119.071, F.S.; providing an exemption from public  
records requirements for the personal identifying and  
location information of current county administrators,  
deputy county administrators, assistant county  
administrators, city managers, deputy city managers,  
and assistant city managers, including the names and  
personal identifying and location information of the  
spouses and children of current county administrators,  
deputy county administrators, assistant county  
administrators, city managers, deputy city managers,  
and assistant city managers; providing for future  
legislative review and repeal; providing for  
retroactive application; providing a statement of  
public necessity; providing an effective date.

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

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

119.071 General exemptions from inspection or copying of  
public records.—

(4) AGENCY PERSONNEL INFORMATION.—

(d)1. For purposes of this paragraph, the term:

a. "Home addresses" means the dwelling location at which an  
individual resides and includes the physical address, mailing  
address, street address, parcel identification number, plot  
identification number, legal property description, neighborhood

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name and lot number, GPS coordinates, and any other descriptive property information that may reveal the home address.

b. "Judicial assistant" means a court employee assigned to the following class codes: 8140, 8150, 8310, and 8320.

c. "Telephone numbers" includes home telephone numbers, personal cellular telephone numbers, personal pager telephone numbers, and telephone numbers associated with personal communications devices.

2.a. The home addresses, telephone numbers, dates of birth, and photographs of active or former sworn law enforcement personnel or of active or former civilian personnel employed by a law enforcement agency, including correctional and correctional probation officers, personnel of the Department of Children and Families whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities, personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect, and personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child support enforcement; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

b. The home addresses, telephone numbers, dates of birth, and photographs of current or former nonsworn investigative personnel of the Department of Financial Services whose duties

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59 include the investigation of fraud, theft, workers' compensation  
60 coverage requirements and compliance, other related criminal  
61 activities, or state regulatory requirement violations; the  
62 names, home addresses, telephone numbers, dates of birth, and  
63 places of employment of the spouses and children of such  
64 personnel; and the names and locations of schools and day care  
65 facilities attended by the children of such personnel are exempt  
66 from s. 119.07(1) and s. 24(a), Art. I of the State  
67 Constitution.

68 c. The home addresses, telephone numbers, dates of birth,  
69 and photographs of current or former nonsworn investigative  
70 personnel of the Office of Financial Regulation's Bureau of  
71 Financial Investigations whose duties include the investigation  
72 of fraud, theft, other related criminal activities, or state  
73 regulatory requirement violations; the names, home addresses,  
74 telephone numbers, dates of birth, and places of employment of  
75 the spouses and children of such personnel; and the names and  
76 locations of schools and day care facilities attended by the  
77 children of such personnel are exempt from s. 119.07(1) and s.  
78 24(a), Art. I of the State Constitution.

79 d. The home addresses, telephone numbers, dates of birth,  
80 and photographs of current or former firefighters certified in  
81 compliance with s. 633.408; the names, home addresses, telephone  
82 numbers, photographs, dates of birth, and places of employment  
83 of the spouses and children of such firefighters; and the names  
84 and locations of schools and day care facilities attended by the  
85 children of such firefighters are exempt from s. 119.07(1) and  
86 s. 24(a), Art. I of the State Constitution.

87 e. The home addresses, dates of birth, and telephone

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88 numbers of current or former justices of the Supreme Court,  
89 district court of appeal judges, circuit court judges, and  
90 county court judges, and of current judicial assistants; the  
91 names, home addresses, telephone numbers, dates of birth, and  
92 places of employment of the spouses and children of current or  
93 former justices and judges and of current judicial assistants;  
94 and the names and locations of schools and day care facilities  
95 attended by the children of current or former justices and  
96 judges and of current judicial assistants are exempt from s.  
97 119.07(1) and s. 24(a), Art. I of the State Constitution. This  
98 sub-subparagraph is subject to the Open Government Sunset Review  
99 Act in accordance with s. 119.15 and shall stand repealed on  
100 October 2, 2028, unless reviewed and saved from repeal through  
101 reenactment by the Legislature.

102 f. The home addresses, telephone numbers, dates of birth,  
103 and photographs of current or former state attorneys, assistant  
104 state attorneys, statewide prosecutors, or assistant statewide  
105 prosecutors; the names, home addresses, telephone numbers,  
106 photographs, dates of birth, and places of employment of the  
107 spouses and children of current or former state attorneys,  
108 assistant state attorneys, statewide prosecutors, or assistant  
109 statewide prosecutors; and the names and locations of schools  
110 and day care facilities attended by the children of current or  
111 former state attorneys, assistant state attorneys, statewide  
112 prosecutors, or assistant statewide prosecutors are exempt from  
113 s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

114 g. The home addresses, dates of birth, and telephone  
115 numbers of general magistrates, special magistrates, judges of  
116 compensation claims, administrative law judges of the Division

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of Administrative Hearings, and child support enforcement hearing officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers; and the names and locations of schools and day care facilities attended by the children of general magistrates, special magistrates, judges of compensation claims, administrative law judges of the Division of Administrative Hearings, and child support enforcement hearing officers are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

h. The home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

i. The home addresses, telephone numbers, dates of birth, and photographs of current or former code enforcement officers; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such



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146 personnel; and the names and locations of schools and day care  
147 facilities attended by the children of such personnel are exempt  
148 from s. 119.07(1) and s. 24(a), Art. I of the State  
149 Constitution.

150 j. The home addresses, telephone numbers, places of  
151 employment, dates of birth, and photographs of current or former  
152 guardians ad litem, as defined in s. 39.820; the names, home  
153 addresses, telephone numbers, dates of birth, and places of  
154 employment of the spouses and children of such persons; and the  
155 names and locations of schools and day care facilities attended  
156 by the children of such persons are exempt from s. 119.07(1) and  
157 s. 24(a), Art. I of the State Constitution.

158 k. The home addresses, telephone numbers, dates of birth,  
159 and photographs of current or former juvenile probation  
160 officers, juvenile probation supervisors, detention  
161 superintendents, assistant detention superintendents, juvenile  
162 justice detention officers I and II, juvenile justice detention  
163 officer supervisors, juvenile justice residential officers,  
164 juvenile justice residential officer supervisors I and II,  
165 juvenile justice counselors, juvenile justice counselor  
166 supervisors, human services counselor administrators, senior  
167 human services counselor administrators, rehabilitation  
168 therapists, and social services counselors of the Department of  
169 Juvenile Justice; the names, home addresses, telephone numbers,  
170 dates of birth, and places of employment of spouses and children  
171 of such personnel; and the names and locations of schools and  
172 day care facilities attended by the children of such personnel  
173 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
174 Constitution.

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175        1. The home addresses, telephone numbers, dates of birth,  
176 and photographs of current or former public defenders, assistant  
177 public defenders, criminal conflict and civil regional counsel,  
178 and assistant criminal conflict and civil regional counsel; the  
179 names, home addresses, telephone numbers, dates of birth, and  
180 places of employment of the spouses and children of current or  
181 former public defenders, assistant public defenders, criminal  
182 conflict and civil regional counsel, and assistant criminal  
183 conflict and civil regional counsel; and the names and locations  
184 of schools and day care facilities attended by the children of  
185 current or former public defenders, assistant public defenders,  
186 criminal conflict and civil regional counsel, and assistant  
187 criminal conflict and civil regional counsel are exempt from s.  
188 119.07(1) and s. 24(a), Art. I of the State Constitution.

189        m. The home addresses, telephone numbers, dates of birth,  
190 and photographs of current or former investigators or inspectors  
191 of the Department of Business and Professional Regulation; the  
192 names, home addresses, telephone numbers, dates of birth, and  
193 places of employment of the spouses and children of such current  
194 or former investigators and inspectors; and the names and  
195 locations of schools and day care facilities attended by the  
196 children of such current or former investigators and inspectors  
197 are exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
198 Constitution.

199        n. The home addresses, telephone numbers, and dates of  
200 birth of county tax collectors; the names, home addresses,  
201 telephone numbers, dates of birth, and places of employment of  
202 the spouses and children of such tax collectors; and the names  
203 and locations of schools and day care facilities attended by the

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children of such tax collectors are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

o. The home addresses, telephone numbers, dates of birth, and photographs of current or former personnel of the Department of Health whose duties include, or result in, the determination or adjudication of eligibility for social security disability benefits, the investigation or prosecution of complaints filed against health care practitioners, or the inspection of health care practitioners or health care facilities licensed by the Department of Health; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

p. The home addresses, telephone numbers, dates of birth, and photographs of current or former impaired practitioner consultants who are retained by an agency or current or former employees of an impaired practitioner consultant whose duties result in a determination of a person's skill and safety to practice a licensed profession; the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such consultants or their employees; and the names and locations of schools and day care facilities attended by the children of such consultants or employees are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

q. The home addresses, telephone numbers, dates of birth, and photographs of current or former emergency medical

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233 technicians or paramedics certified under chapter 401; the  
234 names, home addresses, telephone numbers, dates of birth, and  
235 places of employment of the spouses and children of such  
236 emergency medical technicians or paramedics; and the names and  
237 locations of schools and day care facilities attended by the  
238 children of such emergency medical technicians or paramedics are  
239 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
240 Constitution.

241 r. The home addresses, telephone numbers, dates of birth,  
242 and photographs of current or former personnel employed in an  
243 agency's office of inspector general or internal audit  
244 department whose duties include auditing or investigating waste,  
245 fraud, abuse, theft, exploitation, or other activities that  
246 could lead to criminal prosecution or administrative discipline;  
247 the names, home addresses, telephone numbers, dates of birth,  
248 and places of employment of spouses and children of such  
249 personnel; and the names and locations of schools and day care  
250 facilities attended by the children of such personnel are exempt  
251 from s. 119.07(1) and s. 24(a), Art. I of the State  
252 Constitution.

253 s. The home addresses, telephone numbers, dates of birth,  
254 and photographs of current or former directors, managers,  
255 supervisors, nurses, and clinical employees of an addiction  
256 treatment facility; the home addresses, telephone numbers,  
257 photographs, dates of birth, and places of employment of the  
258 spouses and children of such personnel; and the names and  
259 locations of schools and day care facilities attended by the  
260 children of such personnel are exempt from s. 119.07(1) and s.  
261 24(a), Art. I of the State Constitution. For purposes of this

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sub-subparagraph, the term "addiction treatment facility" means a county government, or agency thereof, that is licensed pursuant to s. 397.401 and provides substance abuse prevention, intervention, or clinical treatment, including any licensed service component described in s. 397.311(26).

t. The home addresses, telephone numbers, dates of birth, and photographs of current or former directors, managers, supervisors, and clinical employees of a child advocacy center that meets the standards of s. 39.3035(2) and fulfills the screening requirement of s. 39.3035(3), and the members of a Child Protection Team as described in s. 39.303 whose duties include supporting the investigation of child abuse or sexual abuse, child abandonment, child neglect, and child exploitation or to provide services as part of a multidisciplinary case review team; the names, home addresses, telephone numbers, photographs, dates of birth, and places of employment of the spouses and children of such personnel and members; and the names and locations of schools and day care facilities attended by the children of such personnel and members are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution.

u. The home addresses, telephone numbers, places of employment, dates of birth, and photographs of current or former staff and domestic violence advocates, as defined in s. 90.5036(1)(b), of domestic violence centers certified by the Department of Children and Families under chapter 39; the names, home addresses, telephone numbers, places of employment, dates of birth, and photographs of the spouses and children of such personnel; and the names and locations of schools and day care facilities attended by the children of such personnel are exempt

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from s. 119.07(1) and s. 24(a), Art. I of the State  
Constitution.

v. The home addresses, telephone numbers, dates of birth,  
and photographs of current or former inspectors or investigators  
of the Department of Agriculture and Consumer Services; the  
names, home addresses, telephone numbers, dates of birth, and  
places of employment of the spouses and children of current or  
former inspectors or investigators; and the names and locations  
of schools and day care facilities attended by the children of  
current or former inspectors or investigators are exempt from s.  
119.07(1) and s. 24(a), Art. I of the State Constitution. This  
sub-subparagraph is subject to the Open Government Sunset Review  
Act in accordance with s. 119.15 and shall stand repealed on  
October 2, 2028, unless reviewed and saved from repeal through  
reenactment by the Legislature.

w. The home addresses, telephone numbers, and dates of  
birth of current county administrators, deputy county  
administrators, assistant county administrators, city managers,  
deputy city managers, and assistant city managers; the names,  
home addresses, telephone numbers, dates of birth, photographs,  
and places of employment of the spouses and children of current  
county administrators, deputy county administrators, assistant  
county administrators, city managers, deputy city managers, and  
assistant city managers; and the names and locations of schools  
and day care facilities attended by the children of current  
county administrators, deputy county administrators, assistant  
county administrators, city managers, deputy city managers, and  
assistant city managers are exempt from s. 119.07(1) and s.  
24(a), Art. I of the State Constitution. This sub-subparagraph

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is subject to the Open Government Sunset Review Act in  
accordance with s. 119.15 and shall stand repealed on October 2,  
2029, unless reviewed and saved from repeal through reenactment  
by the Legislature.

3. An agency that is the custodian of the information specified in subparagraph 2. and that is not the employer of the officer, employee, justice, judge, or other person specified in subparagraph 2. must maintain the exempt status of that information only if the officer, employee, justice, judge, other person, or employing agency of the designated employee submits a written and notarized request for maintenance of the exemption to the custodial agency. The request must state under oath the statutory basis for the individual's exemption request and confirm the individual's status as a party eligible for exempt status.

4.a. A county property appraiser, as defined in s. 192.001(3), or a county tax collector, as defined in s. 192.001(4), who receives a written and notarized request for maintenance of the exemption pursuant to subparagraph 3. must comply by removing the name of the individual with exempt status and the instrument number or Official Records book and page number identifying the property with the exempt status from all publicly available records maintained by the property appraiser or tax collector. For written requests received on or before July 1, 2021, a county property appraiser or county tax collector must comply with this sub-subparagraph by October 1, 2021. A county property appraiser or county tax collector may not remove the street address, legal description, or other information identifying real property within the agency's

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records so long as a name or personal information otherwise exempt from inspection and copying pursuant to this section is not associated with the property or otherwise displayed in the public records of the agency.

b. Any information restricted from public display, inspection, or copying under sub-subparagraph a. must be provided to the individual whose information was removed.

5. An officer, an employee, a justice, a judge, or other person specified in subparagraph 2. may submit a written request for the release of his or her exempt information to the custodial agency. The written request must be notarized and must specify the information to be released and the party authorized to receive the information. Upon receipt of the written request, the custodial agency must release the specified information to the party authorized to receive such information.

6. The exemptions in this paragraph apply to information held by an agency before, on, or after the effective date of the exemption.

7. Information made exempt under this paragraph may be disclosed pursuant to s. 28.2221 to a title insurer authorized pursuant to s. 624.401 and its affiliates as defined in s. 624.10; a title insurance agent or title insurance agency as defined in s. 626.841(1) or (2), respectively; or an attorney duly admitted to practice law in this state and in good standing with The Florida Bar.

8. The exempt status of a home address contained in the Official Records is maintained only during the period when a protected party resides at the dwelling location. Upon conveyance of real property after October 1, 2021, and when such



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378 real property no longer constitutes a protected party's home  
379 address as defined in sub-subparagraph 1.a., the protected party  
380 must submit a written request to release the removed information  
381 to the county recorder. The written request to release the  
382 removed information must be notarized, must confirm that a  
383 protected party's request for release is pursuant to a  
384 conveyance of his or her dwelling location, and must specify the  
385 Official Records book and page, instrument number, or clerk's  
386 file number for each document containing the information to be  
387 released.

388 9. Upon the death of a protected party as verified by a  
389 certified copy of a death certificate or court order, any party  
390 can request the county recorder to release a protected  
391 decedent's removed information unless there is a related request  
392 on file with the county recorder for continued removal of the  
393 decedent's information or unless such removal is otherwise  
394 prohibited by statute or by court order. The written request to  
395 release the removed information upon the death of a protected  
396 party must attach the certified copy of a death certificate or  
397 court order and must be notarized, must confirm the request for  
398 release is due to the death of a protected party, and must  
399 specify the Official Records book and page number, instrument  
400 number, or clerk's file number for each document containing the  
401 information to be released. A fee may not be charged for the  
402 release of any document pursuant to such request.

403 10. Except as otherwise expressly provided in this  
404 paragraph, this paragraph is subject to the Open Government  
405 Sunset Review Act in accordance with s. 119.15 and shall stand  
406 repealed on October 2, 2024, unless reviewed and saved from

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repeal through reenactment by the Legislature.

Section 2. The Legislature finds that it is a public necessity that the home addresses, telephone numbers, and dates of birth of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; the names, home addresses, telephone numbers, dates of birth, photographs, and places of employment of the spouses and children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers; and the names and locations of schools and day care facilities attended by the children of current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers be made exempt from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of the State Constitution. Such identifying and location information can be used as a tool to perpetrate fraud against an individual or to acquire sensitive personal, financial, medical, or familial information, the release of which could cause great financial or professional harm to the individual. In the course of performing their managerial functions, current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers may make decisions and determinations that upset members of the public and may incur the ill will of those residents, making current county administrators, deputy county administrators, assistant county administrators, city managers, deputy city managers, and assistant city managers and their spouses and

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children targets for acts of revenge. If such identifying and  
location information is released, the safety of current county  
administrators, deputy county administrators, assistant county  
administrators, city managers, deputy city managers, and  
assistant city managers and their spouses and children could be  
seriously jeopardized. For these reasons, the Legislature finds  
that it is a public necessity that such information be made  
exempt from public records requirements.

Section 3. This act shall take effect July 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 10, 2024

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I respectfully request that **Senate Bill #862**, relating to Public Records/County Administrators and City Managers, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in blue ink, appearing to read "Shev Jones", is written above a horizontal line.

Senator Shevrin D. "Shev" Jones  
Florida Senate, District 34

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Feb. 6, 2024

Meeting Date

Community Affairs

Committee

SB 862

Bill Number or Topic

Amendment Barcode (if applicable)

Name Andrea Knowles Hill

Phone 954 357-7347

Address 100 S. Andrews Ave

Email aknowles@broward.org

Street

FTL FL 33301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Broward County

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

5-001 (08/10/2021)

2/6/24

The Florida Senate  
**APPEARANCE RECORD**

862

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

JEFF SCALA

Phone

Address

100 S Monroe

Email

jscala@flcourts.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

2/6/2024

Meeting Date

862

Bill Number (if applicable)

Topic Public Records exemption - County Managers

Amendment Barcode (if applicable)

Name Jorge Chamizo

Job Title Attorney

Address 108 South Monroe Street

Phone (850) 681-0024

Tallahassee FL 32301

City

State

Zip

Email jorge@mapartners.com

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against  
(The Chair will read this information into the record.)

Representing Broward County

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 870

INTRODUCER: Governmental Oversight and Accountability Committee and Senator Boyd

SUBJECT: Unsolicited Proposals for Public-private Partnerships

DATE: February 5, 2024

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	<u>Fav/CS</u>
2. <u>Hackett</u>	<u>Ryon</u>	<u>CA</u>	<u>Favorable</u>
3. _____	_____	<u>RC</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 870 amends s. 255.065, F.S., to provide an alternative process by which local governments and other political subdivisions of the state may enter into a public-private partnership for a project offered by a private entity's unsolicited proposal. The bill allows the governmental entity to hold public meetings at which the unsolicited proposal is presented for public comment. At a subsequent public meeting, the governmental entity must present its determination whether the unsolicited proposal is in the public's interest, based on the:

- Benefits to the public.
- Financial structure of and any economic efficiencies that are achieved by the proposal.
- Submitting private entity's qualifications and experience, and ability to perform the project.
- Project's compatibility with regional infrastructure plans.
- Public comments submitted at the meeting.

The determination must also explain why the proposal should proceed and address any public comments.

The government's determination of public interest must be published in the Florida Administrative Register for at least 7 days.

The bill continues to allow a governmental entity to proceed with competitive procurement in response to its receipt of an unsolicited proposal as currently provided in s. 255.065, F.S., should it choose that process instead of the public meeting process provided in the bill.



This bill will have an indeterminate fiscal impact on local governments and other political subdivisions of the state that use a public meeting to negotiate a contract pursuant to its receipt of an unsolicited proposal.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **Procurement of Personal Property and Services**

Chapter 287, F.S., regulates state agency<sup>1</sup> procurement of personal property and services. The Department of Management Services (department) is responsible for overseeing state purchasing activity including professional and contractual services as well as commodities needed to support agency activities.<sup>2</sup> The Division of State Purchasing in the department establishes statewide purchasing rules and negotiates contracts and purchasing agreements that are intended to leverage the state's buying power.<sup>3</sup>

Current law requires contracts for commodities or contractual services in excess of \$35,000 to be procured utilizing a competitive solicitation process.<sup>4,5</sup> These competitive procurement provisions apply to an agency, defined as “any of the various state officers, departments, board commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive boards of state government.”<sup>6</sup> This definition does not include municipalities and local governments; and university and college boards of trustees, and the state universities and colleges are specifically excluded from this definition.<sup>7</sup>

State agencies may use a variety of procurement methods, depending on the cost and characteristics of the needed good or service, the complexity of the procurement, and the number of available vendors. These methods include the following:

- Single source contracts,<sup>8</sup> used when an agency determines that only one vendor is available to provide a commodity or service at the time of purchase;
- Invitations to bid,<sup>9</sup> used when an agency determines that standard services or goods will meet needs, wide competition is available and the vendor's experience will not greatly influence the agency's results;

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<sup>1</sup> As defined in s. 287.012(1), F.S., “agency” means any of the various state officers, departments, boards, commissions, divisions, bureaus, and councils and any other unit of organization, however designated, of the executive branch of state government. “Agency” does not include the university and college boards of trustees or the state universities and colleges.

<sup>2</sup> See ss. 287.032 and 287.042, F.S.

<sup>3</sup> Chapter 287, F.S., provides requirements for the procurement of personal property and services. Part I of that chapter pertains to commodities, insurance, and contractual services, and part II pertains to means of transport.

<sup>4</sup> Section 287.057(1), F.S., requires all projects that exceed the Category Two (\$35,000) threshold provided in s. 287.017, F.S., to be competitively bid.

<sup>5</sup> As defined in s. 287.012(6), F.S., “competitive solicitation” means the process of requesting and receiving two or more sealed bids, proposals, or replies submitted by responsive vendors in accordance with the terms of a competitive process, regardless of the method of procurement.

<sup>6</sup> Section 287.012(1), F.S.

<sup>7</sup> *Id.*

<sup>8</sup> Section 287.057(3)(c), F.S.

<sup>9</sup> Section 287.057(1)(a), F.S.

- Requests for proposals,<sup>10</sup> used when the procurement requirements allow for consideration of various solutions and the agency believes more than two or three vendors exist who can provide the required goods or services; and
- Invitations to negotiate,<sup>11</sup> used when negotiations are determined to be necessary to obtain the best value and involve a request for highly complex, customized, mission-critical services, by an agency dealing with a limited number of vendors.

### **The Consultants' Competitive Negotiation Act**

In 1973, the Florida Legislature enacted the Consultant's Competitive Negotiation Act (CCNA),<sup>12</sup> s. 287.055, F.S., which requires state and local government agencies to procure the professional services of an architect, engineer, landscape architect, or registered surveyor and mapper using a qualifications-based selection process. The qualifications-based selection requires the selection of providers on the basis of their competency, qualifications, and experience, rather than lowest-price.<sup>13</sup>

The CCNA requires that state agencies publicly announce, in a consistent and uniform manner, each occasion when professional services must be purchased for one of the following:

- A project, when the basic construction cost is estimated to exceed \$4 million.
- A planning or study activity, when the fee for professional services exceeds \$500,000.

The CCNA provides a two-phase selection process.<sup>14</sup> In the first phase, the "competitive selection," the agency evaluates the qualifications and past performance of no fewer than three bidders. The agency selects the three bidders, ranked in order of preference, that it considers most highly qualified to perform the required services. The CCNA requires consideration of several factors in determining the three most highly qualified bidders including: willingness to meet time and budget requirements; past performance; location; recent, current, and projected firm workloads; volume of work previously awarded to the firm; and whether the firm is certified as a minority business.<sup>15</sup>

During the second phase, competitive negotiation, the agency negotiates compensation to be paid under the contract with the highest qualified of at least three selected firms.<sup>16</sup> Should the agency be unable to negotiate a satisfactory contract with the top firm at a price the agency determines to be fair, competitive, and reasonable, the agency may progress to negotiations with the second most qualified firm, and if this fails,<sup>17</sup> with the third.<sup>18</sup> If the agency cannot negotiate a satisfactory contract with any of the ranked firms, it must begin the qualifications-based selection process again and continue negotiations until an agreement is reached.<sup>19</sup>

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<sup>10</sup> Section 287.057(1)(b), F.S.

<sup>11</sup> Section 287.057(1)(c), F.S.

<sup>12</sup> Ch. 73-19, Laws of Fla., codified as s. 287.055, F.S.

<sup>13</sup> Section 287.055(3)-(5), F.S.

<sup>14</sup> Section 287.055(4) and (5), F.S.

<sup>15</sup> See s. 287.055(4)(b), F.S.

<sup>16</sup> Section 287.055(5)(a), F.S.

<sup>17</sup> Section 287.055(5)(b), F.S.

<sup>18</sup> *Id.*

<sup>19</sup> Section 287.055(5)(c), F.S.

## Procurement of Construction Services

Chapter 255, F.S., regulates construction services<sup>20</sup> for public property and publically owned buildings. The Department of Management Services is responsible for establishing, through administrative rules, the following:

- Procedures for determining the qualifications and responsibility of potential bidders prior to advertisement for and receipt of bids for building construction contracts;
- Procedures for awarding each state agency construction project to the lowest qualified bidder;
- Procedures to govern negotiations for construction contracts and modifications thereto when such negotiations are determined by the secretary of the department to be in the best interest of the state; and
- Procedures for entering into performance-based contracts for the development of public facilities when the department determines the use of such contracts to be in the best interest of the state.<sup>21</sup>

State contracts for construction projects that are projected to cost in excess of \$200,000 must be competitively bid.<sup>22</sup> In addition, such projects must be advertised in the Florida Administrative Register at least 21 days prior to the bid opening.<sup>23,24</sup> Counties, municipalities, special districts,<sup>25</sup> or other political subdivisions seeking to construct or improve a public building must competitively bid the project if the projected cost is in excess of \$300,000.<sup>26</sup>

## Public-private Partnerships – Section 255.065, F.S.

Public-private partnerships (P3s) are contractual agreements formed between public entities and private sector entities that allow for greater private sector participation in the delivery and financing of public building and infrastructure projects. Numerous Florida Statutes encourage and provide guidance for P3 projects including those for services and facilities specific to transportation,<sup>27</sup> housing,<sup>28</sup> and education<sup>29</sup>.

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<sup>20</sup> As defined in s. 255.072(2), F.S., “construction services” means all labor, services, and materials provided in connection with the construction, alteration, repair, demolition, reconstruction, or any other improvements to real property. The term “construction services” does not include contracts or work performed for the Department of Transportation.

<sup>21</sup> Section 255.29, F.S.

<sup>22</sup> See 60D-5.0073, F.A.C.; *see also* s. 255.0525, F.S.

<sup>23</sup> Section 255.0525(1), F.S.

<sup>24</sup> State construction projects that are projected to exceed \$500,000 are required to be published 30 days prior to bid opening in the Florida Administrative Register, and at least once in a newspaper of general circulation in the county where the project is located. *See* s. 255.0525(1), F.S.

<sup>25</sup> As defined in s. 189.012(6), F.S., “special district” means a local unit of special purpose, as opposed to general-purpose, government within a limited boundary, created by general law, special act, local ordinance, or by rule of the Governor and Cabinet. The term does not include a school district, a community college district, a special improvement district created pursuant to s. 285.17, F.S., a municipal service taxing or benefit unit as specified in s. 125.01, F.S., or a board which provides electrical service and which is a political subdivision of a municipality or is part of a municipality.

<sup>26</sup> *See* s. 255.20(1), F.S.

<sup>27</sup> *See* s. 334.30, F.S., on public-private transportation facilities.

<sup>28</sup> *See* s. 420.0003(2)(b), F.S., on the state housing strategy.

<sup>29</sup> *See* s. 1013.35(2)(a)6., F.S., on school district educational facilities plans.

Chapter 2013-223, L.O.F., created the Partnership for Public Facilities and Infrastructure Act Guidelines Task Force to study the P3 process and make recommendations for the Legislature's consideration for purposes of creating a uniform process for establishing public-private partnerships.<sup>30</sup> Chapters 2016-153 and 2016-154, L.O.F., utilized the task force analysis to create the current provisions of s. 255.065, F.S.

Section 255.065, F.S., grants responsible public entities (RPEs) (e.g., counties, municipalities, school districts and special districts)<sup>31</sup> the authority to engage in P3 projects for the development of a wide range of public-use facilities or projects that serve a public purpose. Examples of qualifying projects include those for mass transit, vehicle parking, airports or seaports, educational facilities and courthouse or city hall public sector buildings or complexes.<sup>32</sup> The P3 law establishes requirements to which RPEs must adhere, including procedures for reviewing and approving proposals.

The selection process permitted by s. 255.065, F.S., contemplates the following four-step process with the goal of the timely development or operation of a qualifying project:

- Submission of an unsolicited proposal and general screening;
- Procurement of additional proposals;
- Determination of qualifications; and
- Approval and negotiation of a comprehensive agreement between the parties.

### ***Submission of an Unsolicited Proposal***

A RPE can receive unsolicited proposals for a qualifying P3. Unless waived by the RPE, the unsolicited proposal must include the following:<sup>33</sup>

- A description of the qualifying project, including a conceptual facilities design or conceptual services plan;
- The project's schedule, including the proposed start and completion dates;
- A description of how the private entity will secure the required property interests;
- Project financing details, including the sources of the proposing private entity's funds' and the identity of any dedicated revenue source or proposed debt or equity investment on the private entity's behalf;
- Contact information for the individual who can be contacted for additional information regarding the proposal;
- What user fees, lease payments, or other service payments are expected over the term of any resulting contract, and terms that would allow for amendment of these fees; and
- Additional material or information reasonable requested by the RPE.

<sup>30</sup> The task force held 10 meetings to study the law, understand how governmental entities around the world have implemented public-private partnerships, and to hear from interested parties and stakeholders. The Task Force's Final Recommendations can be found here: Partnership for Public Facilities and Infrastructure Act Guidelines Task Force, *Final Report and Recommendations* (Jul. 1, 2014), [https://dms-media.ccplatform.net/content/download/104626/592850/Final\\_Report\\_and\\_Recommendations\\_Partnership\\_for\\_Public\\_Facilities\\_and\\_Infrastructure\\_Act\\_Guidelines\\_Task\\_Force.pdf](https://dms-media.ccplatform.net/content/download/104626/592850/Final_Report_and_Recommendations_Partnership_for_Public_Facilities_and_Infrastructure_Act_Guidelines_Task_Force.pdf) (last visited Jan. 22, 2024).

<sup>31</sup> Section 255.065(1)(j), F.S., defines "responsible public entity" to mean a county, municipality, school district, special district, or any other political subdivision of the state; a public body corporate and politic; or a regional entity that serves a public purpose and is authorized to develop or operate a qualifying project.

<sup>32</sup> See s. 255.065(1)(i)1.-4., F.S.

<sup>33</sup> Section 255.065(4), F.S.

Additionally, the private entity must meet the minimum standards otherwise required by the RPE's guidelines for qualifying professional services and contracts for their traditionally procured projects.<sup>34</sup>

### ***Procurement of Additional Proposals***<sup>35</sup>

The RPE is not required to entertain the unsolicited proposal, but if it chooses to do so, then it must solicit other proposals by publication of a notice in the Florida Administrative Register (FAR) and a newspaper of general circulation at least once a week for two weeks stating that the RPE has received a proposal and will accept other proposals for the same project. The RPE must also mail a copy of the notice to each local government in the area affected by the proposal.<sup>36</sup>

The RPE sets a timeframe within which it will accept additional proposals on a project-by-project basis, based upon the complexity of the project and the public benefit to be gained by allowing a longer or shorter period of time for receipt of alternative proposals. However, the RPE must allow at least 21 days, but no more than 120 days, after the initial notice publication in the FAR.<sup>37</sup>

After the public notification period that was triggered by an unsolicited proposal ends, the RPE ranks the proposals it received in order of preference. The RPE may then begin negotiations for a comprehensive agreement with the highest-ranked firm. If the RPE did not receive additional proposals, it may negotiate based on the single unsolicited proposal in good faith, and may ultimately terminate such negotiations if it is not satisfied with the results.<sup>38</sup>

### ***Project Qualification***

The RPE's evaluation of a solicited or unsolicited project, pursuant to s. 255.065, F.S., must determine that the proposed project:<sup>39</sup>

- Is responsive to a public need, or otherwise provides a public benefit;
- Is a reasonable cost in relation to similar facilities; and
- Will be completed in a timely manner.

The RPE must also ensure that a professional review and evaluation of the design and construction proposals (both unsolicited and solicited) meet material quality standards, interior space utilization, budget estimates, design and construction schedules, and sustainable design and construction standards that are consistent with public projects.<sup>40</sup>

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<sup>34</sup> Section 255.065(5)(a), F.S.

<sup>35</sup> See s. 255.065(3), F.S.

<sup>36</sup> Section 255.065(3)(b), F.S.

<sup>37</sup> *Id.*

<sup>38</sup> Section 225.065(5)(c), F.S., includes provisions for the RPE to consider subsequent-ranked firms or reject all proposers if negotiations results are unsatisfactory.

<sup>39</sup> Section 255.065(5)(e)1.-3., F.S.

<sup>40</sup> Section 255.065(3)(a)5., F.S.

The RPE must also consider the project's cost, finance plan, revenues and sources thereof, whether governmental funds are required, a total cash-flow analysis of the project, and other related inquiries.<sup>41</sup>

The RPE may establish a reasonable application fee to cover these evaluation costs.<sup>42</sup> If the RPE does not evaluate the unsolicited proposal, the RPE must return the application fee.

### ***Comprehensive Agreement***

The comprehensive agreement is the contract for services between the RPE and private entity. Before the RPE can approve the comprehensive agreement to engage on the proposal, the RPE must determine that the proposed project:<sup>43</sup>

- Is in the public's best interest.
- Is for a facility that the RPE owns, or is for a facility for which ownership will be conveyed to the RPE.
- Has safeguards to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or the RPE's cancellation of the comprehensive agreement.
- Has adequate safeguards in place to ensure that the RPE or private entity may add capacity to the proposed project or other facilities that serve similar predominantly public purposes.
- Will be owned by the RPE upon completion, expiration, or termination of the comprehensive agreement and upon payment of the amounts financed.

The comprehensive agreement must include terms that provide for:<sup>44</sup>

- Delivery of performance or payment bonds, letters of credit, or other acceptable security in an amount determined by the RPE;
- Review, by the RPE, of the project's design to ensure its conformity to acceptable standards;
- Inspection of the project by the RPE;
- Maintenance of a public liability insurance policy or self-insurance, in an amount determined by the RPE to ensure coverage of tort liability to the public and employees;
- Monitoring by the RPE to ensure that proper maintenance of the project by the private entity;
- Filing of financial statements that pertain to the project by the private entity;
- Procedures that govern the parties' rights and responsibilities in the event of termination of the agreement;
- Fees, lease payments, or service payments that may be collected by the private entity for use of the facility; and
- Duties of the private entity.

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<sup>41</sup> Section 265.055(3)(e), F.S.

<sup>42</sup> Section 255.065(3)(a)3., F.S., allows an RPE to request additional review funds if the initial application fee does not cover the costs to evaluate an unsolicited proposal. Section 255.065(5)(f), F.S., also allows an RPE to charge a reasonable fee to cover the costs of processing, reviewing, and evaluating the request, including attorney fees and fees for other advisors or consultants.

<sup>43</sup> Section 255.065(3)(d)1.-5., F.S.

<sup>44</sup> Section 255.065(7)(a)1.-9., F.S.

### III. Effect of Proposed Changes:

The bill amends s. 255.065, F.S., to allow an RPE that intends to pursue a public-private partnership for a qualifying project with a private entity that has submitted an unsolicited proposal to either (1) engage in a public bidding process by publishing a request for additional proposals in the FAR; or (2) hold public meetings at which the unsolicited proposal is presented for public comment and the RPE submits its determination of public interest to proceed with the P3, if applicable.

**Section 1** amends s. 255.065(3), F.S., to provide an alternative to the requirement that a responsible public entity's (RPE) seek, via competitive procurement, additional proposals after its receipt of an unsolicited proposal that it intends to entertain for contract. The RPE may instead hold a duly noticed public meeting at which it presents the unsolicited proposal and entertains comment from affected public entities and members of the public. At a second duly noticed public meeting, the RPE must present its determination whether the unsolicited proposal is in the public's interest, based on the:

- Benefits to the public.
- Financial structure of and any economic efficiencies that are achieved by the proposal.
- Submitting private entity's qualifications and experience, and ability to perform the project.
- Project's compatibility with regional infrastructure plans.
- Public comments submitted at the meeting.

The determination must explain why the proposal should proceed and address any public comments.

The RPE must then publish this determination of public interest in the FAR for at least 7 days, include the factors it considered in making its determination, and its findings based on those factors.

The bill also requires the RPE to specifically determine the public benefits, apart from ownership of the project, if ownership of the project will not be conveyed to the RPE within 10 years of commencement of the project's public operation. This statement must be included in the determination of public interest upon its presentation at a public meeting. This requirement does not apply to projects that are procured pursuant to competitive procurement.

The bill amends s. 255.065(5), F.S., to make conforming changes, clarifying that the RPE's duty to rank and competitively negotiate applies only where an unsolicited proposal is submitted and noticed for public bidding.

**Section 2** provides that the bill takes effect July 1, 2024.

### IV. Constitutional Issues:

#### A. Municipality/County Mandates Restrictions:

Not applicable. The bill does not require counties and municipalities to spend funds, reduce the counties' or municipalities' ability to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

A private entity that submits an unsolicited proposal for a public-private partnership project may endure a shortened approval process if the RPE opts to use the public meeting approval procedure, rather than the competitive negotiation procedure to approve a qualifying project. This may result in less cost to the private entity.

Conversely, a private entity that seeks to compete at a lower cost for the project proposed by an unsolicited proposal will not have the same opportunity to engage for its services, should the RPE choose to use the public meeting process for approval. Depending on the project, it is unlikely that a competing private entity will be able to complete a bid proposal within the timeframe provided by the public meeting process. This may result in lost revenues for entities that may have otherwise been awarded the project.

C. Government Sector Impact:

The cost to state and local governments is indeterminate. However, it is likely that the governmental entities will see a reduced timeframe to approve unsolicited projects submitted for review pursuant to s. 255.065, F.S. This will likely lead to reduced administrative review costs associated with competitive procurement of such projects.

There may be less pricing competition for projects that are awarded via the public meeting process. This may result in higher project costs to the governmental entities that approve public-private partnerships in this manner.



**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 255.065 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Governmental Oversight and Accountability on January 22, 2024:**

- Provides for a second public meeting at which the responsible public entity (RPE) will present its determination of public interest.
- Requires the RPE to include both the factors it considered, and its findings based on those factors in its determination of public interest report.
- Clarifies that the RPE must present an additional factor in its public benefit determination if ownership of the proposed project will not be conveyed to the RPE within 10 years after the project begins operation.

**B. Amendments:**

None.

**By** the Committee on Governmental Oversight and Accountability;  
and Senator Boyd

585-02355-24

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A bill to be entitled

An act relating to unsolicited proposals for public-private partnerships; amending s. 255.065, F.S.; authorizing, rather than requiring, a responsible public entity to publish notice of an unsolicited proposal for a qualifying project in a specified manner and that other proposals for the same project will be accepted; authorizing a responsible public entity to proceed with an unsolicited proposal for a qualifying project without a public bidding process if the responsible public entity holds a public meeting that meets certain requirements and holds a subsequent public meeting at which it makes a certain determination; requiring the responsible public entity to consider certain factors; requiring the responsible public entity to publish a certain report in the Florida Administrative Register for a certain period of time in certain circumstances; revising certain determinations that a responsible public entity must make before approving a comprehensive agreement; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Present paragraphs (c) through (f) of subsection (3) of section 255.065, Florida Statutes, are redesignated as paragraphs (e) through (h), respectively, new paragraphs (c) and (d) are added to that subsection, and paragraph (b) and present

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paragraph (d) of that subsection and paragraph (c) of subsection (5) of that section are amended, to read:

255.065 Public-private partnerships.—

(3) PROCUREMENT PROCEDURES.—A responsible public entity may receive unsolicited proposals or may solicit proposals for a qualifying project and may thereafter enter into a comprehensive agreement with a private entity, or a consortium of private entities, for the building, upgrading, operating, ownership, or financing of facilities.

(b)1. The responsible public entity may request a proposal from private entities for a qualifying project or, if the responsible public entity receives an unsolicited proposal for a qualifying project and the responsible public entity intends to enter into a comprehensive agreement for the project described in the unsolicited proposal, the responsible public entity may ~~shall~~ publish notice in the Florida Administrative Register and a newspaper of general circulation at least once a week for 2 weeks stating that the responsible public entity has received a proposal and will accept other proposals for the same project.

2. The timeframe within which the responsible public entity may accept other proposals shall be determined by the responsible public entity on a project-by-project basis based upon the complexity of the qualifying project and the public benefit to be gained by allowing a longer or shorter period of time within which other proposals may be received; however, the timeframe for allowing other proposals must be at least 21 days, but no more than 120 days, after the initial date of publication. If approved by a majority vote of the responsible public entity's governing body, the responsible public entity

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may alter the timeframe for accepting proposals to more adequately suit the needs of the qualifying project. A copy of the notice must be mailed to each local government in the affected area.

(c) The responsible public entity may proceed with an unsolicited proposal for a qualifying project without engaging in a public bidding process if the responsible public entity holds a duly noticed public meeting at which the proposal is presented and affected public entities and members of the public are able to provide comment and at a second duly noticed public meeting determines that the proposal is in the public's interest. In making the public interest determination, the responsible public entity must consider all of the following factors:

1. The benefits to the public.
  2. The financial structure of and the economic efficiencies achieved by the proposal.
  3. The qualifications and experience of the private entity that submitted the proposal and such entity's ability to perform the project.
  4. The project's compatibility with regional infrastructure plans.
  5. Public comments submitted at the meeting. The responsible public entity must provide a statement that explains why the proposal should proceed and addresses such comments.
- (d) If the responsible public entity decides to proceed with an unsolicited proposal without engaging in a public bidding process, the responsible public entity must publish in the Florida Administrative Register for at least 7 days a report

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that includes all of the following:

1. The public interest determination required under paragraph (c).

2. The factors considered in making such public interest determination.

3. The responsible public entity's findings based on each considered factor.

(f)~~(d)~~ Before approving a comprehensive agreement, the responsible public entity must determine that the proposed project:

1. Is in the public's best interest, if the proposal was solicited. If the proposal was unsolicited, the responsible public entity must determine that the proposed project has been determined to be in the public's interest in accordance with paragraph (c).

2. Is for a facility that is owned by the responsible public entity or for a facility for which ownership will be conveyed to the responsible public entity. For a proposed project that was unsolicited, if ownership will not be conveyed to the responsible public entity within 10 years after initial public operation begins, the public benefits apart from ownership must be identified and stated by the responsible public entity in the public interest determination required under paragraph (c).

3. Has adequate safeguards in place to ensure that additional costs or service disruptions are not imposed on the public in the event of material default or cancellation of the comprehensive agreement by the responsible public entity.

4. Has adequate safeguards in place to ensure that the

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responsible public entity or private entity has the opportunity to add capacity to the proposed project or other facilities serving similar predominantly public purposes.

5. If the proposal was solicited, will be owned by the responsible public entity upon completion, expiration, or termination of the comprehensive agreement and upon payment of the amounts financed.

(5) PROJECT QUALIFICATION AND PROCESS.—

(c) After the public notification period has expired in the case of an unsolicited proposal that is submitted and noticed for public bidding, the responsible public entity shall rank the proposals received in order of preference. In ranking the proposals, the responsible public entity may consider factors that include, but are not limited to, professional qualifications, general business terms, innovative design techniques or cost-reduction terms, and finance plans. The responsible public entity may then begin negotiations for a comprehensive agreement with the highest-ranked firm. If the responsible public entity is not satisfied with the results of the negotiations, the responsible public entity may terminate negotiations with the proposer and negotiate with the second-ranked or subsequent-ranked firms, in the order consistent with this procedure. If only one proposal is received, the responsible public entity may negotiate in good faith, and if the responsible public entity is not satisfied with the results of the negotiations, the responsible public entity may terminate negotiations with the proposer. Notwithstanding this paragraph, the responsible public entity may reject all proposals at any point in the process until a contract with the proposer is

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146 | executed.

147 |       Section 2. This act shall take effect July 1, 2024.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Banking and Insurance, *Chair*  
Agriculture, *Vice Chair*  
Appropriations Committee on Agriculture, Environment,  
and General Government  
Finance and Tax  
Fiscal Policy  
Judiciary  
Rules

## SENATOR JIM BOYD

20th District

January 25, 2024

Senator Alexis Calatayud  
Committee on Community Affairs  
315 Knott Building  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Madame Chair Calatayud:

I respectfully request SB 870: Unsolicited Proposals for Public-Private Partnerships, be scheduled for a hearing in the Committee on Community Affairs, at your earliest convenience.

If I may be of assistance to you on this or any other matter, please do not hesitate to contact me.

Thank you for your consideration of this matter.

Best regards,

A handwritten signature in blue ink, appearing to read "Jim Boyd".

Jim Boyd

cc: Elizabeth Ryon  
Tatiana Warden

## REPLY TO:

- ☐ 717 Manatee Avenue West, Bradenton, Florida 34205 (941) 742-6445
- ☐ 415 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore



The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6

Meeting Date

Community Affairs

Committee

870

Bill Number or Topic

Amendment Barcode (if applicable)

Name Chris Stranburg

Phone 813-767-9667

Address 107 E College Ave.

Email ~~Chris~~ CStranburg@alpha.org

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Americans for Prosperity

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/6/2024

Meeting Date

Community Affairs

Committee

Name Jessica Cimijotti

Name

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 870

Bill Number or Topic

Amendment Barcode (if applicable)

Address 106 N Bronough Street

Address

Street

Tallahassee

City

FL

State

32301

Zip

Phone 850-222-5052

Phone

Email jcimijotti@floridataxwatch.org

Email

Speaking: ☐ For ☐ Against ☒ Information **OR** Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

LS/SB 870  
Bill Number or Topic

2/6/24  
Meeting Date  
Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Gary Hunter Phone 850-567-5763

Address 119 S. Monroe St Suite 500 Email ghunter@holtzmanvogel.com  
Street

Tallahassee FL 32301  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Neal Communities

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 1122

INTRODUCER: Community Affairs Committee and Senator Martin

SUBJECT: Protection of Historical Monuments and Memorials

DATE: February 8, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McVaney</u>	<u>GO</u>	<u><b>Favorite</b></u>
2.	<u>Hunter</u>	<u>Ryon</u>	<u>CA</u>	<u><b>Fav/CS</b></u>
3.	<u>                    </u>	<u>                    </u>	<u>FP</u>	<u>                    </u>

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

SB 1122 creates the Historic Florida Monuments and Memorials Protection Act.

The bill preempts local government actions that relocate, remove, damage, or destroy a monument or memorial. The bill expresses intent that the state, through the Division of Historical Resources (Division) protect, preserve, and ensure that each monument or memorial is not removed, damaged, or destroyed, throughout the state.

The Florida Historical Commission, for monuments or memorials, or the Department of Veteran's Affairs, for military monuments or memorials, has authority to recommend action, its deferral, or no action, on any issue regarding the protection or preservation of a monument or memorial. The Division must make the ultimate decision on the issue in a written format with an explanation of its bases therefor.

An elected or appointed local government official that enacts or enforces a local ordinance, regulation, or rule that impinges on the state's regulation of the removal, damage, or destruction of an historic Florida monument or memorial is subject to a civil fine of up to \$1,000. The official is also subject to a separate civil action in which actual damages, up to \$100,000, and attorney fees and costs may be awarded.

The local government's ordinance, regulation, or rule must be declared invalid by a court, and is subject to a permanent injunction prohibiting its enforcement.

The local government is separately liable for restoration of the monument or memorial. If it lacks the funds to do so, the State must restore the monument or memorial and withhold all arts, cultural, and historic preservation funding from the local government until reimbursement is made. Another provision of the bill requires a local government that seeks to remove, damage, or destroy a monument or memorial to place a good faith estimate of the funds needed to replace the monument or memorial in an escrow account.

Any local government that seeks to relocate a monument or memorial may only do so temporarily as a result of military necessity or a construction or infrastructure project on the property on which the monument or memorial is sited. They must follow specific procedures to do so, including:

- Providing notice to the Division of the decision to remove and later replace or relocate the monument or memorial;
- Returning the monument or memorial after the need ceases, or the project is complete; and
- If it is impossible to return the monument or memorial to its original location, returning it to a prominent place, as close as possible to the original location, within the same county or municipality in which it was originally located, that provides similar prominence, honor, visibility, and access.

The bill will likely have an indeterminate impact on state and local government expenditures related to the preservation, removal, or destruction of monuments and memorials.

The bill grants the Department of State, in consultation with the Department of Veterans' Affairs, rulemaking authority to implement the bill.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **Department of State**

The Department of State (DOS), created by s. 20.10, F.S., is composed of six divisions: Elections, Historical Resources, Corporations, Library and Information Services, Arts and Culture, and Administration. The head of the DOS is the Secretary of State (Secretary). The Secretary is appointed by and serves at the pleasure of the Governor, and is confirmed by the Senate.

### **Division of Historical Resources: Chapter 267, F.S.**

The Division of Historical Resources (Division) within the Department of State is charged with encouraging the identification, evaluation, protection, preservation, collection, conservation, and interpretation of information about Florida's historic sites and properties or objects related to Florida's history and culture.<sup>1</sup> This includes cooperating with federal and state agencies, local governments, and private entities to accomplish their duties.

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<sup>1</sup> Florida Department of State, Division of Historical Resources, *About*, <https://dos.fl.gov/historical/about/> (last visited Jan. 19, 2024). *See also*, s. 267.031, F.S.

The Division is comprised of the following Bureaus:

- Bureau of Historic Preservation;
- Bureau of Historical Museums; and
- Bureau of Archeological Research.<sup>2</sup>

The Florida Historical Resources Act<sup>3</sup> was established to preserve archaeological sites and objects of antiquity for the public benefit.<sup>4</sup> The Act recognizes Florida's historic properties as an important legacy to be valued and conserved for present and future generations. Accordingly, it is Florida's policy to lead, assist, administer, and encourage public entities and private citizens to preserve the state's historic environment and resources.<sup>5</sup>

The Florida Historical Commission (Commission) was created to enhance public participation and involvement in the preservation and protection of Florida's historic and archaeological sites and properties. The Commission's membership must include a licensed architect with historic preservation and architectural history expertise; a professional American historian; an architectural historian; a prehistoric archaeologist; and an historic archaeologist.<sup>6</sup>

The Commission's duties include providing assistance, advice, and recommendations to the Division of Historical Resources and its director for:

- Establishing priorities for the identification, acquisition, protection, and preservation of historic and archaeological sites and properties.
- Establishing criteria for use in assessing the significance of historic and archaeological sites.
- Evaluating proposals for historic preservation grants administered by the division.
- Providing an active outreach program to encourage public understanding of and involvement in the preservation of the state's historic and archaeological sites and properties.
- Identifying and expressing public goals for historic preservation and gathering public ideas necessary for the formulation of alternative policies.
- Recommending rules relating to the historic preservation programs administered by the division.
- Protecting and preserving Florida's historic and archaeological sites and properties.

Any action taken by the Commission requires a majority vote of the members present at its meeting.<sup>7</sup>

### ***Florida Historical Marker Program***

The Florida Historical Marker Program is designed to raise public awareness of Florida's cultural history and to enhance the enjoyment of its historic sites by citizens and tourists. These markers tell stories of the places and people who created Florida, by identifying the churches,

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<sup>2</sup> *Id.*

<sup>3</sup> Sections 267.011-267.1736, F.S.

<sup>4</sup> Section 267.14, F.S.

<sup>5</sup> Section 267.061(2)(a), F.S.

<sup>6</sup> Section 267.0612(2), F.S.

<sup>7</sup> Section 267.0612(5), F.S.

schools, archaeological sites, battlefields, and homes that represent Florida's past.<sup>8</sup> The official Florida historic markers are markers awarded, approved, or administered by the Division.<sup>9</sup> A "Florida Heritage" marker is a one that identifies people, events and places, including buildings, structures, objects and archaeological sites that are of local, regional or statewide historic significance relating to Florida history, culture, and ethnic heritage.<sup>10</sup>

The Division is responsible for the administration of all aspects of the Florida Historic Marker Program, including the application process, selection and designation of properties, persons or events to be marked and the placement and maintenance of the markers.<sup>11</sup> There are approximately 1,200 markers throughout the state currently.<sup>12</sup> While the current list of Florida Historical Markers has all the approved and created markers, some have yet to be installed or have been removed without notice to the Bureau of Historic Preservation.<sup>13</sup>

### **Criminal Penalty for Destruction of a Memorial**

Section 806.135, F.S., provides that it is a second degree felony<sup>14</sup> for any person to willfully and maliciously destroy or demolish any memorial or historic property, or to willfully and maliciously pull down a memorial or historic property, unless authorized by the owner of the memorial or the historic property.

The term "historic property" is defined as any building, structure, site, or object that has been officially designated as a historic building, historic structure, historic site, or historic object through a federal, state, or local designation program. A "memorial" is defined as a plaque, statue, marker, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, structure name, or display that is constructed and located with the intent of being permanently displayed or perpetually maintained; is dedicated to a historical person, an entity, an event, or a series of events; and honors or recounts the military service of any past or present United States Armed Forces military personnel, or the past or present public service of a resident of the geographical area comprising the state or the United States. The term includes, but is not limited to, the following memorials established under ch. 265, F.S.:

- Florida Women's Hall of Fame;
- Florida Medal of Honor Wall;
- Florida Veterans' Hall of Fame; 1A
- POW-MIA Chair of Honor Memorial;
- Florida Veterans' Walk of Honor and Florida Veterans' Memorial Garden;
- Florida Law Enforcement Officers' Hall of Fame;

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<sup>8</sup> Florida Department of State, Florida Division of Historical Resources, *Historical Markers*, <https://dos.fl.gov/historical/preservation/historical-markers/> (last visited Jan. 16, 2024).

<sup>9</sup> Rule 1A-48.002(3), Fla. Admin. Code

<sup>10</sup> Rule 1A-48.002(3)(b), Fla. Admin. Code

<sup>11</sup> Rule 1A-48.003(1), Fla. Admin. Code

<sup>12</sup> Florida Department of State, *Florida Historical Marker List*, <https://apps.flheritage.com/markers/> (Jan. 16, 2023).

<sup>13</sup> Email from Jeremy Heiker, Florida Historical Marker Coordinator, Department of State, to Gabriela Limones-Borja, Legislative Analyst, Senate Committee on Governmental Oversight and Accountability (Jan. 16, 2024, 4:15 EST) (on file with the Senate Committee on Governmental Oversight and Accountability).

<sup>14</sup> A second degree felony is punishable by up to 15 years imprisonment and a \$10,000 fine. Sections 775.082(9)(a)3.c. and 775.083(1)(b), F.S.

- Florida Holocaust Memorial;
- Florida Slavery Memorial; and
- Any other memorial located within the Capitol Complex, including, but not limited to, Waller Park.

Section 806.135, F.S., also requires the payment of restitution, which includes the full cost of repair or replacement of such memorial or historic property.

## Monuments

Section 265.111, F.S., defines “monument” to mean a permanent structure such as a marker, statue, sculpture, plaque, or other artifice, including living plant material, placed in remembrance or recognition of a significant person or event in Florida history.

## Local Government Powers

The Florida Constitution grants counties and municipalities broad “home rule” authority that did not exist prior to the ratification of the 1968 Constitution.<sup>15</sup> Non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>16</sup> Counties operating under a county charter have all powers of self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>17</sup> Municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide municipal services, and exercise any power for municipal purposes except when expressly prohibited by law.<sup>18</sup>

## Immunity for Official Conduct

The general rule under the common law is that legislators enjoy absolute immunity from liability for performance of legislative acts.<sup>19</sup> Absolute immunity for legislators has historically been recognized as a “venerable tradition” that has withstood the development of the law since pre-colonial days.<sup>20</sup> Courts have upheld absolute immunity for legislators at all levels of lawmaking, including federal, state, and local government levels.<sup>21</sup> The courts’ reasoning behind such holdings is that when legislators hold legislative powers, they use them for the public good, and

<sup>15</sup> See, FLA. CONST. art. VIII, s. 5 (1885) (“powers, duties[,] and compensation of county commissioners shall be prescribed by law”) and FLA. CONST. art. VIII, s. 8 (1885) (“The Legislature shall... prescribe [municipal] jurisdiction and powers[.]” See also, *City of Trenton v. State of New Jersey*, 262 U.S. 182, 186 (1923) (“In the absence of state constitutional provisions safeguarding it to them, municipalities have no inherent right of self-government which is beyond the legislative control of the state.”), *Bowden v. Ricker*, 70 Fla. 154 (Fla. 1915) (“Under the provision of s. 5 of art. 8 of the [1885] Constitution that powers and duties of county commissioners ‘shall be prescribed by law,’ the authority of such officials is only such as may be conferred by statutory regulations.”)

<sup>16</sup> FLA. CONST. art. VIII, s. 1(f).

<sup>17</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>18</sup> FLA. CONST. art. VIII, s. 2(b); see also s. 166.021(1), F.S.

<sup>19</sup> See *Tenney v. Brandhove*, 341 U.S. 367 (1951).

<sup>20</sup> *Bogan v. Scott-Harris*, 523 U.S. 44, 48-49 (1998). For additional examples of where absolute immunity of legislative acts has been recognized, see *Harlow v. Fitzgerald*, 457 U.S. 800 (1982); *Lake Country Estates v. Tahoe Regional Planning Agency*, 440 U.S. 391 (1979); *Hough v. Amato*, 269 So. 2d 537 (Fla. 1st DCA 1972); *Jones v. Loving*, 55 Miss. 109 (1877); *Ross v. Gonzales*, 29 S.W.2d 437 (Tex. Ct. App. 1930).

<sup>21</sup> *Bogan*, 523 U.S. 44.



are exempt from liability for mistaken use of their legislative powers.<sup>22</sup> Furthermore, courts fear that allowing personal liability could distort legislative discretion, undermine the public good by interfering with the rights of the people to representation, tax the time and energy of frequently part-time citizen legislators, and deter service in local government.<sup>23</sup>

When unlawful ordinances have been enacted, the freedom from personal liability does not make the legislative product itself valid.<sup>24</sup> In such instances, affected citizens have been able to challenge the validity of such ordinances by suing to have them declared invalid or have a court enjoin enforcement.<sup>25</sup>

Courts have found that legislators may be subject to personal liability when they lack discretion.<sup>26</sup> Such situations typically exist when legislators are subject to an affirmative duty, such as when a law or court order has directed them to levy a tax. Such acts are labeled “ministerial,” as opposed to “legislative,” acts.<sup>27</sup> Arguably, an express and clear preemption would remove discretion from local government officials seeking to engage in lawmaking in the preempted field.

### III. Effect of Proposed Changes:

**Section 1** designates the provisions of the bill the “Historic Florida Monuments and Memorials Protection Act.”

#### Definitions

**Section 2** defines the following terms, among others:

- A “local government” means any city, county, school district or other public educational institution, or any other political subdivision of the state and its agencies.
- An “historic Florida military monument or memorial” means a historic Florida monument or memorial that honors or recounts the military service of any past or present military personnel, including any armed conflict since settlers from other countries came to what is now the United States.
- An “historic Florida monument or memorial” means a permanent statue, marker, plaque, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, or display constructed and located on public property which has been displayed for at least 25 years with the intent of being permanently displayed or perpetually maintained and which is dedicated to any persons, places, or events that were important in the past or that are in remembrance or recognition of a significant person or event in state history.

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<sup>22</sup> *Id.* at 50-51 (citing *Jones*, 55 Miss. 109).

<sup>23</sup> *Id.* at 52.

<sup>24</sup> *Tenney*, 341 U.S. at 379.

<sup>25</sup> See, e.g., *Bogan*, 523 U.S. 44; *Lake Country Estates v. Tahoe Regional Planning Agency*, 440 U.S. 391 (1979); *Tenney*, 341 U.S. 367.

<sup>26</sup> *Bogan*, 523 U.S. at 51-52.

<sup>27</sup> See *Id.*

## **General State Responsibilities Regarding Monuments and Memorials**

**Section 2** provides Legislative intent that Florida act to protect each historic Florida monument or memorial from removal, damage, or destruction. It further provides that “[a]ccurate history belongs to all Floridians in perpetuity...and the state has an obligation to protect and preserve such history.”

### ***State Restoration of a Removed, Damaged, or Destroyed Monument***

A local government that removes, damages, or destroys a monument or memorial by enacting or enforcing a local ordinance, regulation, or rule that impinges on the state’s exclusive occupation of such regulation must pay to restore the monument or memorial to its original condition or location, or as relocate it as close as possible. This restoration or relocation must occur within 3 years after the initial removal, damage, or destruction. If the local government cannot afford to do so, then the state must pay for such restoration or relocation. The Department must withhold any arts, cultural, and historic preservation funding from the local government until it has reimbursed the state for the cost of restoration or relocation.

### ***Division Authority Regarding Protection, Preservation, or Relocation of a Monument or Memorial***

The Division must seek the recommendation of the Commission on any issue regarding the protection, preservation, or relocation of an historic Florida monument or memorial. For historic Florida military monument or memorial, the Division must seek a recommendation from the DVA. The Division must provide a written record of its decision (whether it be to act, defer action, or not make an action) and the basis therefor.

### ***Rulemaking Authority***

The Department, in consultation with the DVA, may adopt rules to implement the bill.

## **Preemption of Local Authority and Related Limitations**

**Section 2** creates s. 267.201(2)-(3), F.S., which generally preempts a local government’s authority to removal, damage, or destroy an historic Florida monument or memorial by:

- Voiding all existing local government<sup>28</sup> ordinances, regulations, rules, actions, and executive actions regarding the removal, damage, or destruction of historic Florida monuments or memorials.
- Stating the intent to provide statewide uniformity on actions regarding historic Florida monuments or memorials through the division, and in the case of historic Florida military monuments or memorials, through the Division in consultation with the DVA.
- Declaring state occupation of the whole field of policy regarding the removal, damage, or destruction of historic Florida monuments or memorials to the exclusion of any existing or future local government ordinance, regulation, or rule, or any action by an elected or appointed local government official.

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<sup>28</sup> The bill defines a “local government” as “any municipality, county, school district, state college, state university, or any other political subdivision of the state.”

***Relocation as a Result of Military Necessity, Construction, or Infrastructure Project***

**Section 2** creates s. 267.201(6), F.S., which allows a local government's authority to relocate a historical monument or memorial only temporarily and due to military necessity, or a construction or infrastructure project.

Before the monument or memorial's removal, the local government must place a good-faith estimate of the value necessary to relocate the monument or memorial into an escrow account. A local government that decides to temporarily remove a monument or memorial from its location due to military necessity, or a construction or infrastructure project must notify the Division within 10 days of its decision on a form prescribed by the Department in consultation with the DVA.

The local government must move the monument or memorial during its temporary relocation to a site of similar prominence, honor, visibility, and access within the same county or municipality in which it was originally located.

After the period of military necessity or completion of the project, the local government must relocate the monument or memorial to its original location. If it cannot be returned to its original location, the local government must consult with either the Department in consultation with the Commission, and for a military monument or memorial, the DVA, to determine a location for the monument or memorial with similar prominent, honor, visibility, and access within the same county or municipality.

The local government must again notify the Division in writing within a reasonable time, but no more than 30 days from, the cessation of the military need or the completion of construction or infrastructure project. This notification is not required to be on a standardized form developed by the Department.

***Civil Penalties and Related Liabilities***

**Section 2** creates s. 267.201(4), F.S., to prohibit, and civilly penalize, the enactment or enforcement of any local ordinance, regulation, or rule by a local government or elected or appointed local government official that violates or impinges on the Legislature's occupation of the field of removal, damage, or destruction of historic Florida monuments or memorials.

A court must declare invalid a local government's ordinance, regulation, or rule that violates or impinges on the Legislature's occupation of the field of removal, damage, or destruction of historic Florida monuments or memorials. The court must also issue a permanent injunction against the local government which prohibits it from enforcing the ordinance, regulation, or rule.

An elected or appointed local government official who knowingly and willfully enacts or enforces a local ordinance, regulation, or rule that violates or impinges on the Legislature's occupation of the field of removal, damage, or destruction of historic Florida monuments or memorials is subject to a civil fine of up to \$1,000. Public funds cannot be used, except as required by applicable law, to defend or reimburse the unlawful conduct of an elected or appointed local government official who is found to have knowingly and willfully acted in such a manner.

Specified groups or individuals may bring a separate civil action for declaratory or injunctive relief in any circuit court that has jurisdiction over the local government or elected or appointed local government official who is named as the defendant in an action that alleges a violation of s. 267.201(4), F.S., based on the enactment or enforcement of any local ordinance, regulation, or rule that impinges on the state's occupation of the field of regulation of the removal, damage, or destruction of an historic Florida monument or memorial. The plaintiff may also request actual damages, limited to \$100,000, and reasonable attorney fees and costs. The bill vests this right to bring suit in (1) a group involved in the design, erection, or care of a subject monument or memorial, (2) a member thereof, (3) a group that regularly uses the monument or memorial for remembrance, or (4) a person who does so.

**Section 3** provides that if any provision of the act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act which can still have valid effect. The provisions of this act are therefore severable.

**Section 4** provides the bill takes effect July 1, 2024. However, section 2 provides that its provisions apply retroactively to monuments that have been removed, damaged, or destroyed on or after July 1, 2018.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The county and municipality mandate provisions of Article VII, section 18 of the Florida Constitution may apply because the bill may require local governments to expend funds to restore monuments and memorials removed or relocated in the past five years. Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met.

None of the constitutional exceptions appear to apply.

Article VII, section 18 (d) provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. Laws having an “insignificant fiscal impact” are exempt from the mandate requirements, which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.<sup>29,30</sup> However, any local government costs associated with the bill are speculative and not readily estimable for purposes of determining whether the exemption for bills having an insignificant fiscal impact applies.

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<sup>29</sup> FLA. CONST. art. VII, s. 18(d).

<sup>30</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Feb. 6, 2024).

If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

**Retroactive Application**

Section 2 of this bill provides that this act will void all prior local government ordinances, regulations, and executive actions regarding the removal, damage, or destruction of historic Florida monuments or memorials. This bill will therefore operate retroactively.

Pursuant to Florida case law, even when the Legislature clearly intends for a statute to apply retroactively, a court will reject such an application if the statute: impairs a vested right, creates a new obligation, or imposes a new penalty.<sup>31</sup> However, statutes that do not alter contractual or vested rights, and only relate to procedure can be applied retroactively.<sup>32</sup>

The Florida Supreme Court has recognized that a statute may be applied retroactively if it meets the following conditions.

- There is clear evidence that the Legislature intended to apply the statute retroactively.
- Retroactive application is constitutionally permissible.<sup>33</sup>

In determining whether a retroactive application is constitutional, courts have generally held that due process considerations prevent retroactive legislation that impairs vested rights.<sup>34</sup> However the Supreme Court has determined that this general rule is not absolute, and that courts have identified factors “to balance the considerations permitting or

<sup>31</sup> *Fla. Ins. Guar. Ass’n., Inc. v. Devon Neighborhood Ass’n. Inc.*, 67 So.3d 187, 194-95 (Fla. 2011); *Mendez v. Progressive Express Ins. Co.*, 35 So. 3d 873 (Fla. 2010). See also *Metropolitan Dade County v. Chase Fed. Housing Corp.*, 737 So. 2d 494, 499 (Fla. 1999) (stating that “[t]he general rule is that in the absence of clear legislative intent to the contrary, a law affecting substantive rights, liabilities and duties is presumed to apply prospectively).

<sup>32</sup> *Menendez*, *supra* note 41.

<sup>33</sup> *Metropolitan Dade County v. Chase Fed. Housing Corp.*, 737 So. 2d 494, 499 (Fla. 1999); See also *Promontory Enterprises, Inc. v. Southern Engineering & Contracting, Inc.*, 864 So. 2d 479 (Fla. 5th DCA 2004).

<sup>34</sup> *State Dept. of Transportation v. Knowles*, 402 So. 2d 1155, 1157 (Fla. 1981).

prohibiting an abrogation of value.”<sup>35</sup> In one case, the Supreme Court weighed the following three factors in considering the validity of retroactive legislation.

- The strength of the public interest served by the statute.
- The extent to which the right affected is abrogated.
- The nature of the right affected.<sup>36</sup>

The provisions that allow individuals to be personally civilly liable for their official actions as legislators may implicate a due process concern as it regards fines levied for past actions.

However, as drafted, it is not clear that there will be a retroactive effect of the civil liability for appointed or elected local government officials. While the bill states that the provisions regarding liability of a local government or appointed or elected local government official apply to any monuments or memorials removed, damaged, or destroyed on or after July 1, 2018—the violation requires an act that “impinges upon the State’s exclusive occupation of the regulation of the removal, damage, or destruction of historic Florida monuments or memorials.” The State preemption will not go into effect until July 1, 2024. Therefore, local government actions taken prior to July 1, 2024 will not have impinged on the state occupation of the field.

## **V. Fiscal Impact Statement:**

### **A. Tax/Fee Issues:**

None.

### **B. Private Sector Impact:**

None.

### **C. Government Sector Impact:**

Government officials who violate the prohibitions in the bill face fines. Creating significant penalties on government officials for making policy decisions or carrying out invalid regulations or ordinances may deter public service.

The Department of State may incur several costs related to the implementation and carrying out of the bill. In particular, the Department may see an increase in administrative costs related to the:

- Development of a rule to adopt a form for the reporting of the removal of a monument or memorial from its location due to military need, or a construction or infrastructure project.
- Maintenance of records relating to notice of removal or replacement of a monument or memorial during construction.

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<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

- Increased need for meetings of the Florida Historical Commission to determine permissible actions relating to the state's monuments and memorials.
- Additional duties within the Division of Historical Resources to make all recommendations about the protection, preservation, or relocation of an historic Florida monument or memorial.

The Department of Veterans' Affairs may see an increase in workload relating to additional duties created by the bill.

## VI. Technical Deficiencies:

The bill uses "monument or memorial" on lines 89, rather than the defined term "historic Florida monument or memorial."

It is unclear whether a local government must submit its decision to relocate a monument or memorial as a result of military necessity, or a construction or infrastructure project, to the Division's decision making authority outlined in lines 141-153 of the bill. If it is the intent for the Division to be able to override such a decision, the bill sponsor may wish to add timeframes and other required procedures for clarity.

It is not clear whether a specific officer within the Division of Historical Resources has final authority to make a decision on any issue regarding the protection, preservation or relocation of an historic Florida monument or memorial. Additionally, it is unclear whether the Florida Historical Commission or the Division of Historical Resources makes these decisions—line 137-138 makes reference to consultation with the Florida Historical Commission, while lines 148-153 contemplate a decision made by the Division of Historical Resources on the basis of a recommendation from the Florida Historical Commission.

## VII. Related Issues:

### Standing

For standing, Florida courts require the party prosecuting the claim to be the real party in interest or be expressly authorized by statute to bring the claim on behalf of the real party in interest. Rule 1.210 of the Florida Rules of Civil Procedure provides, in pertinent part:

(a) Parties Generally. Every action may be prosecuted in the name of the real party in interest, but . . . a party expressly authorized by statute may sue in that person's own name without joining the party for whose benefit the action is brought. All persons having an interest in the subject of the action and in obtaining the relief demanded may join as plaintiffs and any person may be made a defendant who has or claims an interest adverse to the plaintiff. Any person may at any time be made a party if that person's presence is necessary or proper to a complete determination of the cause. Persons having a united interest may be joined on the same side as plaintiffs or defendants, and anyone who refuses to join may for such reason be made a defendant.

## Civil Liability and Damages

The State Constitution provides that “the courts shall be open to every person for redress of any injury, and justice shall be administered without sale, denial, or delay.”<sup>37</sup> In most instances, the aggrieved party is limited to sue for the actual damages incurred.<sup>38</sup>

A statute may subject a person to civil liability for damages caused by the person’s criminal behavior. “Civil liability” is defined by Black’s Law Dictionary as the “debt or legal obligation from a private wrong amounting to the damage done.”<sup>39</sup>

### *Punitive damages*

In any civil action, no claim for punitive damages is permitted unless there is a reasonable showing by evidence in the record, or proffered by the claimant, which would provide a reasonable basis for recovery of such damages.<sup>40</sup> A defendant may only be held liable for punitive damages if the trier of fact finds the defendant was personally guilty of intentional misconduct<sup>41</sup> or gross negligence.<sup>42,43</sup> Punitive damages may not exceed the greater of:

- Three times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or
- The sum of \$500,000.<sup>44</sup>

If the fact finder determines that the wrongful conduct proven under this section was motivated solely by unreasonable financial gain the court may award an amount of punitive damages not to exceed the greater of:

- Four times the amount of compensatory damages awarded to each claimant entitled thereto, consistent with the remaining provisions of this section; or
- The sum of \$2 million.<sup>45</sup>

If the fact finder determines that, at the time of injury, the defendant had a specific intent to harm the claimant and the defendant’s conduct did in fact harm the claimant, then there shall be no cap on punitive damages.<sup>46</sup>

Lines 76-91 grant standing to bring a civil action for the removal, destruction, or damaging of a monument or memorial. This language could be interpreted two ways. The first is that these parties are granted standing to sue on behalf of the injured property owner (the government,

<sup>37</sup> FLA. CONST. art. I, s. 21.

<sup>38</sup> See, e.g., *Public Defender, Eleventh Judicial Circuit of Fla. v. State*, 115 So.3d 261, 282 (Fla. 2013).

<sup>39</sup> “Civil Liability,” Black’s Law Dictionary 435 (9th ed. 2009).

<sup>40</sup> Section 768.72(1), F.S.

<sup>41</sup> “Intentional misconduct” means that the defendant had actual knowledge of the wrongfulness of the conduct and the high probability that injury or damage to the claimant would result and, despite that knowledge, intentionally pursued that course of conduct, resulting in injury or damage. Section 768.72(2)(a), F.S.

<sup>42</sup> “Gross negligence” means that the defendant’s conduct was so reckless or wanting in care that it constituted a conscious disregard or indifference to the life, safety, or rights of persons exposed to such conduct. Section 768.72(2)(b), F.S.

<sup>43</sup> Section 768.72(2), F.S.

<sup>44</sup> Section 768.72(1)(a), F.S.

<sup>45</sup> Section 768.73(1)(b), F.S.

<sup>46</sup> Section 768.73(1)(c), F.S.



since this bill applies only to monuments and memorials located on public property). This appears consistent with Rule 1.210 of the Florida Rules of Civil Procedure. If the party is successful in the suit, the damages would be payable to the injured property owner. The second interpretation is that these parties are granted standing to seek redress based on the damages to those particular parties (rather than the injured property owner). In this case, punitive damages may not apply because there is no monetary loss. The damages for this civil action are limited to actual damages, but not more than \$100,000. The parties granted standing in lines 88-91 have no property interest in the damaged, and therefore their actual damages may be difficult to prove.

The fine applied in lines 69-71 could vary widely, depending on the source of the local government's violative action. For example, if a mayor decides to remove a statue, the fine would be \$1,000; if a 7-person city commission makes the decision, the fine could be \$7,000. It is also unclear whether a commissioner who did not vote with the majority to take the violative action is liable to the same extent as those who approved the measure because the elected body takes the action, not the individual.

### **Action without Local Ordinance, Regulation, or Rule**

It appears that a local government's or local government official's action to remove, damage, or destroy an historic Florida monument or memorial without the enactment or enforcement of a local ordinance, regulation, or rule make be authorized under the bill, as s. 267.201(4) only discusses penalties for violations of actions pursuant to a local ordinance, regulation, or rule.

### **Statutes Affected:**

This bill creates section 267.201 of the Florida Statutes.

## **VIII. Additional Information:**

### **A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

#### **CS by Community Affairs on February 6, 2024:**

- Limits the provisions to historic Florida monuments or memorials that are located on public property, and which have been displayed for at least 25 years;
- Bases the civil liability of a local government official on his or her enactment or enforcement of any local ordinance, regulation, or rule that impinges on state regulation of the removal, damaging, or destructing of historic Florida monuments or memorials, rather than on the act of destruction, damage, or removal itself.
- Allows a separate determination of liability against a local government or local government official based on their violation of the bill. A court may assess actual damages incurred, but the award may not exceed \$100,000.
- Removes the bill's provision of state authority to place a contextual marker or plaque near a monument or memorial.
- Grants authority to make any determination regarding the protection, preservation, or relocation of a Florida historic monument or memorial to the Division of Historical Resources, rather than the Florida Historical Commission.

- Removes the timeframe after the completion of a construction or infrastructure project by which a local government must restore a monument or memorial to its original location, or, if that is not possible, a substantially similar location.
- Extends the retroactive application of the bill from October 1, 2020 to July 1, 2018.
- Grants rulemaking authority to the Department of State.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/08/2024	.	
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The Committee on Community Affairs (Martin) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Historic Florida  
Monuments and Memorials Protection Act."

Section 2. Subsection (4) of section 267.0612, Florida  
Statutes, is amended to read:

267.0612 Florida Historical Commission; creation;  
membership; powers and duties.—In order to enhance public



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participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties, there is created within the Department of State the "Florida Historical Commission." The commission shall serve in an advisory capacity to the director of the Division of Historical Resources to assist the director in carrying out the purposes, duties, and responsibilities of the division, as specified in this chapter.

(4) The commission shall meet upon the call of the presiding officer or Secretary of State, which shall occur at least quarterly. Members shall serve without pay, but shall be entitled to reimbursement for their expenses in carrying out their official duties, as provided in s. 112.061. The commission shall take minutes of each meeting as required by s. 286.011(2) and shall post such minutes on the Division of Historical Resources website within 30 days after the meeting. Minutes of the commission which have not been adopted or which are still in draft form must be so labeled when posted.

Section 3. Section 267.201, Florida Statutes, is created to read:

267.201 Protection of historic monuments and memorials.—

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

(a) "Historic Florida military monument or memorial" means a monument or memorial on public property that has been displayed for at least 25 years which features a historic person, entity, event, or series of events and which honors or recounts the military service of any past or present military personnel, including any armed conflict since settlers from other countries came to what is now the United States. The



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Department of Veterans' Affairs shall use this definition in consulting with the Secretary of State, the State Historic Preservation Officer, or the Florida Historical Commission on any historic Florida monument or memorial.

(b) "Historic Florida monument or memorial" means a permanent statue, marker, plaque, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, or display constructed and located on public property which has been displayed for at least 25 years, with the intent of being permanently displayed or perpetually maintained, and which is dedicated to any person, place, or event that was important in the past or that is in remembrance or recognition of a significant person or event in state history.

(c) "Local government" means any city, county, school district, state college, state university, or any other political subdivision of the state and its agencies.

(2) POLICY AND INTENT.—

(a) It is the intent of this section to provide statewide uniformity through the Florida Historical Commission and to declare void all ordinances, regulations, and executive actions regarding the removal, damage, or destruction of historic Florida monuments or memorials or historic Florida military monuments or memorials which have been enacted by any local government.

(b) It is further the intent of this section to deter and prevent any future violations of this section by the abuse of official authority that may occur when a local government enactment is passed, or when an action is taken by a local government official or employee in violation of this section.



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(c) It is the intent of the Legislature that the state act to protect each historic Florida monument and memorial or historic Florida military monument or memorial from removal, damage, or destruction. The Legislature finds that an accurate and factual history belongs to all Floridians and future generations and that the state has an obligation to protect and preserve such history. The Secretary of State and the State Historic Preservation Officer are responsible to work actively to protect, preserve, and ensure that each historic Florida monument or memorial is not removed, damaged, or destroyed, regardless of the location of such monument or memorial in this state. The Department of Veterans' Affairs shall have these same responsibilities for historic Florida military monuments and memorials.

(d) This section applies to the removal, damage, or destruction of any historic Florida monument or memorial or historic Florida military monument or memorial that has been removed, damaged, or destroyed on or after July 1, 2018.

(3) PREEMPTION.—The state occupies the whole field of historic Florida monuments or memorials and historic Florida military monuments or memorials to the exclusion of any existing or future local government ordinance or any administrative regulation or rule, or any action by a local government official or employee, and any such ordinance, regulation, rule, or action is void.

(4) PROHIBITIONS; PENALTIES.—

(a) A person, a county, an agency, a municipality, a district, or another entity that violates the Legislature's occupation of the whole field of removal, damage, or destruction



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of historic Florida monuments or memorials or historic Florida  
military monuments or memorials by enacting or enforcing any  
local ordinance or administrative regulation or rule impinging  
upon such exclusive occupation of the field is liable as  
provided in this subsection.

(b) If a local government violates this section, the court  
must declare the ordinance, regulation, or rule invalid and  
issue a permanent injunction against the local government  
prohibiting it from enforcing such ordinance, regulation, or  
rule. The local government may not claim as a defense that  
enacting the ordinance, regulation, or rule was in good faith or  
upon the advice of counsel.

(c) If the court determines that the violation was  
committed knowingly and willfully, the court must assess a civil  
fine of up to \$1,000 against the elected or appointed local  
government official or administrative agency head under whose  
jurisdiction the violation occurred.

(d) Except as required by applicable law, public funds may  
not be used to defend or reimburse the unlawful conduct of a  
person found to have knowingly and willfully violated this  
section.

(e) A knowing and willful violation of this section by a  
person acting in an official capacity for an entity enacting or  
enforcing any ordinance, regulation, or rule prohibited under  
paragraph (a) or otherwise under color of law may be cause for  
termination of employment or contract or removal from office by  
the Governor.

(f) A person or an organization described in subsection (6)  
may file suit against the county, agency, municipality,



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district, or other entity in any court of this state having  
jurisdiction over the defendant to the suit for declaratory and  
injunctive relief and for actual damages, as limited herein,  
caused by the violation. A court shall award a prevailing  
plaintiff in any such suit:

1. Reasonable attorney fees and costs in accordance with  
state law, including a contingency fee multiplier, as authorized  
by law; and

2. The actual damages incurred, not to exceed \$100,000.

(g) For a historic Florida monument or memorial or historic  
Florida military monument or memorial described in paragraph  
(2)(d) which has been removed from its original location to  
another location or to storage, the responsible local government  
has until December 31, 2024, to notify the Department of State  
and the Department of Veterans' Affairs on a prescribed form of  
the following:

1. The specific name of each historic Florida monument or  
memorial or historic Florida military monument or memorial that  
has been removed from its original location to another location  
or to storage.

2. Whether the monument or memorial was damaged or  
destroyed in the process of removal or while in storage.

3. A timeline to relocate the monument or memorial and a  
good faith estimate of the cost to relocate the monument or  
memorial to its original location or, if that is not possible,  
to a nearby site of similar prominence, honor, visibility, and  
access, with the consultation of the Department of State, the  
Department of Veterans' Affairs, and the Florida Historical  
Commission. The local government has until July 1, 2027, to





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relocate the historic Florida monument or memorial or historic  
Florida military monument or memorial.

(h) The State Historic Preservation Officer or, for a  
historic Florida military monument or memorial, the executive  
director of the Department of Veterans' Affairs, shall take any  
issue regarding protecting or preserving a historic Florida  
monument or memorial or relocating a historic Florida monument  
or memorial or a historic Florida military monument or memorial  
to the Florida Historical Commission for authorization,  
regardless of his or her recommendation as to whether action  
needs to be taken. A historic Florida monument or memorial or a  
historic Florida military monument or memorial may be  
temporarily relocated by a local government as a result of a  
construction or infrastructure project to a site of similar  
prominence, honor, visibility, and access within the same county  
or municipality in which the historic Florida monument or  
memorial or the historic Florida military monument or memorial  
was originally located. Upon completion of the construction or  
infrastructure project, the historic Florida monument or  
memorial or historic Florida military monument or memorial must  
be relocated to its original location or, if that is not  
possible, to a nearby site with similar prominence, honor,  
visibility, and access within the same county or municipality  
with the consultation of the Department of State or the  
Department of Veterans' Affairs and the Florida Historical  
Commission.

(i) If a historic Florida monument or memorial or a  
historic Florida military monument or memorial is removed,  
damaged, or destroyed by a local government, the local



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government is liable for restoring such monument or memorial to its original condition or as close as possible to the original condition within 3 years. If the local government does not have the necessary funds, the state must restore such monument or memorial; the Department of State shall withhold from the local government all arts, cultural, and historic preservation funding until the local government reimburses the state for the cost of restoring such monument or memorial; and all such funds shall again be available to the local government once the state is repaid. The local government may not retroactively collect any of the Department of State funds that otherwise would have been received during the period that state funds were withheld.

(j) The minutes of the commission must record any vote and the reasons of the commission for the authorization to take action, to defer making a decision, or to not make a decision. The State Historic Preservation Officer shall make a written record of his or her recommendation, whether to take action, to defer making a decision, or to not make a decision, and the reasons therefor in consultation with and to the Florida Historical Commission.

(k) The executive director of the Department of Veterans' Affairs shall make a written record of his or her recommendation of whether to take action, to defer making a decision, or to not make a decision, and the reasons therefor in consultation with and to the Florida Historical Commission.

(5) TEMPORARY REMOVAL.—

(a) A local government may only remove a historic Florida monument or memorial or historic Florida military monument or memorial on public property temporarily due to construction,



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expansion, or alteration of a public building, road, street, or highway; for military necessity; or for any construction or infrastructure project.

(b) The local government proposing to remove the historic Florida monument or memorial or a historic Florida military monument or memorial shall put into an escrow account the good-faith estimate of the funds necessary to replace or relocate such monument or memorial.

(c) A local government must notify in writing the State Historic Preservation Officer or the executive director of the Department of Veterans' Affairs of the temporary relocation of a historic Florida monument or memorial or a historic Florida military monument or memorial within 10 days, on a form prescribed by the Department of State and the Department of Veterans' Affairs.

(d) The State Historic Preservation Officer and the executive director of the Department of Veterans' Affairs must be notified within a reasonable time, but not more than 30 days, that the construction project is completed, on a form prescribed by the Department of State in consultation with the Department of Veterans' Affairs. The historic Florida monument or memorial or the historic Florida military monument or memorial must be placed back at the original location or, if that is not possible, at a nearby site with similar prominence, honor, visibility, and access within the same county or municipality as determined in consultation with the Florida Historical Commission or, for a historic Florida military monument or memorial, as determined by the executive director of the Department of Veterans' Affairs after consultation with the



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Florida Historical Commission. A historic Florida monument or memorial or a historic Florida military monument or memorial temporarily relocated for such purpose must be relocated to a site of similar prominence, honor, visibility, and access within the same county or municipality in which the monument or memorial was originally located.

(6) STANDING.—The following have standing to bring a civil action in the circuit court in the county in which the monument or memorial was located for any violation of this section:

(a) A group involved in the design, erection, or care of the monument or memorial or a member of such a group.

(b) A group or person regularly using the monument or memorial for remembrance.

(7) RULEMAKING.—The Department of State and the Department of Veterans' Affairs may adopt rules to implement this section.

Section 4. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 5. This act shall take effect July 1, 2024.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled

An act relating to protection of historic monuments



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and memorials; providing a short title; amending s.  
267.0612, F.S.; requiring the Florida Historical  
Commission to take minutes of its meetings and post  
such minutes on a specified website within a specified  
timeframe; requiring that certain minutes have a  
specified label when posted; creating s. 267.201,  
F.S.; defining terms; providing legislative policy and  
intent; providing for retroactive application;  
preempting regulation of specified monuments and  
memorials to the state; prohibiting persons and  
specified entities from taking certain actions  
relating to historic monuments and memorials on public  
property; requiring courts to declare certain  
ordinances, regulations, and rules of a local  
government to be invalid and issue permanent  
injunctions against the local government; prohibiting  
the local government from using specified defenses;  
requiring a court to assess civil fines against  
specified local government officials and  
administrative agency heads; prohibiting the use of  
public funds to defend or reimburse unlawful conduct  
of certain persons; providing that specified persons  
may be terminated or removed by the Governor for  
specified violations; authorizing specified persons  
and organizations to file suit against specified  
entities for injunctive relief and actual damages;  
requiring the court to award prevailing plaintiffs  
specified fees and damages; requiring specified local  
governments to notify the Department of State and the



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Department of Veterans' Affairs on a certain form of specified information; requiring certain local governments to relocate specified monuments before a specified date; requiring the State Historic Preservation Officer or the executive director of the Department of Veterans' Affairs to take certain issues to the Florida Historical Commission for authorization to take specified actions; authorizing local governments to temporarily relocate certain monuments and memorials under specified conditions; requiring that such monuments and memorials be relocated to their original location or another location that meets certain requirements; providing that certain local governments have a specified timeframe to restore a monument and memorial that was damaged, removed, or destroyed; requiring the state to provide funds for such restoration if the local government does not have adequate funding for the restoration; providing that certain funds be withheld until a certain condition is met; prohibiting such local governments from retroactively collecting the withheld state funds; requiring that the minutes of meetings held by the Florida Historical Commission record any vote and reasons of the commission making decisions related to issues brought by the State Historic Preservation Officer; requiring the State Historic Preservation Officer and the executive director of the Department of Veterans' Affairs to make a certain written record; providing that local governments may remove certain



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monuments and memorials only for specified reasons;  
requiring such local government to place funds in  
escrow for a specified purpose; requiring local  
governments to notify in writing on a specified form  
the State Historic Preservation Officer or the  
executive director of the Department of Veterans'  
Affairs of the temporary relocation of certain  
monuments and memorials within a specified timeframe;  
requiring that the State Historic Preservation Officer  
or the executive director of the Department of  
Veterans' Affairs be notified within a reasonable  
timeframe that the construction project is complete;  
providing that specified monuments and memorials must  
be placed in their original location or a location  
meeting specified requirements; providing for standing  
to bring civil actions; providing for rulemaking;  
providing severability; providing an effective date.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
	.	
	.	
	.	

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The Committee on Community Affairs (Martin) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. This act may be cited as the "Historic Florida  
Monuments and Memorials Protection Act."

Section 2. Section 267.201, Florida Statutes, is created to  
read:

267.201 Protection of historic monuments and memorials.—

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





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(a) "Department" means the Department of State.

(b) "Division" means the Division of Historical Resources within the department.

(c) "Historic Florida military monument or memorial" means a historic Florida monument or memorial that honors or recounts the military service of any past or present military personnel, including any armed conflict since settlers from other countries came to what is now the United States.

(d) "Historic Florida monument or memorial" means a permanent statue, marker, plaque, flag, banner, cenotaph, religious symbol, painting, seal, tombstone, or display constructed and located on public property which has been displayed for at least 25 years with the intent of being permanently displayed or perpetually maintained and which is dedicated to any persons, places, or events that were important in the past or that are in remembrance or recognition of a significant person or event in state history.

(e) "Local government" means any municipality, county, school district, state college, state university, or any other political subdivision of the state.

(2)(a) It is the intent of the Legislature to declare void all ordinances, regulations, and executive actions regarding the removal, damage, or destruction of historic Florida monuments or memorials which have been enacted by any local government.

(b) It is also the intent of the Legislature that the state act to protect each historic Florida monument or memorial from removal, damage, or destruction. The Legislature finds that an accurate and factual history belongs to all Floridians and future generations and the state has an obligation to protect



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and preserve such history.

(c) Further, it is the intent of the Legislature to provide statewide uniformity through the division. It is also the Legislature's intent that the division actively work to protect, preserve, and ensure that each historic Florida monument or memorial is not removed, damaged, or destroyed, regardless of the location of such monument or memorial in the state, and consult with the Department of Veterans' Affairs on actions regarding historic Florida military monuments or memorials.

(3) The state occupies the whole field of removal, damage, or destruction of historic Florida monuments or memorials to the exclusion of any existing or future local government ordinance, regulation, or rule, or any action by an elected or appointed local government official, and any such ordinances, regulations, rules, or actions are void.

(4)(a) Any local government or elected or appointed local government official who violates the Legislature's occupation of the whole field of removal, damage, or destruction of historic Florida monuments or memorials by enacting or enforcing any local ordinance, regulation, or rule impinging upon such exclusive occupation of the field shall be liable as provided in this subsection.

(b) If a local government violates paragraph (a), the court shall declare the ordinance, regulation, or rule invalid and issue a permanent injunction against the local government prohibiting it from enforcing such ordinance, regulation, or rule. It is no defense that in enacting the ordinance, regulation, or rule the local government was acting in good faith or upon advice of counsel.



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(c) The court shall assess a civil fine of up to \$1,000 against an elected or appointed local government official who knowingly and willfully violates paragraph (a).

(d) Except as required by applicable law, public funds may not be used to defend or reimburse the unlawful conduct of an elected or appointed local government official found to have knowingly and willfully violated paragraph (a).

(e)1. A person or an organization described in subparagraph 2. may file suit against a local government or an elected or appointed local government official in any court of this state having jurisdiction over the defendant to the suit for declaratory or injunctive relief and for actual damages, as limited herein, caused by the violation. A court shall award a prevailing plaintiff in any such suit:

a. Reasonable attorney fees and costs in accordance with the laws of this state; and

b. The actual damages incurred, but not more than \$100,000.

2. The following have standing to bring a civil action for any violation of paragraph (a):

a. A group involved in the design, erection, or care of the monument or memorial or a member of such a group.

b. A group or person regularly using the monument or memorial for remembrance.

(5) If a historic Florida monument or memorial is removed, damaged, or destroyed by a local government in violation of paragraph (4) (a), the local government is liable for restoring or relocating such monument or memorial to its original condition or location or as close as possible to the original condition or location within 3 years after the date of the



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removal, damage, or destruction. If the local government does not have the necessary funds, the state shall restore or relocate such monument or memorial and the department shall withhold from the local government all arts, cultural, and historic preservation funding until the local government reimburses the state for the cost of restoring or relocating such monument or memorial, and all such funds shall again be available to the local government once the state is repaid. The local government may not retroactively collect any of the department funds that otherwise would have been received during the period that state funds were withheld.

(6) (a) A local government may only remove a historic Florida monument or memorial temporarily due to military necessity or for any construction or infrastructure project.

(b) The local government proposing to remove such monument or memorial shall put into an escrow account the good-faith estimate of the funds necessary to relocate the monument or memorial.

(c) A historic Florida monument or memorial temporarily removed for such purpose shall be temporarily relocated to a site of similar prominence, honor, visibility, and access within the same county or municipality in which the monument or memorial was originally located.

(d) 1. A local government must provide written notification to the division, on a form prescribed by the department in consultation with the Department of Veterans' Affairs:

a. Of the temporary removal of a historic Florida monument or memorial. The written notification must be provided within 10 days after the date of the local government's decision to



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temporarily remove the historic Florida monument or memorial.

b. That the military necessity has ceased or that the construction or infrastructure project is completed. The written notification must be provided within a reasonable time, but not more than 30 days, after the military necessity has ceased or the construction or infrastructure project has been completed.

2. The historic Florida monument or memorial shall be relocated back at the original location or, if that is not possible, at a site with similar prominence, honor, visibility, and access within the same county or municipality as determined by the department after consultation with the Florida Historical Commission or, for a historic Florida military monument or memorial, after consultation with the Department of Veterans' Affairs.

(7) (a) The division shall take any issue regarding protecting, preserving, or relocating a historic Florida monument or memorial to the Florida Historical Commission or, in the case of a historic Florida military monument or memorial, to the Department of Veterans' Affairs, for a recommendation to take action, to defer making a decision, or to not make a decision.

(b) The division shall make a written record of its decision to take action, to defer making a decision, or to not make a decision and the reasons therefor in consultation with the Florida Historical Commission or, in the case of a historic Florida military monument or memorial, the Department of Veterans' Affairs.

(8) The department, in consultation with the Department of Veterans' Affairs, may adopt rules to implement this section.



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(9) This section applies to any monuments and memorials that have been removed, damaged, or destroyed on or after July 1, 2018.

Section 3. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 4. This act shall take effect July 1, 2024.

===== T I T L E A M E N D M E N T =====  
And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to protection of historic monuments and memorials; providing a short title; creating s. 267.201, F.S.; defining terms; providing legislative intent and findings; preempting regulation of specified monuments and memorials to the state; prohibiting persons and specified entities from taking certain actions relating to historic monuments and memorials on public property; requiring courts to declare certain ordinances, regulations, and rules of a local government to be invalid and issue permanent injunctions against the local government; providing that it is no defense that a local government was acting in good faith or upon the advice of counsel;



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providing civil penalties for certain officials who engage in certain actions; prohibiting the use of public funds to defend or reimburse unlawful conduct of certain persons; authorizing specified persons and organizations to file suit against specified entities for injunctive relief and actual damages; requiring the court to award prevailing plaintiffs specified fees and damages; providing for standing to bring civil actions; providing that a local government is liable in certain instances; requiring the state to restore or relocate a monument or memorial in certain circumstances; prohibiting the distribution of certain funding to local governments until they reimburse the state; authorizing the removal or temporary relocation of a monument or memorial only in certain instances provided certain requirements are met; requiring certain local governments to place funds in escrow for a specified purpose; specifying requirements for the siting of temporarily relocated monuments and memorials; requiring local governments to notify, in writing on a specified form, the Division of Historical Resources of the temporary relocation of certain monuments and memorials within a specified timeframe; providing that specified monuments and memorials must be placed in their original location or a location meeting specified requirements; specifying certain duties of the division and the Department of Veterans' Affairs concerning certain monuments or memorials; providing for rulemaking; providing for



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214       retroactive application; providing for severability;  
215       providing an effective date.



By Senator Martin

33-00052A-24

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A bill to be entitled

An act relating to protection of historical monuments and memorials; providing a short title; providing legislative intent; providing duties of the Secretary of State, the State Historic Preservation Officer, and the Department of Veterans' Affairs with respect to historical monuments and memorials; providing limitations and requirements regarding the relocation of historical monuments and memorials by local governments; providing duties of the Florida Historical Commission; authorizing placement of contextual markers or plaques near monuments or memorials under certain conditions; providing for legislative findings; amending s. 267.0612, F.S.; requiring the Florida Historical Commission to take minutes of its meetings and post such minutes on a specified website within a specified period; creating s. 267.201, F.S.; providing definitions; prohibiting certain acts concerning historical monuments and memorials; providing applicability; providing for standing to bring civil actions; providing exceptions; providing civil penalties for officials who engage in certain actions; providing for suspension or removal of such officials in certain circumstances; providing for state funding for restoration of a monument or memorial in certain circumstances; providing for reimbursement of such funds; specifying certain duties of the Department of State, State Historic Preservation Officer, and Florida Historical

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Commission concerning certain monuments or memorials;  
providing severability; providing an effective date.

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

Section 1. This act may be cited as the "Historical  
Monuments and Memorials Protection Act."

Section 2. (1) It is the intent of the Legislature that the  
State of Florida takes all actions to protect and preserve all  
historical monuments and memorials from removal, damage, or  
destruction. The Secretary of State and the State Historic  
Preservation Officer shall be responsible for ensuring that each  
nonmilitary Florida monument or memorial is not removed,  
damaged, or destroyed, regardless of the location of such  
monument or memorial in the state. The Department of Veterans'  
Affairs shall have these responsibilities for military monuments  
and memorials.

(2) A local government may only relocate a historical  
monument or memorial temporarily due to construction and, within  
a reasonable time but not more than 12 months after the  
construction project is completed, the historical monument or  
memorial shall be placed back at the original location or, if  
that is not possible, as close as possible to the original  
location in a prominent place for easy and accessible public  
viewing as determined by the Florida Historical Commission or,  
for a military monument or memorial, as determined by the  
executive director of the Department of Veterans' Affairs after  
consultation with the Florida Historical Commission. A monument  
or memorial temporarily relocated for such purpose shall be

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relocated to a site of similar prominence, honor, visibility,  
and access within the same county or municipality in which the  
monument or memorial was originally located.

(3) The Florida Historical Commission shall provide advice  
and counsel to the Secretary of State and the State Historic  
Preservation Officer to ensure the protection of a historical  
monument or memorial and to the executive director of the  
Department of Veterans' Affairs for a military monument or  
memorial.

(4) It is the intent of the Legislature that the state not  
allow a historical monument or memorial to be removed, damaged,  
or destroyed. Accurate history belongs to all Floridians in  
perpetuity. A contextual marker or plaque may be placed near the  
monument or memorial if the Secretary of State or the executive  
director of the Department of Veterans' Affairs, as appropriate,  
and the State Historic Preservation Officer, after consulting  
with the Florida Historical Commission, decide that such marker  
or plaque provides a more accurate understanding of the monument  
or memorial.

(5) The Legislature finds that an accurate and factual  
history belongs to all Floridians and future generations and the  
state has an obligation to protect and preserve such history.  
Accordingly, the state preempts any local government elected  
officials who may be swayed by undue influence by groups who may  
feel offended or hurt by certain actions in the history of the  
state or the nation. It is the intent of the Legislature to  
protect the expenditure of state funds by preserving historical  
monuments and memorials.

Section 3. Subsection (4) of section 267.0612, Florida

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Statutes, is amended to read:

267.0612 Florida Historical Commission; creation; membership; powers and duties.—In order to enhance public participation and involvement in the preservation and protection of the state's historic and archaeological sites and properties, there is created within the Department of State the "Florida Historical Commission." The commission shall serve in an advisory capacity to the director of the Division of Historical Resources to assist the director in carrying out the purposes, duties, and responsibilities of the division, as specified in this chapter.

(4) The commission shall meet upon the call of the presiding officer or Secretary of State, which shall occur at least quarterly. Members shall serve without pay, but shall be entitled to reimbursement for their expenses in carrying out their official duties, as provided in s. 112.061. The commission shall take minutes of each meeting as required by s. 286.011(2), and shall post such minutes on the website of the Division of Historical Resources within 30 days after the meeting. Minutes of the commission that have not been adopted or that are still in draft form must be so labeled when posted.

Section 4. Section 267.201, Florida Statutes, is created to read:

267.201 Protection of historical monuments and memorials.—

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

(a) "Historic" means persons, places, or events that were important in the past or that have continuing relevance in the present.

(b) "Local government" means any city, county, school

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117 district or other public educational institution, or any other  
118 political subdivision of the state and its agencies.

119 (c) "Memorial" means a plaque, statue, marker, flag,  
120 banner, cenotaph, religious symbol, painting, seal, tombstone,  
121 structure name, or display constructed and located with the  
122 intent of being permanently displayed or perpetually maintained  
123 which is dedicated to a historic person, entity, event, or  
124 series of events.

125 (d) "Military monument or memorial" includes a monument or  
126 memorial that features a historic person, entity, event, or  
127 series of events and that honors or recounts the military  
128 service of any past or present military personnel, including any  
129 armed conflict since settlers from other countries came to what  
130 is now the United States. The Department of Veterans' Affairs  
131 shall use this definition in consulting with the Secretary of  
132 State or the State Historic Preservation Officer or the Florida  
133 Historical Commission on any monuments or memorials.

134 (e) "Monument" means a permanent structure such as a  
135 marker, statue, sculpture, plaque, or other object, including a  
136 tree or other living plant, placed in remembrance or recognition  
137 of a significant person or event in state history.

138 (2) (a) A person or an entity may not take or remove a  
139 monument or memorial displayed on public property without  
140 authorization from the owner of such monument or memorial or  
141 commit any act that would constitute a violation of s. 806.135.  
142 If the owner of the monument or memorial cannot be determined,  
143 permission may be given by a group or person described in  
144 subsection (4). If no such group or person is found, the owner  
145 of the land may seek to acquire ownership of the monument or

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146 memorial through adverse possession.

147 (b) This section applies to any monuments or memorials that  
148 have been removed, damaged, or destroyed on or after October 1,  
149 2020.

150 (3) The following have standing to bring a civil action in  
151 the circuit court in the county in which the monument or  
152 memorial was located for any violation of subsection (2):

153 (a) A group involved in the design, erection, or care of  
154 the monument or memorial or a member of such a group.

155 (b) A group or person regularly using the monument or  
156 memorial for remembrance.

157 (4) A person or an entity may only relocate a monument or  
158 memorial temporarily due to construction, expansion, or  
159 alteration of a public building, road, street, or highway, or  
160 any other construction or infrastructure project and, within a  
161 reasonable time but not more than 12 months after the  
162 construction project is completed, the monument or memorial  
163 shall be placed back at the original location or, if that is not  
164 possible, as close as possible to the original location in a  
165 prominent place for easy and accessible public viewing. A  
166 monument or memorial temporarily relocated for such purpose  
167 shall be relocated to a site of similar prominence, honor,  
168 visibility, and access within the same county or municipality in  
169 which the monument or memorial was originally located.

170 (a) When such a monument or memorial is taken or removed  
171 from its location due to a construction or rehabilitation  
172 project, the State Historic Preservation Officer must be  
173 notified within 10 days of the event on a form developed by the  
174 officer. The State Historic Preservation Officer shall also be

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175 notified of the completion of the construction project that  
176 necessitates the taking or removal of the monument and whether  
177 the monument or memorial was returned to its original location  
178 as required by this subsection or, if not, where it is now  
179 located.

180 (b) If a monument or memorial has been removed, damaged, or  
181 destroyed by a local government, the local government shall be  
182 liable for restoring the monument or memorial to its original  
183 condition or as close as possible to the original condition. If  
184 the local government does not have the necessary funds, the  
185 state shall restore the monument or memorial and the Department  
186 of State shall withhold from the local government all arts,  
187 cultural, and historic preservation funding until the local  
188 government reimburses the state for the cost of restoring the  
189 monument or memorial and all such funds shall again be available  
190 to the local government once the state is repaid.

191 (5) (a) Any official, agent, or member of a local government  
192 who directs, assists, facilitates, or votes to remove or destroy  
193 a monument or memorial that is removed or destroyed on or after  
194 July 1, 2024, is subject to a civil penalty of up to \$1,000, or  
195 the actual cost of the removal and replacement of the monument  
196 or memorial, including repairs that may be necessitated due to  
197 the relocation and replacement, whichever is greater. Such  
198 penalty shall be paid from the official's, agent's, or member's  
199 personal funds without any reimbursement from any other entity.

200 (b) An elected official of a local government acting in his  
201 or her official capacity who knowingly and willfully violates  
202 this section on or after July 1, 2024, may be subject to  
203 suspension or removal from office by the Governor.

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204       (6) The local government proposing to remove or destroy the  
205 monument or memorial shall put into an escrow account the good-  
206 faith estimate of the funds necessary to replace the monument or  
207 memorial and the Florida Historical Commission or, for a  
208 military monument or memorial, the executive director of the  
209 Department of Veterans' Affairs shall provide advice on the  
210 relocation.

211       (7) (a) The Department of State and the State Historic  
212 Preservation officer have the authority and responsibility to  
213 actively work to protect and preserve a monument or memorial  
214 which has the state seal, the name of the state, or a direct  
215 connection with state history.

216       (b) 1. The State Historic Preservation Officer or, for a  
217 military monument, marker, plaque, or memorial, the executive  
218 director of the Department of Veterans' Affairs, shall take any  
219 issue regarding protecting or preserving a monument or memorial  
220 to the Florida Historical Commission for authorization to take  
221 action, to defer making a decision, or to not make a decision,  
222 regardless of his or her recommendation as to whether action  
223 needs to be taken.

224       2. The minutes of the commission must record any vote and  
225 the reasons of the commission for the authorization to take  
226 action, to defer making a decision, or to not make a decision.  
227 The executive director of the Department of Veterans' Affairs  
228 shall make a written record of his or her recommendation to take  
229 action, to defer making a decision, or to not make a decision  
230 and the reasons therefor.

231       Section 5. If any provision of this act or its application  
232 to any person or circumstances is held invalid, the invalidity



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233 does not affect other provisions or applications of this act  
234 which can be given effect without the invalid provision or  
235 application, and to this end the provisions of this act are  
236 severable.

237 Section 6. This act shall take effect July 1, 2024.

February 6, 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1122

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Kenneth C. Morrow Jr.,**

Phone **(904) 414-0644**

Address **2285 Marsh Hawk Lane, Apt 9308**

Email **regdirnefl@att.net**

Street

**Fleming Island**

**FL**

**32003**

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

02/6/24

Meeting Date

Community Affairs

Committee

SB 1122

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Paula Munoz

Phone 954 980 6411

Address 601 Likes Dairy Rd

Email

Street

Miami

FL

33179

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

Student Power Network

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2-6-24

Meeting Date

SB 1122

Bill Number or Topic

Judiciary

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Genesis Robinson

Phone \_\_\_\_\_

Address 424 E Central Ave  
Street

Email genesis@equal-ground.com

Orlando FL 32101  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Equal Ground

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2-6-24

Meeting Date

Comm Affairs

Committee

SB1122

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Kimberly Cox

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Comm. Affairs

Committee

SB 1122

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Sarah Parker

Phone

Address

Street

Sarasota, FL, 34234

City

State

Zip

Email

Sarah@wuscwf.com

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

SB 1122

Bill Number or Topic

Com. ~~Health~~ Affair

Committee

Amendment Barcode (if applicable)

Name

Lola Smyth

Phone

Address

Street

Sara Sata FL

Email

City

State

Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



☒ I am appearing without  
compensation or sponsorship.



☐ I am a registered lobbyist,  
representing:



☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

216124

Meeting Date

Comm Affairs

Committee

SB 1122

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Name

Tsi Day Smyth

Phone

Address

Street

Sarasota

FL

City

State

Zip

Email

tsi@wvswfl.com

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1122

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2-6-24

Meeting Date

1122

Bill Number or Topic

Community Affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Abdelilah Skhir Phone 786-363-1600

Address 4343 W Flagler St Ste 400 Email askhir@acluf1.org  
Street  
Miami FL 33134  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

ACLU Florida

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 1122 Protection/Historical Monument

February 6, 2024

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jonathan Webber Phone 954-593-4449

Address 400 Washington Ave Email jonathan.webber@splcactionfund.org

Street

Montgomery

AL

36104

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**SPLC Action Fund**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

1122

Bill Number or Topic

8

Amendment Barcode (if applicable)

Name Lisa Lloyd Phone 904 377-4840

Address 3207 Shamrock St. E. Email diva@billsouth.net  
Street

Jalil St. 32309  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1122

Meeting Date

Community Affairs

Committee

SB 1122

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Yenisbel Vilorio

Phone

Address

Street

Email

City

State

Zip

~~Speaking:~~

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Six Action

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24 401 SOB

Meeting Date

COMMUNITY AFFAIRS

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1122 Monuments

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Bill Helmich**

Phone **850-251-3126**

Address **303 Johns Drive**

Street

**Tallahassee**

City

**FL**

State

**32301**

Zip

Email

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**VFW / American Legion**

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



2/6/24 401 SOB

Meeting Date

COMMUNITY AFFAIRS

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1122 Monuments

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Eric King** Phone **850-445-1077**

Address **6119 Ox Bottom Manor Drive**

Email

Street

**Tallahassee**

**FL**

**32312**

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

**Veterans of Foreign Wars**



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2-6-24

Meeting Date

1122

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name JOE A. SCHILLER

Phone 850-291-0331

Address 10407 RAWLINGS DR  
Street

Email JOESCHILLERLAW@gmail.com

PENSACOLA FL 32514  
City State Zip

Speaking:



For

☐ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2-5-24  
Meeting Date

Community Affairs  
Committee

1122  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Lunelle McCallister Phone 813-727-3920

Address 1006 Vanderbilt Rd Email Lunellc3@gmail.com  
Street

Tampa FL 33417  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-6-24

Meeting Date

Community

Committee

SB 1122

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Robert Holladay

Phone 850-212-7730

Address 3362 Foley Drive

Email wingbiddlebaumjr@gmail.com

Tallahassee FL 32309

Reset Form

Speaking: ☒ For ☐ Against ☐ Information OR Waive Speaking: ☐ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

5-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date

SB 1122

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Charles B. Patrick

Phone

(305) 989-3993

Address

7440 65th Ave  
Street

Email

charles@charlesbpatrik.com

Live Oak, FL 32060  
City State Zip

Speaking:



☐ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date  
Community Affairs  
Committee

SB 1122  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name DAVID Mc CALLISTER Phone 813-973-4319

Address 13742 17th St. Email David McCallister@  
Street hotmail.com

DADE City FL 33525  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

SB1122

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Laura Munoz

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

SB 1122

2/6/24  
Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name

Wendy Burnett

Phone

Address

101 Little Wekiva Ct

Email

Street

LONGWOOD FL 32779

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

06 Feb 2024

Meeting Date

SB 1122

Bill Number or Topic

community affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Ami Nibhanupudy

Phone

407-388-5698

Address

512 Bellantrae Ct

Email

yosemiteamic@hotmail.com

Street

Lake Mary FL 32746

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/24

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1122

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name RITA HOFFMAN

Phone

Address 1182 Paseo del mar

Street

Email

Casselberry FL

City

State

32707

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

6 Feb 24

1122

Meeting Date

Bill Number or Topic

Florida Rising

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Jacquelyn Harris

Phone

886.344.4763

Address

3616 Effe Street

Email

JazzyJ904@gmail.com

Street

Jax

Florida

33209

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/2024

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1127

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Joy E. Burgess

Phone

(904) 616-0561

Address

4323 Edgewater Crossing

Email

joy.burgess@comcast.net

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Florida Rising

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2-6-24

Meeting Date

SB-1122

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Charletta Sowell

Phone 904-868-6199

Address 12353 Benton Harbor Dr. S.

Street

Email cjsowell@gmail.com

Jax Fla 32225

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

SB 1122

Bill Number or Topic

Commonway Affairs

Committee

Amendment Barcode (if applicable)

Name

Jonathan Burgess

Phone

904 254-1787

Address

4323 Edgewater Crossing Dr

Email

jhb1burgess@comcast.net

Street

Jacksonville FL

32257

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 1122

Bill Number or Topic

2/6/2024

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Zita Roberts

Phone

(704) 418-0827

Address

6997 Sandle Drive

Email

zitaroberts@gmail.com

Street

Jacksonville FL 32219

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

02-06-24

Meeting Date

SB1122

Bill Number or Topic

communit Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Gail Kight

Phone 904-338-3527

Address 1817 West 24th Street

Email gail.kight@gmail.com

Street

Jax Florida

32209

City

State

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
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2/4/24

Meeting Date

SB 1120

Bill Number or Topic

SB 1120

Committee

Amendment Barcode (if applicable)

Name

Steven Johnson

Phone

904-405-3978

Address

349 Captiva bluff rd

Email

Street

Jax

City

FL

State

32228

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Florida  
RSW

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 1122

2/6/2024

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Rosemary Mc Coy

Phone

904-713-1570

Address

2038 Betsy Dr

Street

Email

904-713-1570

Jacksonville

City

FL 32210

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
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02/02/24

Meeting Date

Community Affairs

Committee

SB1122

Bill Number or Topic

Confederate Monuments

Amendment Barcode (if applicable)

Name

Ms JoAnn Brooks

Phone

904-608-4540

Address

2052 Hovington Cir W

Email

joannbrooks2014@gmail.com

Street

Jacksonville Florida 32246

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
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02/06/2024

Meeting Date

Community Affairs

Committee

1122

Bill Number or Topic

Amendment Barcode (If applicable)

Name **Lauren Buete**

Phone **7272127408**

Address **317 E. Park Ave**

Email **laurenb@floridafaf.org**

Street

**Tallahassee**

**FL**

**32304**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 6, 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1122

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Pamela Burch Fort

Phone

850-425-1344

Address

104 S. Monroe Street

Email

TcgLobby@aol.com

Street

Tallahassee

FL

32301

City

State

Zip

Reset Form

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

NAACP Florida State Conference

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

02-06-24

Meeting Date

Community Affairs

Committee

S13 1122

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Denzel (Delilah) Pierre

Phone 813-502-8013

Address 4120 N meridian road

Email delahierre333@gmail.com

Street

Tallahassee FL 32303

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

community affairs

Committee

SB 1122

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name CHELSEA RIVERA

Phone 507 329-8975

Address 200 38th St S  
Street

Email chelsea@cfjunj.org

St. Petersburg, FL 33711  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

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Senate professional staff conducting the meeting

2/6/24  
Meeting Date  
Community Affairs  
Committee

1122  
Bill Number or Topic  
  
Amendment Barcode (if applicable)

Name David Metellus Phone 954 798 2255

Address 10800 Biscayne Blvd. Email \_\_\_\_\_  
Street  
Miami FL  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

Community Affairs

Committee

SB1122

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Laura Munoz

Phone

Address

Street

Lake Worth FL

City

State

33460

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/1/24  
Meeting Date

SB 1122  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name Amy Keitn Phone 727-342-0730

Address 333 3rd Ave N Email akeitn@commoncause.org  
Street

St Petersburg FL 33701  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Common Cause Florida

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 6, 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1122

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Barney Bishop III**

Phone **850.510.9922**

Address **1454 Vieux Carre Drive**

Email **Barney@BarneyBishop.com**

Street

**Tallahassee**

**FL**

**32308**

City

State

Zip

Speaking:

☒

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**Guardians of American History**

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

2-6-24

Meeting Date

Community Affairs

Committee

1122

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name SEBER NEWSOME III

Phone 904-225-6591

Address 86110 Fieldstone Drive

Email seberiii@comcast.net

Street

Yulee

City

FL

State

32097

Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 1126

INTRODUCER: Commerce and Tourism Committee and Senator Martin

SUBJECT: Regulation of Auxiliary Containers

DATE: February 5, 2024

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Baird	McKay	CM	<b>Fav/CS</b>
2. Hackett	Ryon	CA	<b>Pre-meeting</b>
3. _____	_____	FP	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1126 preempts to the state the regulation of auxiliary containers, defined by the bill as reusable or single-use bag, cup, bottle, or other packaging designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a food service establishment or retailer.

The bill takes effect July 1, 2024.

**II. Present Situation:**

**Auxiliary Containers**

The United Nations has estimated that the world consumes between 1 trillion and 5 trillion plastic bags (a form of auxiliary container) per year.<sup>1</sup> Additionally, in the United States fewer than 10 percent of plastic bags are recycled per year.<sup>2</sup> In Florida, the Department of

---

<sup>1</sup> United Nations Environment Programme, *Single-Use Plastics: A Roadmap for Sustainability*, (March 26, 2018), available at <https://www.unep.org/resources/report/single-use-plastics-roadmap-sustainability> (last visited January 16, 2024).

<sup>2</sup> United States Environmental Protection Agency, *Advancing Sustainable Materials Management: 2016 and 2017 Tables and Figures*, (November, 2019), available at [https://www.epa.gov/sites/default/files/2019-11/documents/2016\\_and\\_2017\\_facts\\_and\\_figures\\_data\\_tables\\_0.pdf](https://www.epa.gov/sites/default/files/2019-11/documents/2016_and_2017_facts_and_figures_data_tables_0.pdf) (last visited January 16, 2024).

Environmental Protection estimated that about 5-6 million tons of collected municipal solid waste per year are single use carryout packaging.<sup>3</sup>

Subsequently, environmentalists across the world have targeted auxiliary containers and their consumption to try and limit their use and harmfulness to the environment. This has been manifested through many local governments in Florida, as well as across the world, trying to impose their own local regulations on auxiliary containers and their use.

In recent years some of these local ordinances have been challenged in the court system.<sup>4</sup>

### **State Preemption**

There are two ways that a local enactment can be inconsistent with state law and therefore unconstitutional. First, a local government cannot legislate in a field if the subject area has been preempted to the state. Second, in a field where both the state and local government can legislate concurrently, a local government cannot enact an ordinance that directly conflicts with the state statute.<sup>5</sup>

State law recognizes two types of state preemption: express and implied. Express preemption requires a specific legislative statement of intent to preempt a specific area of law; it cannot be implied or inferred.<sup>6</sup> In contrast, implied preemption exists if the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the Legislature.<sup>7</sup> Courts determining the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.<sup>8</sup>

### **Home Rule Authority**

The Florida Constitution grants local governments broad home rule authority. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>9</sup> Counties operating under a county charter have all powers of self-

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<sup>3</sup> Townsend, *Update of the 2010 Retail Bags Report*, (December, 2021), available at <https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf> (last visited January 16, 2024).

<sup>4</sup> See *Florida Retail Federation, Inc. v. City of Coral Gables*, 282 So. 3d 889 (Fla. 3d Dist. Ct. App. 2019) where originally the ordinance prohibited the use of expanded polystyrene to restaurants and businesses as well as city vendors/contractors and special events permittees and their subcontractors. After the Florida Retail Federation challenged the ordinance the courts declared the part of the ordinance regarding private restaurants and businesses unconstitutional.

<sup>5</sup> *Orange County v. Singh*, 268 So. 3d 668, 673 (Fla. 2019) (citing *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309, 314 (Fla. 2008)); see also James Wolf & Sarah Bolinder, *The Effectiveness of Home Rule: A Preemptions and Conflict Analysis*, 83 FLA. BAR J. 92 (2009), available at <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited January 16, 2024).

<sup>6</sup> *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Brevard, Inc.*, 3 So. 3d at 1018.

<sup>7</sup> *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880, 886 (Fla. 2010).

<sup>8</sup> See, e.g., *National Rifle Association of America, Inc. v. City of South Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002) (concluding that a City of South Miami local government ordinance, which purported to provide safety standards for firearms, was null and void because the Legislature expressly preempted the entire field of firearm and ammunition regulation when it enacted section 790.33, F.S.).

<sup>9</sup> FLA. CONST., art. VIII, s. 1.(f).



government not inconsistent with general law or special law approved by vote of the electors.<sup>10</sup> Likewise, municipalities have governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform municipal functions and provide services, and exercise any power for municipal purposes except as otherwise provided by law.<sup>11</sup>

County governments have authority to provide fire protection, ambulance services, parks and recreation, libraries, museums and other cultural facilities, waste and sewage collection and disposal, and water and alternative water supplies.<sup>12</sup> Municipalities are afforded broad home rule powers with the exception of annexation, merger, exercise of extraterritorial power, or subjects prohibited or preempted by the Federal or State Constitution, county charter, or statute.<sup>13</sup>

### **Department of Environmental Protection Retail Bag Report**

In response to growing concerns regarding the impact of retail plastic bags on the environment, the Legislature enacted s. 403.7033, F.S., in 2008 to require the Department of Environmental Protection (DEP) to analyze “the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments.” DEP was required to submit a report with its conclusions and recommendations to the Legislature by December 31, 2021.<sup>14</sup>

Additionally, s. 403.7033, F.S., includes a prohibition on local governments, local governmental agencies, and state government agencies from enacting any rule, regulation, or ordinance regarding the use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags until the Legislature adopts the DEP’s recommendations.<sup>15</sup> To date, the Legislature has not adopted any recommendations contained in the report and the prohibition on any rule, regulation, or ordinance regarding use, disposition, sale, prohibition, restriction, or tax of such auxiliary containers, wrappings, or disposable plastic bags remains in effect.<sup>16</sup>

### **III. Effect of Proposed Changes:**

The bill creates a definition for the term “auxiliary container” defining it as “a reusable or single-use bag, cup, bottle, or other packaging that meets” the following requirements:

- Is made of cloth; paper; plastic, including, but not limited to, foamed plastic, expanded plastic, or polystyrene; cardboard; molded fiber; corrugated material; aluminum; glass; postconsumer recycled material; or similar material or substrates, including coated, laminated, or multilayer substrates.

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<sup>10</sup> FLA. CONST., art. VIII, s. 1.(g).

<sup>11</sup> FLA. CONST., art. VIII, s. 2.(b); *see also* s. 166.021(1), F.S.

<sup>12</sup> Sections 125.01(1)(d)(e)(f) and (k)1., F.S.

<sup>13</sup> Section 166.021(3), F.S.

<sup>14</sup> Section 403.7033, F.S.

<sup>15</sup> *Id.*

<sup>16</sup> The 2021 report created by the DEP is available online at <https://floridadep.gov/sites/default/files/FDEP%20Plastic%20Bag%20Report%20Final%20v4.pdf>.



- Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment as defined in s. 509.013(5), F.S., a food establishment as defined in s. 500.03(1), F.S., or a retailer as defined in s. 212.02(13), F.S.

The bill places the authority of any regulating of auxiliary containers to be made at the state level as opposed to the local level.

The bill also removes the following language in s. 403.7033, F.S., that:

- Emphasized legislative intent that “prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida’s ecology and economy”;
- The DEP needed to review and update their 2010 report on retail bags that included input from stakeholders analyzing the need for new or different regulation of auxiliary containers;
- No local or state government agency enact any rule, regulation, or ordinance, until the Legislature adopts the recommendations of the DEP.

Additionally, the bill makes conforming changes to section 403.707 of the Florida Statutes.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None.

#### **V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The bill may preempt certain local regulations outside the scope of its legislative intent, such as health and safety regulations related to the use of glassware on public beaches.<sup>17</sup>

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 403.703, 403.7033, and 403.707.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism on January 16, 2024:**

The committee substitute clarifies the requirements of what an auxiliary container can be made of, adding foamed plastic, expanded plastic, polystyrene, and molded fiber. Additionally, the amendment provides that the included list of materials that auxiliary containers can be made of is not the exclusive list. The amendment also includes a statutory reference definition for a public food service establishment, a food service establishment, and a retailer. Finally the amendment more clearly states that the regulation of auxiliary containers is expressly preempted to the state.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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<sup>17</sup> For example, the Jacksonville Code of Ordinances s. 28-720(a) provides “It shall be unlawful for any person to bring, or to have in his or her possession, any glass bottle or glass container, in any park, beach, dock, marina or other recreational facility.”

By the Committee on Commerce and Tourism; and Senator Martin

577-02159-24

20241126c1

1 A bill to be entitled  
2 An act relating to regulation of auxiliary containers;  
3 amending s. 403.703, F.S.; defining the term  
4 "auxiliary container"; conforming cross-references;  
5 amending s. 403.7033, F.S.; deleting obsolete  
6 provisions requiring the Department of Environmental  
7 Protection to review and update a specified report;  
8 expressly preempting the regulation of auxiliary  
9 containers to the state; amending s. 403.707, F.S.;  
10 conforming cross-references; providing an effective  
11 date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15 Section 1. Present subsections (2) through (48) of section  
16 403.703, Florida Statutes, are redesignated as subsections (3)  
17 through (49), respectively, a new subsection (2) is added to  
18 that section, and present subsection (35) of that section is  
19 amended, to read:

20 403.703 Definitions.—As used in this part, the term:  
21 (2) "Auxiliary container" means a reusable or single-use  
22 bag, cup, bottle, or other packaging that meets both of the  
23 following requirements:

24 (a) Is made of cloth; paper; plastic, including, but not  
25 limited to, foamed plastic, expanded plastic, or polystyrene;  
26 cardboard; molded fiber; corrugated material; aluminum; glass;  
27 postconsumer recycled material; or similar material or  
28 substrates, including coated, laminated, or multilayer  
29 substrates.

577-02159-24

20241126c1

(b) Is designed for transporting, consuming, or protecting merchandise, food, or beverages from or at a public food service establishment as defined in s. 509.013(5), a food establishment as defined in s. 500.03(1), or a retailer as defined in s. 212.02(13).

~~(36)~~ ~~(35)~~ "Solid waste" means sludge unregulated under the federal Clean Water Act or Clean Air Act, sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, special waste, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations. Recovered materials as defined in subsection (29) ~~(28)~~ and post-use polymers as defined in subsection (25) ~~(24)~~ are not solid waste.

Section 2. Section 403.7033, Florida Statutes, is amended to read:

403.7033 Preemption of regulation for auxiliary containers  
~~Departmental analysis of particular recyclable materials. The Legislature finds that prudent regulation of recyclable materials is crucial to the ongoing welfare of Florida's ecology and economy. As such, the Department of Environmental Protection shall review and update its 2010 report on retail bags analyzing the need for new or different regulation of auxiliary containers, wrappings, or disposable plastic bags used by consumers to carry products from retail establishments. The updated report must include input from state and local government agencies, stakeholders, private businesses, and citizens and must evaluate the efficacy and necessity of both~~

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20241126c1

59 ~~statewide and local regulation of these materials. To ensure~~  
60 ~~consistent and effective implementation, the department shall~~  
61 ~~submit the updated report with conclusions and recommendations~~  
62 ~~to the Legislature no later than December 31, 2021. Until such~~  
63 ~~time that the Legislature adopts the recommendations of the~~  
64 ~~department,~~ A local government, local governmental agency, or  
65 state governmental agency may not enact any rule, regulation, or  
66 ordinance regarding use, disposition, sale, prohibition,  
67 restriction, or tax of ~~such~~ auxiliary containers. The regulation  
68 of auxiliary containers is expressly preempted to the state,  
69 ~~wrappings, or disposable plastic bags.~~

70 Section 3. Paragraph (j) of subsection (9) of section  
71 403.707, Florida Statutes, is amended to read:

72 403.707 Permits.—

73 (9) The department shall establish a separate category for  
74 solid waste management facilities that accept only construction  
75 and demolition debris for disposal or recycling. The department  
76 shall establish a reasonable schedule for existing facilities to  
77 comply with this section to avoid undue hardship to such  
78 facilities. However, a permitted solid waste disposal unit that  
79 receives a significant amount of waste prior to the compliance  
80 deadline established in this schedule shall not be required to  
81 be retrofitted with liners or leachate control systems.

82 (j) The Legislature recognizes that recycling, waste  
83 reduction, and resource recovery are important aspects of an  
84 integrated solid waste management program and as such are  
85 necessary to protect the public health and the environment. If  
86 necessary to promote such an integrated program, the county may  
87 determine, after providing notice and an opportunity for a

577-02159-24

20241126c1

88 hearing prior to April 30, 2008, that some or all of the  
89 material described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~ shall be  
90 excluded from the definition of "construction and demolition  
91 debris" in s. 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction  
92 of such county. The county may make such a determination only if  
93 it finds that, prior to June 1, 2007, the county has established  
94 an adequate method for the use or recycling of such wood  
95 material at an existing or proposed solid waste management  
96 facility that is permitted or authorized by the department on  
97 June 1, 2007. The county is not required to hold a hearing if  
98 the county represents that it previously has held a hearing for  
99 such purpose, or if the county represents that it previously has  
100 held a public meeting or hearing that authorized such method for  
101 the use or recycling of trash or other nonputrescible waste  
102 materials and that such materials include those materials  
103 described in s. 403.703(7)(b) ~~s. 403.703(6)(b)~~. The county shall  
104 provide written notice of its determination to the department by  
105 no later than April 30, 2008; thereafter, the materials  
106 described in s. 403.703(7) ~~s. 403.703(6)~~ shall be excluded from  
107 the definition of "construction and demolition debris" in s.  
108 403.703(7) ~~s. 403.703(6)~~ within the jurisdiction of such county.  
109 The county may withdraw or revoke its determination at any time  
110 by providing written notice to the department.

111 Section 4. This act shall take effect July 1, 2024.

2/6/24

Meeting Date

Community Affairs

Committee

The Florida Senate  
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SB 1126

Bill Number or Topic

Name

Laura Munoz

Phone

Address

Street

Email

City

State

Zip

Amendment Barcode (if applicable)

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

FLSP

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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02/06/24

Meeting Date

SB1126

Bill Number or Topic

Community Affairs

Committee

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Amendment Barcode (if applicable)

Name

Paula Munoz

Phone

9549806411

Address

601 Ives Dairy Rd

Street

Email

Miami

City

FL

State

33179

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



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Meeting Date

Community Affairs

Committee

SB 1126

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Yenisbel Vilosio

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Six Action

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenote.gov\)](#)

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1126  
Bill Number or Topic

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Community Affairs  
Committee

Amendment Barcode (if applicable)

Name

TRISH NEELY

Phone

Address

2024 SHANGRI LA  
Street

Email

City

TALLY

State

FL

Zip

32303

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

LWV

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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2/6

Meeting Date

Community Affairs

Committee

1126

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Chris Stranburg

Phone

813-767-9667

Address

107 E College Ave

Email

CStranburg@alpha.org

Street

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Americans for prosperity

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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2/6/24  
Meeting Date

Community Affairs  
Committee

1126  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Samantha Padgett Phone 850-224-2250

Address 230 S. Adams St. Email spadgett@fla.org  
Street

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Restaurant and Lodging  
Association

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 6, 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

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SB 1126

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Tiffany Garling - Florida Chamber**

Phone **850-661-3339**

Address **136 S. Bronough Street**

Email **tgarling@flchamber.com**

Street

**Marianna**

**FL**

**32301**

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

**Florida Chamber of Commerce**

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1: [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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2-6-24

Meeting Date

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Committee

The Florida Senate

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1126

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Andy Palmer**

Phone **8502059000**

Address **119 S Monroe St**

Email **andy.palmer@mhdfirm.com**

Street

**Tallahassee**

**FL**

**32301**

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**American Recycleable Plastic Bag  
Alliance**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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1126  
Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date  
4/6/24

Committee

Name

Libby Lavette

Phone

850 759 2576

Address

2525 Hartsfield Rd

Email

libbyannlavette@gmail.com

Street

Tallahassee FL

32303

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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SB 1126

Bill Number or Topic

2/6/24  
Meeting Date  
Community Affairs  
Committee

Name RYAN WORTHINGTON

Phone 904-228-5659

Address 5665 SHARON RD  
Street

Email RYAN.WORTHINGTON1@aol.com

GREEN COVE SPRINGS, FL 32043  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1126

Bill Number or Topic

2/6/24

Meeting Date

Community Affairs

Committee

Name Ryan Smart

Phone 561-358-2191

Address 209 Tallwood Rd

Street

Jax Beach FL 32250

City

State

Zip

Email Smart@floridaspringscouncil.org

Amendment Barcode (if applicable)

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing: Florida Springs  
Council

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1126

Bill Number or Topic

2/6/24  
Meeting Date  
Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Pamela Thomas Phone 352-870-7157

Address 1061 SW Nebraska Terr Email pamruns5@me-com  
Street

Fort White FL 32038  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/6/24  
Meeting Date  
Community Affairs  
Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1126  
Bill Number or Topic  
Amendment Barcode (if applicable)

Name Christian Landaeta Phone 352-281-9460

Address 8722 NW 35th Ln Email christianlandaeta76@gmail.com  
Street

Gainesville FL 32606  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

- ☒ I am appearing without compensation or sponsorship. ☐ I am a registered lobbyist, representing: ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1126

Bill Number or Topic

2/6/24

Meeting Date

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Merrilee Jipson

Phone 352-222-8893

Address 460 SW Riverland Ct.

Street

Email Merrillecart@gmail.com

Fort White

City

State

FL 32038

Zip

Speaking:

☐ For



☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2-6-24

Meeting Date

SB 1126

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

(Sea Turtle  
conservancy)

Amendment Barcode (if applicable)

Name

Stacey Gallagher

Phone

Address

Street

~~6480 NW 34th~~

4881 NW 6th

St., Suite A

Gainesville

FL

32653

City

State

Zip

Email

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24  
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Community Affairs  
Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB1126  
Bill Number or Topic  
  
Amendment Barcode (if applicable)

Name Savannah Blevins Phone 239-848-8420

Address 304 NW 25<sup>th</sup> St Email sblevins13@gmail.com  
Street

Gainesville FL 32607  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1126

Bill Number or Topic

2/6/24

Meeting Date

Community Affairs

Committee

Amendment Barcode (if applicable)

Name DR. BURT ENO

Phone 352-465-2828

Address 9220 S.W. 193 RD. CIR.

Street

Email BURTENO@BELLSOUTH.NET

DUNNELLON FL 34432

City

State

Zip

Speaking: ☐ For



☒ Against

☐ Information

**OR**

Waive Speaking: ☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



☒ I am appearing without  
compensation or sponsorship.



☐ I am a registered lobbyist,  
representing:



☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24  
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Committee

The Florida Senate  
**APPEARANCE RECORD**

SB. 1126  
Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Name Kochan Algon Phone (201) 745 - 4046  
Address 2206 Century Blvd Email Kochan.algon94@gmail.com  
St Augustine FL 32084  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

- ☒ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs  
Committee

SB 1126

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Heather Musanto

Phone

904-907-4831

Address

2200 Century Blvd

Email

heather.masanto@gmail.com

Street

87 Augustine Fl

State

32084

Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

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The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1126  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Robert Ulanowicz

Phone 352-378-7355

Address 1764 NW 17<sup>th</sup> Lane  
Street

Email ulan@umces.edu

Gainesville FL 32605  
City State Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24  
Meeting Date  
Community Affairs  
Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1126  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Hilda Gilchrist Phone (386) 497-3179  
Address 302 S.W. Riverside Ave. Email hildagilchrist@icloud.com  
Fort White, FL 32038  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date  
Community Affairs  
Committee

SB 1126  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Traci O'Brian Phone 407-925-4601

Address 414 SW Washington Ave Email tracio1@aol.com  
Street  
Fort White FL 32038  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

- ☒ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

**SB 1126**

**2/6/2024**

Meeting Date

**Community Affairs**

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Dennis Jones**

Phone **727-542-4037**

Address **9029 SW 190th Avenue Road**

Email **dlj.senate@attn.net**

Street

**Dunnellon**

**FL**

**34432**

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

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S-001 (08/10/2021)

2/6/2024

Meeting Date

Community Affairs

Committee

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1126

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Susan Jones**

Phone **727-735-4867**

Address **9029 SW 190th Avenue Road**

Email **riverrunart@gmail.com**

Street

**Dunnellon**

City

**FL**

State

**34432**

Zip

Speaking: ☐ For

☒ Against

☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**APPEARANCE RECORD**

SB 1126

Bill Number or Topic

2/6/24

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

WAYNE KINARD

Phone

386-288-4895

Address

5375 SW ELIM CH. RD

Email

AMIGOSDIVECENTER@GMAIL  
.com

Street

FT. WHITE

State

FL

Zip

32038

City

Speaking:

☐ For

Against

☐ Information**OR**

Waive Speaking:

☐ In Support☐ Against**PLEASE CHECK ONE OF THE FOLLOWING:**I am appearing without  
compensation or sponsorship.I am a registered lobbyist,  
representing:I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

1126

Bill Number or Topic

community Affairs

Committee

Amendment Barcode (if applicable)

Name Travis Moore

Phone 727.421.6902

Address P.O. Box 2020

Email travismore-relations.com

Street

St. Petersburg FL 33731

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Oceana + Defenders of Wildlife

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

1126

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Rebecca Prior

Phone

(407)927-8720

Address

300 SW Legree Terrace

Street

Email

MyfarmupNorth@gmail.com

Fort White FL

City

State

32038

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/6/24 3 pm

Meeting Date

Community Affairs

Committee

Name DAVID CULLEN

Address 816 W THARPE ST

Street

TALLAHASSEE

FL

32303

City

State

Zip

The Florida Senate

# APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1126

Bill Number or Topic

Amendment Barcode (if applicable)

Phone 941-323-2404

Email CULLENASEA@GMAIL.COM

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

SIERRA CLUB FLORIDA

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenate.gov\)](#)

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S-001 (08/10/2021)

2/6/2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1126

Bill Number or Topic

Amendment Barcode (if applicable)

Name **David Doeblor**

Phone **954-415-7434**

Address **8000 West Drive, #116**

Email **Dave@VolunteerCleanup.Org**

Street

**North Bay Village**

**FL**

**33141**

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB1126

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Mia McCormick

Phone

913-416-5577

Address

324 Tavernier Dr.

Email

mmccormick@environmentflorida.org

Street

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Environment  
Florida

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

02/06/24

Meeting Date

SB 1126

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

772-532-1371

Address

Street

Email

City

State

Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

Florida  
Rising



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1: [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: SB 1158

INTRODUCER Senators Bradley and Trumbull

SUBJECT: Lights Displayed on Fire Department Vehicles

DATE: February 5, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shutes	Vickers	TR	<b>Favorable</b>
2.	Hackett	Ryon	CA	<b>Favorable</b>
3.			RC	

---

## **I. Summary:**

SB 1158 allows government-owned fire department vehicles, excluding vehicles of a fire patrol or volunteer fire departments, to display blue lights, in addition to red or red and white lights, as long as the vehicles meet the following criteria:

- Have a gross weight of 24,000 pounds or more;
- Are authorized in writing by the fire chief of the governmental agency; and
- Show or display the blue lights only on the rear of the government-owned fire department vehicle.

The bill may have indeterminate fiscal impact on local governments.

The bill takes effect July 1, 2024.

## **II. Present Situation:**

### **Show or Display of Blue Lights on Florida Vehicles or Equipment**

Under current Florida law, vehicles of a fire department and fire patrol, including vehicles of volunteer firefighters, may show or display red or red and white lights.<sup>1</sup> Florida does not currently allow the use of blue lights on fire department vehicles.

Florida law expressly prohibits any vehicle or equipment, except police vehicles, to show or display blue lights, with the exception that vehicles owned, operated, or leased by the Department of Corrections or any county correctional agency may show or display blue lights when responding to emergencies.<sup>2</sup>

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<sup>1</sup> Section 316.2397(3), F.S.

<sup>2</sup> Section 316.2397(2), F.S.

Additionally, under Florida law, it is generally prohibited for *non-government* owned vehicles or vessels to use any flashing or rotating blue light unless such person is a law enforcement officer employed by a federal, state, county, or city law enforcement agency or is appointed by the Governor.<sup>3</sup>

### Visibility of Red and Blue Lights on Emergency Vehicles

At least 16 states in the United States allow fire department vehicles to display blue emergency warning lights.<sup>4</sup> Studies have shown that blue<sup>5</sup> and red emergency lights are rated as the most visible colors<sup>6</sup>, with red lights being most visible in the daytime and blue lights being most visible at night.<sup>7</sup> Such studies recommend that emergency vehicles use a combination of red and blue lights to maximize visibility under all ambient lighting conditions.<sup>8</sup>

### Standard Fire Engine Weight

A standard fire engine typically weighs within a 20,000 to 40,000-pound range.<sup>9</sup>

## III. Effect of Proposed Changes:

This bill allows government-owned fire department vehicles, excluding vehicles of a fire patrol or volunteer fire departments, to display blue lights, in addition to red or red and white lights, as long as the vehicles meet the following criteria:

- Have a gross weight of 24,000 pounds or more;
- Are authorized in writing by the fire chief of the governmental agency; and
- Show or display the blue lights only on the rear of the government-owned fire department vehicle.

The bill takes effect July 1, 2024.

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<sup>3</sup> Section 843.081(2), F.S.

<sup>4</sup> See Guardian Angel, *State Statutes Emergency Vehicle Lights Guide*, <https://www.guardianangeldevices.com/state-statutes/> (last visited January 12, 2024). See also Henry Cesari, *Here's the color of Police and Fire Truck Lights in Every State*, MotorBiscuit (Oct. 16, 2023), <https://www.motorbiscuit.com/heres-the-color-of-police-and-fire-truck-lights-in-every-state/> (last visited January 12, 2024).

<sup>5</sup> Michael J. Flannigan, Daniel F. Blower, and Joel M. Devonshire, *Effects of Warning Lamp Color and Intensity on Driver Vision*, (Oct. 2008), <https://www.sae.org/standardsdev/tsb/cooperative/warninglamp0810.pdf>, pp. 38-39 (last visited January 12, 2024). The study was supported by Department of Homeland Security, Federal Emergency Management Agency, United States Fire Administration, and the US Department of Justice, Office of Justice Programs. *Id.*

<sup>6</sup> Emergency Responder Safety Institute, *New Study of Driver Perception of Emergency Warning Lights and Retroreflective Markings Commissioned by The Emergency Responder Safety Institute Yields Surprising Findings*, (Jan. 2022), <https://www.respondersafety.com/news/news/2022/01/new-study-of-driver-perception-of-emergency-warning-lights-and-retroreflective-markings-commissioned-by-the-emergency-responder-safety-institute-yields-surprising-findings/#> (last visited January 12, 2024).

<sup>7</sup> Justice Technology Information Center, *Law Enforcement Vehicle Lighting and Reflectivity Studies: An Overview*, <https://www.ojp.gov/pdffiles1/nij/nlectc/253106.pdf>, p.8 (last visited January 12, 2024).

<sup>8</sup> *Id.*

<sup>9</sup> Simon Burge, *How Much Does a Fire Truck Weigh?*, International Fire and Safety Journal (Aug. 1, 2023), <https://internationalfireandsafetyjournal.com/how-much-does-a-fire-truck-weigh/#:~:text=The%20range%20in%20weight%20is,20%2C000%20to%2040%2C000%2Dpound%20range> (last visited January 12, 2024).

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

None.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The bill may have an indeterminate fiscal impact on fire departments that voluntarily elect to retrofit their vehicles to display blue lights on the rear of qualified vehicles.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 316.2397 of the Florida Statutes.



**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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By Senator Bradley

6-01021D-24

20241158\_\_

A bill to be entitled  
An act relating to lights displayed on fire department vehicles; amending s. 316.2397, F.S.; authorizing that certain government-owned fire department vehicles may show or display blue lights under certain circumstances; making technical changes; providing an effective date.

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

Section 1. Subsections (2) and (3) of section 316.2397, Florida Statutes, are amended to read:

316.2397 Certain lights prohibited; exceptions.—

(2) It is expressly prohibited for any vehicle or equipment to show or display blue lights, except the following:

(a) Police vehicles;

(b) Government-owned fire department vehicles, except vehicles of a fire patrol or volunteer fire department, with a gross vehicle weight rating of more than 24,000 pounds, if authorized in writing by the fire chief of the government agency and if shown or displayed only on the rear of such vehicles; and  
~~, to show or display blue lights. However,~~

(c) Vehicles owned, operated, or leased by the Department of Corrections or any county correctional agency ~~may show or display blue lights~~ when responding to emergencies.

(3) (a) Vehicles of the fire department and fire patrol, including vehicles of volunteer firefighters as permitted under s. 316.2398, may show or display red or red and white lights. However, blue lights may only be shown or displayed on fire

6-01021D-24

20241158\_\_

department vehicles pursuant to paragraph (2) (b).

(b) Vehicles of medical staff physicians or technicians of medical facilities licensed by the state or of volunteer ambulance services as authorized under s. 316.2398, ambulances as authorized under this chapter, and buses and taxicabs as authorized under s. 316.2399 may show or display red lights.

(c) Vehicles of the fire department ~~and~~ fire patrol, police vehicles, and such ambulances and emergency vehicles of municipal and county departments, volunteer ambulance services, public service corporations operated by private corporations, the Fish and Wildlife Conservation Commission, the Department of Environmental Protection, the Department of Transportation, the Department of Agriculture and Consumer Services, and the Department of Corrections as are designated or authorized by their respective department or the chief of police of an incorporated city or any sheriff of any county may operate emergency lights and sirens in an emergency.

(d) Wreckers, mosquito control fog and spray vehicles, and emergency vehicles of governmental departments or public service corporations may show or display amber lights when in actual operation or when a hazard exists provided they are not used going to and from the scene of operation or hazard without specific authorization of a law enforcement officer or law enforcement agency. Wreckers must use amber rotating or flashing lights while performing recoveries and loading on the roadside day or night, and may use such lights while towing a vehicle on wheel lifts, slings, or under reach if the operator of the wrecker deems such lights necessary. A flatbed, car carrier, or rollback may not use amber rotating or flashing lights when

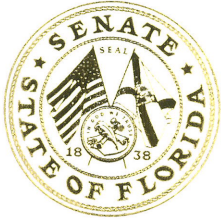
6-01021D-24

20241158\_\_

59 hauling a vehicle on the bed unless it creates a hazard to other  
60 motorists because of protruding objects. Further, escort  
61 vehicles may show or display amber lights when in the actual  
62 process of escorting overdimensioned equipment, material, or  
63 buildings as authorized by law.

64 (e) Vehicles owned or leased by private security agencies  
65 may show or display green and amber lights, with either color  
66 being no greater than 50 percent of the lights displayed, while  
67 the security personnel are engaged in security duties on private  
68 or public property.

69 Section 2. This act shall take effect July 1, 2024.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Committee on Criminal  
and Civil Justice, *Chair*  
Criminal Justice, *Vice Chair*  
Appropriations  
Children, Families, and Elder Affairs  
Community Affairs  
Regulated Industries

### SELECT COMMITTEE:

Select Committee on Resiliency

**SENATOR JENNIFER BRADLEY**  
6th District

January 24, 2024

Senator Alexis Calatayud, Chair  
Senate Committee on Community Affairs  
302 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Calatayud:

I respectfully request that Senate Bill 1158 be placed on the committee's agenda at your earliest convenience. This bill relates to lights displayed on fire department vehicles.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Jennifer Bradley".

Jennifer Bradley

cc: Elizabeth Ryon, Staff Director  
Tatiana Warden, Administrative Assistant

### REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
- ☐ 124 Northwest Madison Street, Lake City, Florida 32055 (386) 719-2708
- ☐ 408 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5006

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

2/6/23

Meeting Date

The Florida Senate

# APPEARANCE RECORD

SB 1158

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Ty Silcox - Florida Fire Chiefs Assoc

Phone

904 624 4939

Address

516 S 10th Street

Street

Email

Fernandina Beach FL

City

State

32034

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

## PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Florida Fire Chiefs Assoc.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: SB 1174

INTRODUCER: Senator Ingoglia

SUBJECT: Identification Documents

DATE: February 5, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Davis	Cibula	JU	<b>Favorable</b>
2.	Hackett	Ryon	CA	<b>Favorable</b>
3.			RC	

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**I. Summary:**

SB 1174 prohibits a county or municipality from accepting as identification an identification card or document issued by an entity that knowingly issues the card or document to individuals who are not lawfully present in the United States. The prohibition does not apply to documentation issued by or on behalf of the Federal Government.

**II. Present Situation:**

In 2023, the Legislature enacted an expansive immigration bill.<sup>1</sup> Among the wide-ranging provisions contained in the bill were two statutes that prohibited counties and municipalities from providing funds for the issuance of identification cards.

Section 125.0156, F.S., prohibits a county and s. 166.246, F.S., prohibits a municipality from providing funds to any person, entity, or organization for the purpose of issuing an identification card or document to a person who does not provide proof of lawful presence in the United States.

According to the 2023 Senate bill analysis,<sup>2</sup> and by way of background information, several counties had partnered with local organizations to offer a community ID card which would enable residents to provide a form of identification to law enforcement, schools, organizations, and social service agencies. Apparently, many of the organizations that issued the ID cards did not inquire into the individual's immigration status as a condition of issuing the card.

In response to this practice, sections 125.0156, F.S. and 166.246, F.S., were created thereby prohibiting a county or municipality from providing funds to an entity for the purpose of issuing

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<sup>1</sup> Ch. 2023-40, Laws of Fla.

<sup>2</sup> Florida Senate, *Senate Bill Analysis and Fiscal Impact Statement, CS/CS/SB 1718* (April 25, 2023), available at <https://www.flsenate.gov/Session/Bill/2023/1718/Analyses/2023s01718.fp.PDF>.

ID cards or documents to an individual who does not provide proof of lawful presence in the United States.

### **III. Effect of Proposed Changes:**

The bill prohibits a county or a municipality from accepting as identification any identification card or document that is issued by any person, entity, or organization that knowingly issues the identification cards or documents to individuals who are not lawfully present in the United States. This prohibition does not extend to any documentation that is issued by or on behalf of the Federal Government.

The bill takes effect July 1, 2024.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. State Tax or Fee Increases:**

None.

#### **E. Other Constitutional Issues:**

None identified.

### **V. Fiscal Impact Statement:**

#### **A. Tax/Fee Issues:**

None.

#### **B. Private Sector Impact:**

None.



**C. Government Sector Impact:**

The bill may result in reduced demand for government services by persons who are not lawfully present in the United States. Additionally, the bill might reduce the potential for fraud based on the use of unofficial identification documents.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 125.0156 and 166.246.

**IX. Additional Information:**

**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.

By Senator Ingoglia

11-00228A-24

20241174\_\_

1 A bill to be entitled  
2 An act relating to identification documents; amending  
3 ss. 125.0156 and 166.246, F.S.; prohibiting counties  
4 and municipalities, respectively, from accepting  
5 certain identification cards or documents that are  
6 knowingly issued to individuals who are not lawfully  
7 present in the United States as a form of  
8 identification; providing an exception; providing an  
9 effective date.

10  
11 Be It Enacted by the Legislature of the State of Florida:

12  
13 Section 1. Section 125.0156, Florida Statutes, is amended  
14 to read:

15 125.0156 Restrictions on ~~Restriction on providing funds for~~  
16 identification documents.—A county may not:

17 (1) Provide funds to any person, entity, or organization  
18 for the purpose of issuing an identification card or document to  
19 an individual who does not provide proof of lawful presence in  
20 the United States.

21 (2) Accept as identification any identification card or  
22 document issued by any person, entity, or organization that  
23 knowingly issues such identification cards or documents to  
24 individuals who are not lawfully present in the United States.  
25 This prohibition does not apply to any documentation issued by,  
26 or on behalf of, the Federal Government.

27 Section 2. Section 166.246, Florida Statutes, is amended to  
28 read:

29 166.246 Restrictions on ~~Restriction on providing funds for~~

11-00228A-24

20241174\_\_

identification documents.—A municipality may not:

(1) Provide funds to any person, entity, or organization for the purpose of issuing an identification card or document to an individual who does not provide proof of lawful presence in the United States.

(2) Accept as identification any identification card or document issued by any person, entity, or organization that knowingly issues such identification cards or documents to individuals who are not lawfully present in the United States.  
This prohibition does not apply to any documentation issued by, or on behalf of, the Federal Government.

Section 3. This act shall take effect July 1, 2024.



# THE FLORIDA SENATE

Tallahassee, Florida. 32399-1100

## COMMITTEES:

Finance and Tax, *Chair*  
Appropriations  
Banking and Insurance  
Criminal Justice  
Ethics and Elections

## SELECT COMMITTEE:

Select Committee on Resiliency

## JOINT COMMITTEE:

Joint Administrative Procedures  
Committee, *Alternating Chair*

Senator Blaise Ingoglia  
11<sup>th</sup> District

January 16, 2024

The Honorable Alexis Calatayud, Chair  
Community Affairs  
302 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399

## Re: SB 1174 Identification Documents

Chair Calatayud,

SB 1174 has been referred to the Community Affairs as its second committee of reference. I respectfully request that it be placed on the agenda at your earliest convenience.

If I may answer questions or be of assistance, please do not hesitate to contact me. Thank you for your leadership and consideration.

Regards,

A handwritten signature in blue ink, appearing to read "Blaise Ingoglia", with a stylized flourish extending to the right.

Blaise Ingoglia  
State Senator, District 11

Cc: Elizabeth Ryon, Staff Director, Tatiana Warden, Committee Administration Assistant

The Florida Senate  
**APPEARANCE RECORD**

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

B 11/24  
Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Mason Brown

Phone

305 990 3244

Address

12300 NW 17th Ave

Email

Street

Miami

City

FL

State

33167

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. § 11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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5-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

02/06/24

Meeting Date

Community Affairs

Committee

SB1174

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Paula Monoz

Phone 954 980 6411

Address 601 Ives Dairy Rd

Email

Street

Miami FL

33179

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

07/06/24

Meeting Date

Community Affairs

Committee

SB 1174

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

772-532-1371

Address

Street

Email

City

State

Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

Florida  
Rising



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

February 6, 2024

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1174 ID Documents

Bill Number or Topic

Amendment Barcode (if applicable)

Name **Jonathan Webber**

Phone **954-593-4449**

Address **400 Washington Ave**

Email **jonathan.webber@splcactionfund.org**

Street

**Montgomery**

**AL**

**36104**

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**SPLC Action Fund**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

SB 1174

2/6/24  
Meeting Date

Bill Number or Topic

Community Affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name David Metellus Phone 954798 2255

Address 10800 Biscayne Blvd Email \_\_\_\_\_  
Street

Miami FL  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2.6.2024

Meeting Date

SB 1174

Bill Number or Topic

COMMUNITY AFFAIRS

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name ALEXIS TSOUKALAS

Phone 407.440.1421 x 706

Address 1001 N. ORANGE AVE.

Street

Email TSOUKALAS@FLORIDAPOLICY.ORG

ORLANDO FL

City

State

32801

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA POLICY INSTITUTE

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

4-18-2024  
Meeting Date

SB 1174  
Bill Number or Topic

Community  
Committee

Amendment Barcode (if applicable)

Name Michael D Thum

Phone 407 947 5817

Address 312 Ferguson St  
Street

Email shojhnow@aol.com

Altamonte Springs FL 32711  
City State Zip

Speaking: ☒ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

02/06/2024

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1174

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Rory Hampson

Phone

Address

Street

Email

City

State

32259

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/6/24

SB 1174

The Florida Senate

APPEARANCE RECORD

SB 1174

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Yenisbel Vilorio

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

OR

Waive Speaking:

☐ In Support

☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Six Action

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

Community Affairs

Committee

SB 1174

Bill Number or Topic

Amendment Barcode (if applicable)

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Name

Michelle Legan

Phone

Address

Street

Email

City

State

Zip

32137

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

2/6/24

Meeting Date

Community Affairs

Committee

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB1174

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jessica Mabrey

Phone (904) 631-2873

Address 2101 Tymber Hammock Drive

Street

Email jessmabrey@gmail.com

Jacksonville

City

FL

State

32223

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

Jim King Room Senate 401

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Meeting Date

2/10/24  
~~2/14/24~~  
Community Affairs  
Committee

Bill Number or Topic

1174

Amendment Barcode (if applicable)

Name

DR. JOHN FRANK

Phone

904-705-4322

Address

Street

1552 Greenidge Circle W.

Email

jwfrank904@gmail.com

City

St. Johns, FL 32259

State

Zip

Reset Form

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

PAY CHRISTI FLORIDA

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date

1174  
Bill Number or Topic

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name Suzanne Printy Phone (850) 339-7847

Address 1977 Charlais St Email printysj@gmail.com  
Street

Talla FL 32317  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

01-06-2024

Meeting Date

Community Affairs  
Committee

SB 1174

Bill Number or Topic

Amendment Barcode (if applicable)

Name Theresa Moran

Phone (727) 599-3895

Address 1503 Seaspray Lane  
Street

Email Theresa.Moran.1503@gmail.com

Dunedin  
City

FL  
State

34698  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/06/24

Meeting Date

Community Affairs

Committee

SB1174

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jessica Espinal

Phone

267-918-9282

Address

Street

Email

City

State

Zip

32244

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

02/6/2024

Meeting Date

Community Affairs

Committee

SB 1174

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Pierre Desrosiers

Phone

561-814-9134

Address

3027 39th St SW

Street

Email

pierre.desrosiers@SaintLeo.edu

Lehigh Acres

City

FL

State

33974

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
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sponsored by:

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

SB 1174

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Mallory Ivers

Phone (352) 817-0421

Address 2415 San Miguel Ave

Street

Email maila@fsu.edu

Tallahassee

City

FL

State

32304

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
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sponsored by:

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S-001 (08/10/2021)

**APPEARANCE RECORD**

HB 1174

2/6/24

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Blanca Cardenas

Phone (505) 913-9806

Address 7808 Riverwood oaks dr

Street

Email blanca.cardenas@  
email.saintleo.edu

Riverview FL 33578

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against**PLEASE CHECK ONE OF THE FOLLOWING:**☒ I am appearing without  
compensation or sponsorship.☐ I am a registered lobbyist,  
representing:☐ I am not a lobbyist, but received  
something of value for my appearance  
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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2-6-24

Meeting Date

Community Affairs

Committee

SB 1174

Bill Number or Topic

Amendment Barcode (if applicable)

Name Jessica Suber

Phone 352-807-4547

Address 38101 Countryside Pl

Street

Email JSuber527@gmail.com

Dade City FL 33525

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1174

Bill Number or Topic

Amendment Barcode (if applicable)

Meeting Date

2/6/24

Committee

Community Affairs

Name

Christina Cazanave

Phone

508-846-3744

Address

AIASW-- FL

Email

Christina.Cazanave  
@ saintleo.edu

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☒

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)



2/6/2024  
Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 1174  
Bill Number or Topic

community affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Angele Guerrier

Phone 561 995 3446

Address 561 greenbriar dr lake  
Street

Email angeleguerrier@gmail.com

West Palm Beach FL 33403  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

2/6/2024

Meeting Date

Community Affairs

Committee

Name Malcolm Parker

Address 5208 Sunderland Rd

Street

Jacksonville

City

FL

State

32210

Zip

The Florida Senate

## APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB1174

Bill Number or Topic

Amendment Barcode (if applicable)

Phone (904) 738-5785

Email visitmalleywood@gmail.com

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/24

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1174

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name RITA HOFFMAN

Phone

Address 1182 Paseo del Mar

Street

Email

Gainesville FL

City

State

32707

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

2/6/24

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB1174

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Ebony Perez

Phone

412-596-2914

Address

204 Oak Lake Dr.

Email

Street

Spring Hill

City

State

FL

34608

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/24  
Meeting Date

SB 1174  
Bill Number or Topic

CA Community Affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Wendy Burnett Phone

Address 101 Little Wexford Ct  
Street

Longwood FL 32779  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

SB 114

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

Amendment Barcode (if applicable)

Name

Christian Medina

Phone

954 540 8046

Address

17962 SW 33RD ST + Mirimot, FL

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒ Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

06 Feb 2024

Meeting Date

SB 1174

Bill Number or Topic

community affairs

Committee

Amendment Barcode (if applicable)

Name

Ami Nibhanu pudy

Phone

407 388 5698

Address

512 Ballantyne ct

Email

yosemiticam@hotmail.com

Street

Leekemary FL 32746

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

**APPEARANCE RECORD**

SB 1174

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Community Affairs  
Committee

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without  
compensation or sponsorship.☐I am a registered lobbyist,  
representing:☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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The Florida Senate

**APPEARANCE RECORD**

1174

Bill Number or Topic

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name <sup>Committee</sup> Sharon Gandanilla

Phone 845-219-6638

Address 3140 Villa Vero Ct  
Street  
Jacksonville FL 32246  
City State Zip

Email sgandanilla370@yahoo.com

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

1174

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

Address

579 E. Call St.

Street

Email

fcsep@yahoo.com

Tallahassee, FL

City

State

32301

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FI Center for  
Fiscal & Economic Policy

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
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02/06/2024

Meeting Date

Community Affairs

Committee

SB1174

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lina Sofia Vasquez Baron - Colombia

Phone 5615772117

Address 6340 La Costa Dr

Street

Boca Raton

City

FL

State

33428

Zip

Email

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒ I am appearing without  
compensation or sponsorship.

Representing FAU

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date

1174  
Bill Number or Topic

Comm Affairs  
Committee

Amendment Barcode (if applicable)

Name NR Hines

Phone 786-363-1104

Address \_\_\_\_\_  
Street

Email nhines@aclufl.org

\_\_\_\_\_  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

ACLU of Florida

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/8/24

Meeting Date

SB 1174

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Amy Morales

Phone 305-504-0348

Address \_\_\_\_\_  
Street

Email amy Gengage.miami

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Engage  
miami.

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

SB1174

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Laura Munoz

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

FLSP

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: CS/SB 1456

INTRODUCER: Community Affairs Committee and Senator Rodriguez

SUBJECT: Counties Designated as Areas of Critical State Concern

DATE: February 8, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hunter	Ryon	CA	Fav/CS
2.			FT	
3.			AP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 1456 makes the following changes to current law, applying specifically to the Florida Keys Area of Critical State Concern:

- Revises hurricane evacuation clearance time modeling criteria;
- Authorizes land authorities to require compliance with income limitations on land conveyed for affordable housing by memorializing the original land authority funding or donation in a recordable perpetual deed restriction;
- Exempts a county or municipality whose land has been designated by the Legislature as an area of critical state concern within the past five years, and for which the Legislature has declared an intent to provide affordable housing, from a requirement to specified portions of the local housing assistance trust fund to provide assistance to very-low-income and low-income persons; and
- Allows for a county that has been designated as an area of critical state concern that levies a tourist development tax and a tourist impact tax to transfer its cumulative surplus from those taxes incurred through September 30, 2024, for the purpose of providing affordable housing for employees whose housing opportunities are impacted by the operation of tourist-related businesses in the county. Any housing financed with funds from this surplus will maintain its status as affordable housing for a minimum of 99 years.

The bill takes effect on July 1, 2024.

## II. Present Situation:

### Florida Keys Area of Critical State Concern

In 1975, the Florida Keys were designated as an area of critical state concern. The designation includes the municipalities of Islamorada, Marathon, Layton and Key Colony Beach, and unincorporated Monroe County.<sup>1</sup> State, regional, and local governments in the Florida Keys Area of Critical State Concern are required to coordinate development plans and conduct programs and activities consistent with principles for guiding development that, in addition to planning for growth and modernization, protect the environmental resources, historical heritage, and water quality of the Florida Keys to maintain its status as a unique natural environment.<sup>2</sup>

A land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but such actions must be approved by the Florida Department of Commerce (“Commerce”).<sup>3</sup> Amendments to local comprehensive plans must also be reviewed for compliance with the following:

- Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed criteria for wastewater treatment and disposal facilities or onsite sewage treatment and disposal systems; and
- Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The hurricane evacuation clearance time must be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by Commerce.<sup>4</sup>

### *Hurricane Evacuation Clearance Standards in the Florida Keys*

The Florida Keys Area Protection Act<sup>5</sup> provides, in part, that comprehensive plan amendments within the covered area, which includes the majority of Monroe County, must comply with “goals, objectives and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours.”<sup>6</sup>

In 2011, Commerce and the Division of Emergency Management entered into a Memorandum of Understanding (MOU) with Monroe County, the Village of Islamorada, and the cities of

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<sup>1</sup> The City of Key West functions as a separate area of critical state concern, with similar restrictions. Section 380.0552, F.S.; 2020 Florida Keys Area of Critical State Concern Annual Report available at [https://floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmty-plan-acsc/2020keysacscannualreport.pdf?sfvrsn=51c94eb0\\_2](https://floridajobs.org/docs/default-source/2015-community-development/community-planning/2015-cmty-plan-acsc/2020keysacscannualreport.pdf?sfvrsn=51c94eb0_2) (last visited Jan. 27, 2024).

<sup>2</sup> For a full list of required considerations, see s. 380.0552(7), F.S.

<sup>3</sup> Section 380.552(9)(a), F.S.

<sup>4</sup> Section 380.0552(9)(a)1. and 2., F.S.

<sup>5</sup> Section 380.0552, F.S.

<sup>6</sup> Section 380.0052(9)(a)2.



Marathon, Key West, Key Colony Beach, and Layton regarding hurricane evacuation modeling.<sup>7</sup> The evacuation model utilized by Commerce to ensure that the Florida Keys can be evacuated prior to hurricane-force winds, called the “TIME Model,”<sup>8</sup> utilizes a two-phase evacuation which encompasses the whole of the Florida Keys.<sup>9</sup>

- Phase 1 occurs 24-48 hours in advance of tropical storm force winds and includes the evacuation of tourists, the dorms associated with the College of the Florida Keys, and other non-permanent residents. This phase also includes 1,300 workforce-affordable early-evacuation units.<sup>10</sup>
- Phase 2 occurs 0-24 hours in advance of tropical force winds and includes the evacuation of all permanent residents.<sup>11</sup>

While the original model included mobile home residents in phase 2, and additionally included Key West, in 2022 the third district court of appeals held that mobile home units must be categorized as permanent residents under the statutory evacuation mandate, and that the Key West Area of Critical State Concern is not subject to the 24-hour evacuation requirement.<sup>12</sup>

### Land Authorities

Current law authorizes each county in which one or more designated areas of critical state concern are located to create a land authority by ordinance.<sup>13</sup> The Legislature authorized the creation of land authorities to equitably address the challenges of implementing comprehensive land use plans developed pursuant to the area of critical state concern program, which can be complicated by the environmental sensitivity of such areas.<sup>14</sup> Monroe County is the only county in the state that has established a land authority pursuant to this statutory authority.<sup>15</sup>

Land authorities are intended to provide stable funding, be flexible enough to address plan implementation innovatively, and to act as intermediaries between individual landowners and the governmental entities regulating land use.<sup>16</sup> The governing body of the land authority is the governing board of the county.<sup>17</sup>

Land authorities’ powers are statutorily enumerated and include, among other powers, the powers to sue and be sued; to make and execute contracts and other instruments; to commission studies and analyses of county land planning needs within areas of critical state concern; to

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<sup>7</sup> Dept. of Commerce, *Florida Keys Hurricane Evacuation Modeling Report*, available at <http://www.floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/areas-of-critical-state-concern/city-of-key-west-and-the-florida-keys/florida-keys-hurricane-evacuation> (last visited Jan. 27, 2024).

<sup>8</sup> An acronym for “Transportation Interface for Modeling Evacuations.”

<sup>9</sup> Department of Commerce, *Florida Keys Hurricane Evacuation Modeling Report*, 9-10, December 2023, available at [https://www.floridajobs.org/docs/default-source/community-planning-development-and-services/evacuation-modeling-report-final-with-appendices79bb3ca4cbbb61cbb02aff01004f56df.pdf?sfvrsn=47005db0\\_10](https://www.floridajobs.org/docs/default-source/community-planning-development-and-services/evacuation-modeling-report-final-with-appendices79bb3ca4cbbb61cbb02aff01004f56df.pdf?sfvrsn=47005db0_10) (last visited Feb. 8, 2024).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.* at 10, citing *Mattino v. City of Marathon*, 345 So. 3d 939 (Fla. 3d DCA 2022).

<sup>13</sup> Section 380.0663(1), F.S.

<sup>14</sup> Section 380.0661(1), F.S.

<sup>15</sup> See Monroe County, *Monroe County Land Authority*, <https://www.monroecounty-fl.gov/272/Land-Authority> (last visited Jan. 27, 2024).

<sup>16</sup> Section 380.0661(2), F.S.

<sup>17</sup> Section 380.0663(1), F.S.

acquire and dispose of real and personal property under specified conditions; to contribute tourist impact tax revenues to certain authorized government and state agency recipients for specified purposes under certain conditions; to borrow money through the issuance of bonds and to buy, hold, cancel, or resell such bonds; and to do any and all things otherwise necessary or convenient to carry out the purposes of the land authority.<sup>18</sup>

### ***Monroe County Land Authority***

The Monroe County Comprehensive Plan Land Authority, known as the Monroe County Land Authority (Authority), has a core mission of acquiring property for conservation use.<sup>19</sup> The Authority also provides funding for affordable housing projects, prevention or satisfaction of private property acquisition, and maintains the conservation land stewardship program in Monroe County within the Florida Keys and Key West Areas of Critical State Concern.<sup>20</sup>

The Authority was established to assist in the implementation of land use plans and to serve as an intermediary between landowners and government agencies that regulate land use. The Authority is a component of Monroe County government created in 1986 and governed by the Monroe County Board of County Commissioners.<sup>21</sup>

### **Affordable Housing**

Affordable housing is defined in terms of household income. Resident eligibility for Florida's state and federally-funded housing programs is governed by area median income (AMI) or statewide median family income,<sup>22</sup> published annually by the United States Department of Housing and Urban Development (HUD).<sup>23</sup> The following are standard household income level definitions and their relationship to the 2023 Florida statewide AMI of \$85,500 for a family of four (as family size changes, the income range also varies):<sup>24</sup>

- Extremely low income – earning up to 30 percent AMI (at or below \$ 24,850);<sup>25</sup>
- Very low income – earning from 30.01 to 50 percent AMI (\$24,851 to \$41,450);<sup>26</sup>
- Low income – earning from 50.01 to 80 percent AMI (\$41,451 to \$66,350);<sup>27</sup> and
- Moderate income – earning from 80.01 to 120 percent of AMI (\$66,351 to \$102,600).<sup>28</sup>

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<sup>18</sup> Section 380.0666, F.S.

<sup>19</sup> Monroe County, *Monroe County Land Authority*, <https://www.monroecounty-fl.gov/272/Land-Authority> (last visited Jan. 27, 2024).

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> The 2023 Florida SMI for a family of four was \$ 85,500. U.S. Dept. of Housing and Urban Development, *Income Limits, Access Individual Income Limits Areas*, available at <https://www.huduser.gov/portal/datasets/il.html#2022> (last visited Jan. 27, 2024).

<sup>23</sup> HUD User, Office of Policy Development and Research, "Income Limits," available at <https://www.huduser.gov/portal/datasets/il.html#2022> (last visited Jan. 24, 2024) (SMI and AMI available under the "Access Individual Income Limits Area" dataset).

<sup>24</sup> U.S. Dept. of Housing and Urban Development, *Income Limits, Access Individual Income Limits Areas*, available at <https://www.huduser.gov/portal/datasets/il.html#2023> (last visited Jan. 24, 2024).

<sup>25</sup> Section 420.0004(9), F.S.

<sup>26</sup> Section 420.0004(17), F.S.

<sup>27</sup> Section 420.0004(11), F.S.

<sup>28</sup> Section 420.0004(12), F.S.

*State Housing Initiatives Program (SHIP)*

The SHIP program was created in 1992<sup>29</sup> to provide funds to local governments as an incentive to create partnerships that produce and preserve affordable homeownership and multifamily housing. The SHIP program provides funds to all 67 counties and 52 Community Development Block Grant<sup>30</sup> entitlement cities on a population-based formula to finance and preserve affordable housing based on locally adopted housing plans.<sup>31</sup> SHIP program funds may be used to pay for emergency repairs, rehabilitation, down payment and closing cost assistance, impact fees, construction and gap financing, mortgage buydowns, acquisition of property for affordable housing, matching dollars for federal housing grants and programs, and homeownership counseling.<sup>32</sup>

Certain statutory requirements restrict a local government's use of funds made available under the SHIP program (excluding amounts set aside for administrative costs):

- At least 75 percent of SHIP program funds must be reserved for construction, rehabilitation, or emergency repair of affordable, eligible housing;<sup>33</sup> and
- Up to 25 percent of SHIP program funds may be reserved for allowed rental services.<sup>34</sup>

Within those distributions by local governments, additional requirements must be met:

- At least 65 percent of SHIP program funds must be reserved for home ownership for eligible persons;<sup>35</sup>
- At least 20 percent of SHIP program funds must serve persons with special needs;<sup>36</sup>
- Up to 20 percent of SHIP program funds may be used for manufactured housing;<sup>37</sup> and
- At least 30 percent of SHIP program funds must be used for awards to very-low-income persons or eligible sponsors serving very-low-income persons, and another 30 percent must be used for awards for low-income-persons or eligible sponsors serving low-income persons.<sup>38</sup>

<sup>29</sup> Chapter 92-317, Laws of Fla.

<sup>30</sup> The CDBG program is a federal program created in 1974 that provides funding for housing and community development activities.

<sup>31</sup> See ss. 420.907-420.9089, F.S.

<sup>32</sup> Section 420.072(7), F.S.

<sup>33</sup> Section 420.9075(5)(c), F.S.

<sup>34</sup> Section 420.9075(5)(b), F.S. However, a local government may not expend money distributed to it to provide ongoing rent subsidies, except for: security and utility deposit assistance; eviction prevention not to exceed six months' rent; or a rent subsidy program for very-low-income households with at least one adult who is a person with special needs or is homeless, not to exceed 12 months' rental assistance.

<sup>35</sup> Section 420.9075(5)(a), F.S. "Eligible person" or "eligible household" means one or more natural persons or a family determined by the county or eligible municipality to be of very low income, low income, or moderate income based upon the annual gross income of the household.

<sup>36</sup> Section 420.9075(5)(d), F.S.

<sup>37</sup> Section 420.9075(5)(e), F.S.

<sup>38</sup> Section 420.9075(5)(g)2., F.S.

## **Tourist Development Taxes**

The Local Option Tourist Development Act<sup>39</sup> authorizes counties to levy five separate taxes on transient rental<sup>40</sup> transactions (tourist development taxes or TDTs). Depending on a county's eligibility to levy such taxes, the maximum potential tax rate varies.<sup>41</sup>

### ***Tourist Development Tax Uses***

Current law authorizes counties to levy and spend TDTs as a mechanism for funding a variety of tourist-related uses, including tourism promotion, financing and constructing of public facilities needed to increase tourist-related business activities in the county, beach restoration and maintenance projects, convention centers, and professional sports franchise facilities.<sup>42</sup> Such uses are tied to the specific TDT being levied. Revenue derived from TDTs may be used to fund a number of functions related to tourism-related public works, such as convention centers, sports stadiums, zoos, parks and beaches, and the promotion of tourism through advertising.<sup>43</sup>

### ***Tourist Impact Tax***

In addition to tourist development tax, any county that has created a land authority may levy a tourist impact tax of 1 percent on all transient rental facilities within the county located in areas designated as an area of critical state concern.<sup>44</sup> If more than 50 percent of the land area of the county is located in an area of critical state concern, the tax may be levied countywide. The proceeds of the tax are used to purchase property in the area of critical state concern and to offset the loss of ad valorem taxes due to those land acquisitions.<sup>45</sup> Currently, Monroe County is the only county eligible to levy this tax.<sup>46</sup>

## **III. Effect of Proposed Changes:**

**Section 1** amends s. 380.0552, F.S., to provide that, as it pertains to hurricane evacuation clearance time modeling, mobile home residents are not considered permanent residents, and that the Key West Area of Critical State Concern will be included in Commerce's hurricane evacuation modeling.

**Section 2** amends s. 380.0666, F.S., to authorize land authorities to require compliance with income limitations on land conveyed for affordable housing by memorializing the original land authority funding or donation in a recordable perpetual deed restriction. The bill provides that if a purchase receives state or federal funding that requires a priority lien position over the land authority deed restriction, the land authority funding or contribution may be subordinate to a first purchase money mortgage and the state or federal funding lien.

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<sup>39</sup> Section 125.0104, F.S.

<sup>40</sup> Section 125.0104(3)(a)(1), F.S. considers "transient rental" to be the rental or lease of any accommodation for a term of six months or less.

<sup>41</sup> Section 125.0104(3)(c)-(d), (l), and (m)-(n), F.S.

<sup>42</sup> Section 125.0104, F.S.

<sup>43</sup> See s. 125.0104(5)(a)-(d), F.S.

<sup>44</sup> Section 125.0108, F.S.

<sup>45</sup> Section 125.0108(3), F.S.

<sup>46</sup> Office of Economic and Demographic Research, 2023 *Florida Tax Handbook*, 306 <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/taxhandbook2023.pdf> (last visited Feb. 4, 2024).

**Section 3** amends s. 420.9075, F.S., to provide that a county or municipality that includes or has included within the previous five years an area of critical state concern designated by the Legislature for which the Legislature has declared its intent to provide affordable housing is exempt from the following requirements for awards made under the SHIP program:

- At least 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to very-low-income persons or eligible sponsors who will serve very-low-income persons; and
- At least an additional 30 percent of the funds deposited into the local housing assistance trust fund must be reserved for awards to low-income persons or eligible sponsors who will serve low-income persons.

This provision expires on July 1, 2029, and applies retroactively.

**Section 4** allows a county that has been designated as an area of critical state concern that levies a tourist development tax and a tourist impact tax to transfer its cumulative surplus from those taxes incurred through September 30, 2024, for the purpose of providing affordable housing for employees whose housing opportunities are impacted by the operation of tourist-related businesses in the county. Any housing financed with funds from this surplus will maintain its status as affordable housing for a minimum of 99 years.

**Section 5** provides that the bill takes effect on July 1, 2024.

#### **IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Key West and the Florida Keys will have more flexibility in utilizing land authority powers and SHIP funding, but the bill is not expected to have an absolute impact on total funding.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 380.0552, 380.0666, and 420.9075.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)**CS by Community Affairs on February 6, 2024:**

The committee substitute:

- Removes provisions of the bill which exempt the Florida Keys Area of Critical State Concerns from the provision which allows the governing body of a county or municipality to approve the development of affordable housing, where state or local law or regulation would otherwise preclude such development.
- Removes provisions of the bill modifying provisions of the local option ad valorem property tax exemption for affordable housing developments.
- Clarifies the provisions of the bill allowing Monroe County to utilize tourist development tax revenues for affordable housing purposes. The substitute requires any housing financed with these funds must maintain its affordable housing status for a period of no less than 99 years.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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250512

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
	.	
	.	
	.	

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The Committee on Community Affairs (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 35 - 79.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete lines 2 - 13

and insert:

An act relating to counties designated as areas of  
critical state concern;





786448

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
	.	
	.	
	.	

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The Committee on Community Affairs (Rodriguez) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 160 - 168  
and insert:  
critical state concern by law or by action of the Administration  
Commission pursuant to s. 380.05, Florida Statutes, and that  
levies a tourist development tax pursuant to s. 125.0104,  
Florida Statutes, and a tourist impact tax pursuant to s.  
125.0108, Florida Statutes, may transfer its cumulative surplus  
from such taxes incurred through September 30, 2024, for the



786448

purpose of providing affordable housing as defined in s.  
420.0004, Florida Statutes, for employees whose housing  
opportunities are impacted by the operation of tourist-related  
businesses in the county. Any housing financed with funds from  
this surplus shall maintain its affordable housing status for a  
period of no less than 99 years. The transferred surplus shall  
be distributed pursuant to s. 125.0108(3), Florida Statutes.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete line 30

and insert:

affordable workforce or employee housing; authorizing  
housing financed with such funds to maintain  
affordable housing status for a specified timeframe;  
providing for distribution of the transferred surplus;  
providing an

By Senator Rodriguez

40-01528B-24

20241456\_\_

A bill to be entitled

An act relating to affordable housing in counties designated as areas of critical state concern; amending ss. 125.01055 and 166.04151, F.S.; excluding land designated as an area of critical state concern from county and municipality affordable housing provisions, respectively; amending s. 196.1979, F.S.; providing for an ad valorem property tax exemption of a specified amount for certain property used to provide affordable housing; specifying that certain housing units may be eligible for tax exemptions if certain requirements are met; providing applicability; conforming a provision to changes made by the act; amending s. 380.0552, F.S.; adding certain requirements to local comprehensive plans relating to a hurricane evaluation study; amending s. 380.0666, F.S.; revising the powers of the land authority; providing requirements for conveying affordable housing homeownership units; providing lien status prioritization for certain purposes; amending s. 420.9075, F.S.; excluding land designated as an area of critical state concern within a specified timeframe from award requirements made to specified sponsors or persons for the purpose of providing eligible housing as a part of a local housing assistance plan; providing for expiration and retroactive applicability; authorizing counties that have been designated as areas of critical state concern to use specified tourist development tax revenue for

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affordable workforce or employee housing; providing an effective date.

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

Section 1. Subsection (5) of section 125.01055, Florida Statutes, is amended to read:

125.01055 Affordable housing.—

(5) Subsections ~~Subsection~~ (4) and (6) do ~~does~~ not apply in an area of critical state concern, as designated in s. 380.0552.

Section 2. Subsection (5) of section 166.04151, Florida Statutes, is amended to read:

166.04151 Affordable housing.—

(5) Subsections ~~Subsection~~ (4) and (6) do ~~does~~ not apply in an area of critical state concern, as designated by s. 380.0552 or chapter 28-36, Florida Administrative Code.

Section 3. Paragraph (b) of subsection (1) and paragraph (e) of subsection (3) of section 196.1979, Florida Statutes, are amended, and paragraph (d) is added to subsection (1) of that section, to read:

196.1979 County and municipal affordable housing property exemption.—

(1)

(b) Qualified property may receive an ad valorem property tax exemption of:

1. Up to 75 percent of the assessed value of each residential unit used to provide affordable housing if fewer than 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements

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of this section.

2. Up to 100 percent of the assessed value if 100 percent of the multifamily project's residential units are used to provide affordable housing meeting the requirements of this section.

3. Up to 100 percent of the assessed value if the residential unit is a single-family residential unit or a residential duplex, and such property is used to provide affordable housing meeting the requirements of this section.

(d)1. Notwithstanding subparagraph (a)2., a housing unit located within the Florida Keys Area pursuant to s. 380.0552 or the Key West Area pursuant to chapter 28-36, Florida Administrative Code, as amended, effective August 23, 1984, may be eligible for a tax exemption under this section if the housing unit meets the requirements of this section and the unit is being offered for rent.

2. This paragraph first applies to the 2025 tax roll.

(3) An ordinance granting the exemption authorized by this section must:

(e) Require the eligible unit to meet the eligibility criteria of paragraph (1)(a) or paragraph (1)(d).

Section 4. Paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment,

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amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(1) for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time modeling:

a. Mobile home residents are not considered permanent residents.

b. The Key West Area pursuant to chapter 28-36, Florida Administrative Code, as amended, effective August 23, 1984,

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shall be included in the hurricane evaluation study.

Section 5. Subsection (14) of section 380.0666, Florida Statutes, is added to read:

380.0666 Powers of land authority.—The land authority shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this act, including the following powers, which are in addition to all other powers granted by other provisions of this act:

(14) For affordable housing homeownership units, to require compliance with the income requirements under paragraph (3)(a) at the time of conveyance each time a unit is conveyed. The original land authority funding or contribution shall be memorialized in a recordable perpetual deed restriction. If the purchase receives state or federal funding and that state or federal funding program requires a priority lien position over the land authority deed restriction, the land authority funding or contribution may be subordinate to a first purchase money mortgage and the state or federal funding lien.

Section 6. Paragraph (g) of subsection (5) of section 420.9075, Florida Statutes, is amended to read:

420.9075 Local housing assistance plans; partnerships.—

(5) The following criteria apply to awards made to eligible sponsors or eligible persons for the purpose of providing eligible housing:

(g)1. All units constructed, rehabilitated, or otherwise assisted with the funds provided from the local housing assistance trust fund must be occupied by very-low-income persons, low-income persons, and moderate-income persons except as otherwise provided in this section.

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146       2.a. At least 30 percent of the funds deposited into the  
147 local housing assistance trust fund must be reserved for awards  
148 to very-low-income persons or eligible sponsors who will serve  
149 very-low-income persons, and at least an additional 30 percent  
150 of the funds deposited into the local housing assistance trust  
151 fund must be reserved for awards to low-income persons or  
152 eligible sponsors who will serve low-income persons.

153       b. This subparagraph does not apply to a county or an  
154 eligible municipality that includes or has included within the  
155 previous 5 years an area of critical state concern designated by  
156 the Legislature for which the Legislature has declared its  
157 intent to provide affordable housing. This sub-subparagraph  
158 expires on July 1, 2029, and applies retroactively.

159       Section 7. A county that has been designated as an area of  
160 critical state concern by the Legislature and which levies a  
161 tourist development tax pursuant to s. 125.0104, Florida  
162 Statutes, and a tourist impact tax pursuant to s. 125.0108,  
163 Florida Statutes, may transfer its cumulative surplus tourist  
164 development tax revenue through the fiscal year ending September  
165 30, 2024, which shall be distributed pursuant to s. 125.0108(3),  
166 Florida Statutes, to provide for and support workforce housing  
167 for employees due to impacts from tourist-related businesses  
168 within the county.

169       Section 8. This act shall take effect July 1, 2024.





The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 11, 2024

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I respectfully request that **Senate Bill #1456**, relating Affordable Housing in Counties Designated as Areas of Critical State Concern be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink, appearing to read "Ana Maria Rodriguez".

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Senator Ana Maria Rodriguez  
Florida Senate, District 40

**APPEARANCE RECORD**

2/6/2024

Meeting Date

1456

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Bob McKee

Phone

(850) 922-4300

Address

100 S Monroe

Email

bmckee@fl-counties.com

Street

Tallahassee FL 32308

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**☐I am appearing without  
compensation or sponsorship.☒I am a registered lobbyist,  
representing:Florida Assoc of  
Counties☐I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

The Florida Senate

**APPEARANCE RECORD**

February 6, 2024

Meeting Date

Community Affairs

Committee

SB 1456 Affordable Housing in Counties...

Bill Number or Topic

Amendment Barcode (if applicable)

Name Mat Forrest Phone 850-577-0444

Address 201 E. Park Ave. Email Mat@ballardpartners.com

Street

Tallahassee

FL

32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Destinations Florida

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/2024

Meeting Date

CA

Committee

1456

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Lisa Tennyson

Phone

305-509-1709

Address

1100 Simonson St

Email

Street

Key West FL

State

33040

Zip

City

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

on behalf of Monroe County Board of County Commissioners

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 1492

INTRODUCER: Commerce and Tourism Committee and Senator Trumbull

SUBJECT: Employment Regulations

DATE: February 5, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Baird	McKay	CM	<b>Fav/CS</b>
2.	Hunter	Ryon	CA	<b>Favorable</b>
3.			RC	

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1492 creates a new section of law regarding workplace heat exposure requirements by prohibiting a political subdivision from requiring an employer or contractor to meet or provide heat exposure requirements that are not already required under state or federal law, and prohibiting a political subdivision from giving preference in solicitations based upon employer heat exposure requirements. The bill does not limit the authority of a local government to provide workplace heat exposure requirements not otherwise required under state or federal law for direct employees of the political subdivision. These heat exposure provisions do not apply if compliance will prevent the political subdivision from receiving federal funds.

The effective date of the bill is July 1, 2024.

**II. Present Situation:**

**Workplace Heat Exposure**

The OSHA Act, is the federal labor law governing occupational health and safety in the private sector and federal government.<sup>1</sup> Under the OSHA Act, two federal agencies are responsible for promoting occupational safety and health in the United States. The National Institute for Occupational Safety and Health (NIOSH) conducts research and recommends occupational

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<sup>1</sup> Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, 84 STAT. 1590, 91st Cong. (Jan. 1, 2004).

safety and health standards.<sup>2</sup> The Occupational Safety and Health Administration (OSHA) is responsible for the promulgation and enforcement of standards.<sup>3</sup>

Currently, there are no specific laws in Florida that provide heat exposure protections for outdoor workers. NIOSH and OSHA provide certain recommendations that employers provide heat exposure protections.

In 2013, NIOSH published “Preventing Heat-related Illness or Death of Outdoor Workers.” This recommended standard recommends that employers have a plan in place to prevent heat-related illness. The plan should include hydration (drinking plenty of water), acclimatization (getting used to weather conditions), and schedules that alternate work with rest. It recommends that employers should also train workers about the hazards of working in hot environments.<sup>4</sup>

OSHA does not currently have any specific heat exposure standards. In the absence of a specific standard, OSHA is authorized to enforce the “general duty clause” of the OSHA Act, which requires each employer to provide a workplace that is free of “recognized hazards” causing or likely to cause “death or serious physical harm” to its employees.<sup>5</sup>

In 2011, OSHA launched a heat illness prevention campaign that includes guidance to employers and employees, a smartphone app that provides location-specific information on heat conditions and heat exposure prevention and first aid, and educational materials such as posters and pamphlets in English, Spanish, and other languages.<sup>6</sup>

On October 27, 2021, OSHA published an Advanced Notice of Proposed Rulemaking (ANPRM) for a potential standard on Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings.<sup>7</sup> OSHA solicited public comments on the ANPRM through January 26, 2022, and received over 1,000 comments on the ANPRM.

In March 2021, OSHA cited a company for a willful violation of the general duty clause by exposing sugar cane harvesting employees in Florida to “excessive heat, elevated temperature working conditions, direct sun radiation and thermal stress” while working outdoors in September 2020. OSHA assessed the maximum allowable civil monetary penalty of \$136,532 for this violation, which was later reduced through an informal settlement with the employer to \$81,919.20. The citation provides, “the employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees in that employees were exposed to excessive heat, elevated temperature working conditions, direct sun radiation and thermal stress.”<sup>8</sup>

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<sup>2</sup> 29 U.S.C. § 671.

<sup>3</sup> 29 U.S.C. § 655.

<sup>4</sup> NIOSH 1986, 2008, 2010; OSHA-NIOSH 2011.

<sup>5</sup> 29 U.S.C. § 654.

<sup>6</sup> Occupational Safety and Health Administration, Heat Illness Prevention, *available at* <https://www.osha.gov/heat/>, (last visited January 22, 2024).

<sup>7</sup> 86 FR 59309.

<sup>8</sup> Occupational Safety and Health Administration, Violation Detail, *available at* [https://www.osha.gov/ords/imis/establishment.violation\\_detail?id=1495595.015&citation\\_id=02001](https://www.osha.gov/ords/imis/establishment.violation_detail?id=1495595.015&citation_id=02001), (last visited January 22, 2024).

In April 2022, OSHA began a National Emphasis Program (NEP) of enforcement of the general duty clause and compliance assistance to focus on indoor and outdoor heat exposure. The NEP expands on OSHA's ongoing heat-related illness prevention initiative and campaign by creating a targeted enforcement component and reiterating its compliance assistance and outreach efforts. This approach is intended to encourage early interventions by employers to prevent illnesses and deaths among workers during high heat conditions, such as working outdoors in a local area experiencing a heat wave, as announced by the National Weather Service. Early interventions include, but are not limited to, implementing water, rest, shade, training, and acclimatization procedures for new or returning employees.<sup>9</sup>

### **Local Heat Regulation**

On November 11, 2023, the Miami-Dade County Board of County Commissioners considered a proposal that would require construction and agriculture companies with five or more employees to guarantee workers access to water and give them 10-minute breaks in the shade every two hours on days when the heat index equals or exceeds 95 degrees Fahrenheit. The proposal would also require employers to train workers to recognize the signs of heat illness, administer first aid and call for help in an emergency. Enforcement includes a warning, fines of up to \$2,000 per day per violation, and debarment of contractors from county work for certain repeated violations and unpaid penalties.<sup>10</sup>

According to reports:<sup>11</sup>

- The proposal was deferred until March, 2024.
- Some South Florida employers have expressed that they already provide such protections.
- Miami-Dade County would have been the only local government in the nation to adopt such requirements.

### **Preemption**

A local government enactment may be inconsistent with state law if the:

- Local enactment conflicts with state statutes; or
- The Legislature has preempted the particular area of law that is the subject of the enactment.

Such state preemption precludes a local government from exercising authority in the preempted area.<sup>12</sup>

Florida law recognizes two types of state preemption: express and implied. Express preemption requires an express legislative statement of intent to preempt a specific area of law; it cannot be

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<sup>9</sup> Occupational Safety and Health Administration, OSHA Instruction, *available at* [https://www.osha.gov/sites/default/files/enforcement/directives/CPL\\_03-00-024.pdf](https://www.osha.gov/sites/default/files/enforcement/directives/CPL_03-00-024.pdf), (last visited January 22, 2024).

<sup>10</sup> Miami-Dade Legislative Item, File Number: 231773.

<sup>11</sup> Miami Herald, After industry pressure, Miami-Dade puts heat protections for outdoor workers on ice, *available at* <https://www.miamiherald.com/news/local/environment/article281487003.html>, (last visited January 22, 2024).

<sup>12</sup> Wolf, The Effectiveness of Home Rule: A Preemptions and Conflict Analysis, 83 Fla. B.J. 92 (June 2009), *available at* <https://www.floridabar.org/the-florida-bar-journal/the-effectiveness-of-home-rule-a-preemption-and-conflict-analysis/> (last visited January 22, 2024).

implied or inferred.<sup>13</sup> Implied preemption, on the other hand, exists where the legislative scheme is so pervasive as to evidence an intent to preempt the particular area, and where strong public policy reasons exist for finding such an area to be preempted by the legislature.<sup>14</sup>

Courts determining the validity of local government ordinances enacted in the face of state preemption, whether express or implied, have found such ordinances to be null and void.<sup>15</sup>

### **III. Effect of Proposed Changes:**

#### **Workplace Heat Exposure Requirements**

The bill prohibits political subdivisions from:

- Mandating or otherwise imposing heat exposure requirements on an employer or a political subdivision contractor.
- Considering or seeking information relating to a contractor's or subcontractor's heat exposure requirements in any procurement for goods or services.

The bill provides that it does not:

- Limit the authority of a political subdivision to mandate or impose workplace heat exposure requirements for the employees of the local government.
- Apply if it is determined that compliance would prevent the distribution of federal funds to a local government or would otherwise be inconsistent with federal requirements pertaining to receiving federal funds, but only to the extent necessary to allow a local government to receive federal funds or to eliminate the inconsistency with federal requirements.

The bill provides the following definitions:

- “Competitive solicitation” means an invitation to bid, a request for proposals, or an invitation to negotiate.
- “Heat exposure requirement” means a standard mandated or otherwise imposed on employers, employees, contractors, or subcontractors to control an employee's exposure to heat or sun, or to otherwise address or moderate the effects of such exposure. The term includes, but is not limited to, standards relating to all of the following:
  - Employee monitoring and protection.
  - Water consumption.
  - Cooling measures.
  - Acclimatization and recovery periods or practices.
  - Posting or distributing notices or materials that inform employees how to protect themselves from heat exposure.
  - Implementation and maintenance of heat exposure programs or training.
  - Appropriate first-aid measures or emergency responses related to heat exposure.
  - Protections for employees who report that they have experienced excessive heat exposure.

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<sup>13</sup> See *City of Hollywood v. Mulligan*, 934 So. 2d 1238, 1243 (Fla. 2006); *Phantom of Clearwater, Inc. v. Pinellas County*, 894 So. 2d 1011, 1018 (Fla. 2d DCA 2005), approved in *Phantom of Brevard, Inc. v. Brevard County*, 3 So. 3d 309 (Fla. 2008).

<sup>14</sup> *Sarasota Alliance for Fair Elections, Inc. v. Browning*, 28 So. 3d 880 (Fla. 2010).

<sup>15</sup> See, e.g., *Nat'l Rifle Ass'n of Am., Inc. v. City of S. Miami*, 812 So. 2d 504 (Fla. 3d DCA 2002).



- Reporting and recordkeeping requirements.
- “Political subdivision” means a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law.

The bill provides an effective date of July 1, 2024.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

##### **C. Trust Funds Restrictions:**

None.

##### **D. State Tax or Fee Increases:**

None.

##### **E. Other Constitutional Issues:**

Under Florida law, statutes are presumed to operate prospectively, not retroactively. In other words, statutes generally apply only to actions that occur on or after the effective date of the legislation, not before the legislation becomes effective. The Florida Supreme Court has noted that, under the rules of statutory construction, if statutes are to operate retroactively, the Legislature must clearly express that intent for the statute to be valid.<sup>16</sup> When statutes that are expressly retroactive have been litigated and appealed, the courts have been asked to determine whether the statute applies to cases that were pending at the time the statute went into effect. The conclusion often depends on whether the statute is procedural or substantive.

In a recent Florida Supreme Court case, the Court acknowledged that “[t]he distinction between substantive and procedural law is neither simple nor certain.”<sup>17</sup> The Court further acknowledged that their previous pronouncements regarding the retroactivity of procedural laws have been less than precise and have been unclear.<sup>18</sup>

Courts, however, have invalidated the retroactive application of a statute if the statute impairs vested rights, creates new obligations, or imposes new penalties.<sup>19</sup> Still, in other

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<sup>16</sup> *Walker & LaBerge, Inc., v. Halligan*, 344 So. 2d 239 (Fla. 1977).

<sup>17</sup> *Love v. State*, 286 So. 3d 177, 183 (Fla. 2019) (quoting *Caple v. Tuttle’s Design-Build, Inc.*, 753 So. 2d 49, 53 (Fla. 2000)).

<sup>18</sup> *Love*, at 184.

<sup>19</sup> *R.A.M. of South Florida, Inc. v. WCI Communities, Inc.*, 869 So. 2d 1210, 1217 (Fla. 2004) (quoting *LaForet* 658 So. 2d 55, 61 (Fla. 1995)).

cases, the courts have permitted statutes to be applied retroactively if they do not create new, or take away, vested rights, but only operate to further a remedy or confirm rights that already exist.<sup>20</sup>

Florida's contracts clause states that "no bill of attainder, ex post facto law or law impairing the obligation of contracts shall be passed."<sup>21</sup> Regarding the impairment of an existing contract by the retroactive application of a statute, the Florida Supreme Court recently said:

"[V]irtually no degree of contract impairment is tolerable." However, we also recognized that the holding that "virtually" no impairment is tolerable "necessarily implies that some impairment is tolerable." The question thus becomes how much impairment is tolerable and how to determine that amount. To answer that question, in *Pomponio* we proposed a balancing test that "allow[ed] the court to consider the actual effect of the provision on the contract and to balance a party's interest in not having the contract impaired against the State's source of authority and the evil sought to be remedied." "[T]his becomes a balancing process to determine whether the nature and extent of the impairment is constitutionally tolerable in light of the importance of the State's objective, or whether it unreasonably intrudes into the parties' bargain to a degree greater than is necessary to achieve that objective."

An impairment may be constitutional if it is reasonable and necessary to serve an important public purpose. However, where the impairment is severe, "[t]he severity of the impairment is said to increase the level of scrutiny to which the legislation will be subjected." There must be a "significant and legitimate public purpose behind the regulation."<sup>22</sup>

## V. Fiscal Impact Statement:

### A. Tax/Fee Issues:

None.

### B. Private Sector Impact:

None.

### C. Government Sector Impact:

None.

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<sup>20</sup> *Ziccardi v. Strother*, 570 So. 2d 1319 (Fla. 2d DCA 1990).

<sup>21</sup> FLA. CONST. art. I, s. 10.

<sup>22</sup> *Searcy, Denney, Scarola, Barnhart & Shipley, etc. v. State*, 209 So. 3d 1181, 1192 (Fla. 2017) (internal citations omitted for clarity).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 448.106 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Commerce and Tourism on January 23, 2024:**

The committee substitute removes provisions relating to wage and employment benefits by political subdivisions.

**B. Amendments:**

None.

By the Committee on Commerce and Tourism; and Senator Trumbull

577-02407-24

20241492c1

A bill to be entitled  
An act relating to employment regulations; creating s.  
448.106, F.S.; defining terms; prohibiting a political  
subdivision from requiring employers to meet or  
provide heat exposure requirements beyond those  
required by law; prohibiting a political subdivision  
from giving preference to or considering or seeking  
information from an employer in a competitive  
solicitation based on or relating to an employer's  
heat exposure requirements; providing construction;  
providing applicability; providing an effective date.

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

Section 1. Section 448.106, Florida Statutes, is created to  
read:

448.106 Workplace heat exposure requirements.—

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

(a) "Competitive solicitation" means an invitation to bid,  
a request for proposals, or an invitation to negotiate.

(b) "Heat exposure requirement" means a standard to control  
an employee's exposure to heat or sun, or to otherwise address  
or moderate the effects of such exposure. The term includes, but  
is not limited to, standards relating to any of the following:

1. Employee monitoring and protection.

2. Water consumption.

3. Cooling measures.

4. Acclimation and recovery periods or practices.

5. Posting or distributing notices or materials that inform

577-02407-24

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employees how to protect themselves from heat exposure.

6. Implementation and maintenance of heat exposure programs or training.

7. Appropriate first-aid measures or emergency responses related to heat exposure.

8. Protections for employees who report that they have experienced excessive heat exposure.

9. Reporting and recordkeeping requirements.

(c) "Political subdivision" means a county, municipality, department, commission, district, board, or other public body, whether corporate or otherwise, created by or under state law.

(2) (a) A political subdivision may not establish, mandate, or otherwise require an employer, including an employer contracting to provide goods or services to the political subdivision, to meet or provide heat exposure requirements not otherwise required under state or federal law.

(b) A political subdivision may not give preference in a competitive solicitation to an employer based on the employer's heat exposure requirements and may not consider or seek information relating to the employer's heat exposure requirements.

(3) This section does not limit the authority of a political subdivision to establish or otherwise provide heat exposure requirements not otherwise required under state or federal law for direct employees of the political subdivision.

(4) This section does not apply if it is determined that compliance with this section will prevent the distribution of federal funds to a political subdivision or would otherwise be inconsistent with federal requirements pertaining to receiving

577-02407-24

20241492c1

59 federal funds, but only to the extent necessary to allow a  
60 political subdivision to receive federal funds or to eliminate  
61 inconsistency with federal requirements.

62 Section 2. This act shall take effect July 1, 2024.

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

SB 1492

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Amy Maalis

Phone

205-504-0348

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against



I am appearing without  
compensation or sponsorship.

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Engage Miami

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

Meeting Date

2/6/24

Bill Number or Topic

SB 1492

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Committee

com-affairs

Amendment Barcode (if applicable)

Name

Chelsea Rivera

Phone

504 329 8975

Address

200 38th St. S

Email

chelsea.crfjw@gmail.com

Street

City

St. pete

State

FL 33711

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Jobs with Justin

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

1492

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Ankush Bansal, MD

Phone 703-646-1869

Address 15926 Orchard Dr.

Email dr.akb1@gmail.com

Street

Westlake

City

FL

State

33470

Zip

Speaking: ☐ For ☒ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Florida Chapter, American College of Physicians

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

716124  
Meeting Date  
Community Affairs  
Committee

SB1492

Bill Number or Topic

Amendment Barcode (if applicable)

Name Samantha Kaddis Phone 7272420579  
Address 1767 Hermitage blvd 9204 Email skaddis@cleoinstitute.org  
Tallahassee FL 32308  
City State Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

- ☐ I am appearing without compensation or sponsorship.
- ☐ I am a registered lobbyist, representing:
- ☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/6/2024

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

SB 1492

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Samuel Dohler

Phone 410-446-7776

Address 1763 Hermitage 9204

Email SamDohler@gmail.com

Street

Tallahassee

FL

32304

City

State

Zip

Speaking:

☐

For



Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

# APPEARANCE RECORD

2.6.2024

Meeting Date

SB 1492

Bill Number or Topic

COMMUNITY SAFETY

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name ALEXIS TSOUKALAS

Phone 407. 440. 1421 x706

Address 1001 N. ORANGE AVE.

Street

Email TSOUKALAS@FLORIDAPOLICY.ORG

ORLANDO

City

FL

State

32801

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☒ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

FLORIDA POLICY INSTITUTE

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB1492

2/6/24

Meeting Date

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

David Mellus

Phone

954 798 2255

Address

16800 Biscayne Blvd.

Street

Email

Miami

City

FL

State

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

FL Immigrant Coalition

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

Deliver both copies of this form to  
Senate professional staff conducting the meeting

21612024

Meeting Date

SB 1492 (Thunburt)

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name Carol Bowen

Phone (954) 465-6811

Address PO Box 880448

Street

Email cbowen@abcfloridac.com

Boca Raton

City

FL

State

33488

Zip

Speaking:



For



Against



Information

OR

Waive Speaking:



In Support



Against

PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

Associated Builders and Contractors of Florida

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

SB 1492

Bill Number or Topic

Amendment Barcode (if applicable)

Name Yenibel Vilorio

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Six Action

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenote.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

1492

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

Address

579 E. Call St.

Street

Email

fcfe@yahoo.com

Tallahassee

City

FL

State

32301

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Center for  
Fiscal & Economic Policy

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Community Affairs

Committee

SB 1492

Bill Number or Topic

Amendment Barcode (if applicable)

Name Carolyn Johnson

Phone 521-1200

Address 136 S Bronaugh St

Street

Tallahassee FL

City

32301

State

Zip

Email

Speaking:



For



Against



Information

**OR**

Waive Speaking:



In Support



Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

FL Chamber of  
Commerce



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

SB 1492

Meeting Date

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Community Affairs  
Committee

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

772-532-1371

Address

Street

Email

City

State

Zip

Speaking:

☐ For



Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

Florida  
Rising



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

## THE FLORIDA SENATE

~~2/16/2024~~ 2/16/24  
Meeting Date

*Bill Number (if applicable)*

Amendment Barcode (if applicable)

**Zip**

Waive Speaking: ☐ In Support ☐ Against  
(The Chair will read this information into the record.)

Lobbyist registered with Legislature: ☒ Yes ☐ No

S-001 (10/14/14)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/2024

Meeting Date

SB1492

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

Name

Laura Munoz

Phone

Address

Street

Lake North FL

City

State

33460

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

FLSP

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

1492

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Jim Spratt

Phone

850-228-1296

Address

1195 Monroe St

Email

jimemagnoliastrategiesllc.com

Street

TLH

FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

FLORIDA Nursery, Growers & Landscape Association

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

02/06/24

Meeting Date

Community Affairs

Committee

SB1492

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Paula Muñoz

Phone

9549806411

Address

601 Ives Dairy Rd

Street

Miam

City

FL

State

33179

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☐

I am a registered lobbyist,  
representing:

☒

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date

Community Affairs  
Committee

SB 1492  
Bill Number or Topic

Name Andrew Walmsley Phone 202-430-0188

Address 310 W college ave Email —

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

FL Farm Bureau

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24

Meeting Date

Comm. Affairs

Committee

SB 1492

Bill Number or Topic

Amendment Barcode (if applicable)

Name William Lawson

Phone 407-257-6081

Address 3622 Hedgewood Dr

Email WLAWSON@FLAFLC10.ORG

Street

Winter Pk.

City

FL

State

32792

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

FL AFL-CIO

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



The Florida Senate

**APPEARANCE RECORD**

SB 1492

6 FEB 24

Meeting Date

COMM. AFFAIRS

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name ERIC BIGGINS

Phone 904-537-3477

Address 2612 W 25th St  
Street

Email ewbiggins@yahoo.com

JAX  
City

FL  
State

32209  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by: IBEW 49177

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

2/6/24

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

1492

Bill Number or Topic

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Comm Affairs

Committee

Amendment Barcode (if applicable)

Name

NR Hines

Phone

786-363-1104

Address

Street

Email

nhines@aclufl.org

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Aclu of Florida

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

2/6/24  
Meeting Date

1492  
Bill Number or Topic

community Affairs  
Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name TRISH NEELY Phone \_\_\_\_\_

Address 2024 SHANGRI LA LANE Email \_\_\_\_\_  
Street

Tally 32303  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

LWVFL

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date

Community Affairs  
Committee

1492  
Bill Number or Topic

Amendment Barcode (if applicable)

Name Tripp Hunter

Phone 850-408-6092

Address 119 S Monroe  
Street

Email Tripp.Hunter@FFVA.com

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Florida Fruit & Vegetable Assn.

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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~~88~~ Feb 6 2021

Meeting Date

Community Affairs

Committee

SB 1492

Bill Number or Topic

Amendment Barcode (if applicable)

Name

JONATHAN Webber

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City

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State

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Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

SPLC Action Fund

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24 3 pm

Meeting Date

Community Affairs

Committee

The Florida Senate

# APPEARANCE RECORD

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1492

Bill Number or Topic

Amendment Barcode (if applicable)

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## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**SIERRA CLUB FLORIDA**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

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S-001 (08/10/2021)

The Florida Senate  
**APPEARANCE RECORD**

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1492

Bill Number or Topic

2/6/24

Meeting Date

Commonly Affair

Committee

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Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. 511.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

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2/6/24

Meeting Date

SB 1492

Bill Number or Topic

Community Affairs

Committee

Amendment Barcode (if applicable)

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State

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OR

Waive Speaking: ☒ In Support ☐ Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Associated General  
Contractors

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/CS/SB 1532

INTRODUCER: Community Affairs Committee, Environment and Natural Resources Committee, and Senator Brodeur

SUBJECT: Mitigation

DATE: February 7, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Barriero	Rogers	EN	<b>Fav/CS</b>
2.	Barriero	Ryon	CA	<b>Fav/CS</b>
3.			RC	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 1532 expands the water quality enhancement credit program to allow private entities to purchase credits. Currently, only governmental entities may purchase water quality enhancement credits under the program. Specifically, the bill provides that water quality enhancement credits may be sold to private and governmental entities seeking to meet an assigned basin management action plan allocation or reasonable assurance plan or for the purpose of achieving net improvement performance standards after reasonable assurances have been provided for the design and construction of all onsite stormwater management required by law.

Regarding mitigation banking, the bill allows limited use of local government land for private mitigation banks, provided that the private mitigation banks are located in credit-deficient basins and would produce certain habitat type credits that are unavailable or insufficient in such basins. A local government with land in a credit-deficient basin may consider a proposal from a private entity for the right to establish a mitigation bank on the local government land, including such lands purchased for conservation purposes, provided acquisition encumbrances do not exist to the contrary. The bill provides that if such a mitigation bank is to be established and operated on local government land, the local government and private applicant must enter into a use agreement that meets certain requirements.

The bill provides that, in determining the number of mitigation bank credits to be awarded to a mitigation bank established pursuant to this subsection, the proposed mitigation bank's location in or adjacent to the local government conservation lands may not increase the uniform mitigation assessment method location factor assessment and scoring value, even if the conservation status of the mitigation bank land is improved due to such location.

## II. Present Situation:

### Mitigation Banking

Mitigation may be required to offset the adverse impacts caused by regulated activities.<sup>1</sup> Mitigation usually consists of restoration, enhancement, creation, or preservation of wetlands, other surface waters, or uplands.<sup>2</sup> Mitigation can be conducted on-site, off-site, through the purchase of credits from a mitigation bank, or through a combination of approaches, as long as it offsets anticipated adverse impacts to wetlands and other surface waters.<sup>3</sup> Offsite regional mitigation is mitigation on an area of land off the site of a permitted activity, where an applicant proposes to mitigate the adverse impacts of only the applicant's specific activity as a requirement of the permit, which provides regional ecological value and which is not a mitigation bank.<sup>4</sup>

Mitigation banking is a practice in which an environmental enhancement and preservation project is conducted by a public agency or private entity to provide mitigation for unavoidable wetland impacts within a defined mitigation service area.<sup>5</sup> Mitigation banks are alternative to permittee-responsible mitigation.<sup>6</sup> Permittee-responsible mitigation refers to mitigation undertaken by the permittee to provide compensatory mitigation for which the permittee retains full responsibility.<sup>7</sup> If mitigation credits are not available, state law allows permittee-responsible mitigation consisting of the restoration and enhancement of lands conservation lands owned by a local government.<sup>8</sup>

In mitigation banking, the bank is the site itself, and the currency sold by the banker to the impact permittee is a credit, representing the wetland ecological value equivalent to the complete restoration of one acre.<sup>9</sup> The permitting agencies determine the number of potential credits permitted for the bank and the credit debits required for impact permits.<sup>10</sup>

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<sup>1</sup> DEP, *ERP Applicant's Handbook*, Vol. I, s. 10.3 (2020), available at <https://www.flrules.org/gateway/reference.asp?No=Ref-12078>.

<sup>2</sup> *Id.* at s. 10.3.1.

<sup>3</sup> *Id.* at s. 10.3.1.2.

<sup>4</sup> Section 373.403(22), F.S.

<sup>5</sup> DEP, *Mitigation and Mitigation Banking*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation-and-mitigation-banking> (last visited Jan. 11, 2024). "Mitigation service area" means the geographic area within which mitigation credits from a mitigation bank may be used to offset adverse impacts of activities regulated under this part. Section 373.403(21), F.S.

<sup>6</sup> Section 373.4135(1)(b), F.S.

<sup>7</sup> EPA, *Mechanisms for Providing Compensatory Mitigation under CWA Section 404*, <https://www.epa.gov/cwa-404/mechanisms-providing-compensatory-mitigation-under-cwa-section-404> (last visited Jan. 11, 2024).

<sup>8</sup> Section 373.4135(1)(b), F.S.

<sup>9</sup> DEP, *Mitigation and Mitigation Banking*.

<sup>10</sup> *Id.*

The Uniform Mitigation Assessment Method (UMAM) was established to fulfill the mandate of s. 373.414(18), F.S., which requires the establishment of a uniform mitigation assessment method to determine the amount of mitigation needed to offset adverse impacts to wetlands and other surface waters and to award and deduct mitigation bank credits. UMAM provides a standardized procedure for assessing the ecological functions provided by wetlands and other surface waters, the amount that those functions are reduced by a proposed impact, and the amount of mitigation necessary to offset that loss.<sup>11</sup> UMAM evaluates functions through consideration of an ecological community's current condition, hydrologic connection, uniqueness, location, fish and wildlife utilization, and mitigation risk.<sup>12</sup> This standardized methodology is also used to determine the degree of improvement in ecological value of proposed mitigation bank activities.<sup>13</sup>

Creation of a mitigation bank in Florida requires both a permit from DEP or a WMD and federal approval of a mitigation bank instrument from several agencies led by the U.S. Army Corps of Engineers (USACE), in a joint state/federal interagency review team.<sup>14</sup> Requirements for mitigation bank permits differ between mitigation bank instruments issued by the USACE and state permits issued by DEP or WMDs. Under the federal process, a mitigation banking instrument serves as the legal document for the establishment, operation, and use of a mitigation bank.<sup>15</sup> They are approved by an interagency review team, through procedures involving public notice and comment.<sup>16</sup> Mitigation banking instruments must include certain detailed elements, such as a comprehensive mitigation plan including financial assurances, and a credit release schedule that is tied to the achievement of specific milestones.<sup>17</sup>

Under state law, to obtain a mitigation bank permit, the applicant must provide reasonable assurance that the mitigation bank will:

- Improve ecological conditions of the regional watershed;
- Provide viable and sustainable ecological and hydrological functions for the proposed mitigation service area;
- Be effectively managed in perpetuity;
- Not destroy areas with high ecological value;
- Achieve mitigation success; and
- Be adjacent to lands that will not adversely affect the long-term viability of the mitigation bank due to unsuitable land uses or conditions.<sup>18</sup>

The applicant must also provide reasonable assurances that:

- Any surface water management system that will be constructed, altered, operated, maintained, abandoned, or removed within a mitigation bank will meet the requirements of

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<sup>11</sup> DEP, *The Uniform Mitigation Assessment Method (UMAM)*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/uniform-mitigation-assessment> (last visited Jan. 12, 2024).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> DEP, *Mitigation Banking Rule and Procedure Synopsis*, <https://floridadep.gov/water/submerged-lands-environmental-resources-coordination/content/mitigation-banking-rule-and> (last visited Jan. 11, 2024).

<sup>15</sup> 33 C.F.R. s. 332.2.

<sup>16</sup> 33 C.F.R. s. 332.8; 40 C.F.R. s. 230.98.

<sup>17</sup> See generally 33 C.F.R. s. 332.8(d)(6); see also 40 C.F.R. s. 230.98(d)(6).

<sup>18</sup> Section 373.4136(1), F.S.

Part IV of Chapter 373, F.S., which regulates management and storage of surface waters, and rules adopted thereunder;

- The applicant has sufficient legal or equitable interest in the property to ensure perpetual protection and management of the land within a mitigation bank; and
- The applicant can meet the financial responsibility requirements prescribed for mitigation banks.<sup>19</sup>

### **Water Quality Credit Trading**

Water quality credit trading is a market-based approach to attaining water quality improvements and is used to control and mitigate pollutants from multiple sources that collectively impact water quality conditions.<sup>20</sup> When more stringent regulatory standards are put in place, water quality trading allows one source of pollution to control a pollutant at levels greater than required and sell “credits” to another source, which uses the credits to supplement their level of treatment in order to comply with regulatory requirements. Pollutant reductions achieved through water quality trading should result in water quality that is as good as—or better than—what would be achieved through treatment and must not create pollutant hot spots.<sup>21</sup>

Water quality trading can encourage private investment capital, provide additional resources for conservation, and serve as a catalyst for developing innovative, practical solutions for improving water quality at a lower cost.<sup>22</sup> Water quality trading has played a critical role in implementing TMDLs and other water quality-based permit requirements.<sup>23</sup>

The Florida Statutes provide a framework for water quality credit trading in the state. DEP is the agency responsible for authorizing water quality credit trading in adopted BMAPs and for establishing the pollutant load reduction value of water quality credits.<sup>24</sup> However, DEP cannot participate in the establishment of credit prices.<sup>25</sup> Sellers of credits are responsible for achieving the load reductions on which the credits are based and complying with the terms of DEP’s authorization and any trading agreements into which they have entered; buyers are responsible for complying with the terms of the water discharge permit.<sup>26</sup> Land set-asides and land use modification not otherwise required by state law or a permit that reduce nutrient loads into impaired surface waters may be used for water quality credit trading.<sup>27</sup>

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<sup>19</sup> *Id.*; Fla. Admin. Code R. 62-342.400.

<sup>20</sup> EPA, *Water Quality Trading*, <https://www.epa.gov/npdes/water-quality-trading> (last visited Jan. 10, 2024).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Section 403.067(8), F.S.

<sup>25</sup> Section 403.067(8)(h), F.S.

<sup>26</sup> Section 403.067(8), F.S. Water quality credit trading must be implemented through permits, including water quality credit trading permits, other authorizations, or other legally binding agreements as establish by DEP rule. *Id.*

<sup>27</sup> *Id.*

### Water Quality Enhancement Areas (WQEAs)

Section 373.4134, F.S., regulates water quality enhancement areas.<sup>28</sup> A WQEA is a natural system<sup>29</sup> designed to provide offsite, compensatory, regional treatment within an identified enhancement service area, for which enhancement credits may be provided.<sup>30</sup> A WQEA must use, create, or improve natural systems to improve water quality and must address contributions of pollutants or other constituents in the watershed, basin, sub-basin, targeted restoration area, waterbody, or section of waterbody in which the WQEA is located that do not meet applicable state water quality criteria.<sup>31</sup>

The construction, operation, management, and maintenance of a WQEA must be approved through the state's environmental resource permitting (ERP) process.<sup>32</sup> Part IV of Chapter 373, F.S., and Chapter 62-330 of the Florida Administrative Code regulate the statewide ERP program, which is the primary tool used by DEP and water management districts (WMDs) for preserving natural resources and fish and wildlife, minimizing degradation of water resources caused by stormwater discharges, and providing for the management of water and related land resources. The program governs the construction, alteration, operation, maintenance, repair, abandonment, and removal of stormwater management systems, dams, impoundments, reservoirs, appurtenant works, and other works such as docks, piers, structures, dredging, and filling located in, on, or over wetlands or other surface waters.<sup>33</sup>

To obtain a WQEA permit, an applicant must provide reasonable assurances that the proposed WQEA will:

- Meet the requirements for issuance of an ERP;
- Benefit water quality in the enhancement service area;
- Achieve defined performance or success criteria for the reduction of pollutants or other constituents that prevent receiving waters from meeting state water quality criteria;
- Ensure long-term pollutant reduction through effective operation and maintenance in perpetuity by designation of a responsible long-term maintenance entity supported by an endowment or other long-term financial assurance sufficient to assure perpetual operation and maintenance;
- Demonstrate sufficient legal or equitable interest in the property to ensure access and perpetual protection and management of land within the WQEA; and
- Provide for permanent preservation of the site through a conservation easement.<sup>34</sup>

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<sup>28</sup> This section of law may only be implemented after DEP has adopted applicable rules. Section 373.4134(9), F.S. DEP initiated WQEA rulemaking in November 2023. DEP, *WQEA Rulemaking*, <https://floridadep.gov/water/engineering-hydrology-geology/content/water-quality-enhancement-area-rulemaking> (last visited Jan. 11, 2024).

<sup>29</sup> "Natural system" means an ecological system supporting aquatic and wetland-dependent natural resources, including fish and aquatic and wetland-dependent wildlife habitats. Section 373.4134(2)(c), F.S.

<sup>30</sup> Section 373.4134(2)(d), F.S.

<sup>31</sup> Section 373.4134(3)(c) and (d), F.S.

<sup>32</sup> Section 373.4134(3)(a), F.S.

<sup>33</sup> Fla. Admin. Code R. 62-330.010(2).

<sup>34</sup> Section 373.4134(4)(a), F.S.

WQEA permits must provide for the assessment, valuation, and award of credits based on units of pollutant removed.<sup>35</sup> DEP determines the award of enhancement credits based on standard numerical models or analytical tools that establish the WQEA's ability to remove pollutants or constituents.<sup>36</sup> WQEA applications must include the following information to assist DEP in determining credits:

- Rainfall data over the longest period of record available collected from the closest site to the proposed WQEA;
- Anticipated average annual water quality and quantity inflows to the proposed WQEA;
- Site-specific conditions affecting the anticipated performance of the proposed WQEA; and
- Data from collection stations approved by DEP in sites that DEP deems sufficient to determine flows and local water quality conditions.<sup>37</sup>

WQEA enhancement credits<sup>38</sup> may only be sold to governmental entities<sup>39</sup> seeking to meet an assigned basin management action plan allocation or reasonable assurance plan,<sup>40</sup> or for the purpose of achieving net water quality improvement under s. 373.414(1)(b)3., F.S.,<sup>41</sup> after the governmental entity has provided reasonable assurance of meeting DEP rules for the design and construction of all onsite stormwater management.<sup>42</sup>

An applicant seeking a WQEA permit is required to submit a plan detailing the monitoring and verification of performance and success criteria, with protocols to be implemented once the WQEA is operational.<sup>43</sup> The protocols must be appropriate for the WQEA and sufficient to demonstrate that the area is meeting defined performance or success criteria for the reduction of pollutants or contaminants for which credits are awarded by DEP.<sup>44</sup>

An applicant may use water quality improvement projects that use natural systems or land use modifications, including constructed wetlands or minor impoundments that reduce pollutants to a receiving water body, to generate credits if approved by DEP.<sup>45</sup> A WQEA may not be located on

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<sup>35</sup> Section 373.4134(4)(b), F.S.

<sup>36</sup> Section 373.4134(4)(c), F.S.

<sup>37</sup> Section 373.4134(4)(c)4., F.S.

<sup>38</sup> "Enhancement credit" means a standard unit of measure that represents a quantity of pollutant removed. Section 373.4134(2)(a), F.S.

<sup>39</sup> "Governmental entity" means any political subdivision of the state, including any state agency, department, county, municipality, special district, school district, utility authority, or other authority or instrumentality, agency, unit, or department thereof. Section 373.4134(2)(b), F.S.

<sup>40</sup> Basin management action plans and reasonable assurance plans are water quality improvement plans designed to reduce or eliminate pollutant loadings and restore specific water bodies to meet state water quality standards. *See generally* DEP, *Basin Management Action Plans (BMAPs)*, <https://floridadep.gov/dear/water-quality-restoration/content/basin-management-action-plans-bmaps> (last visited Jan. 12, 2024); DEP, *Alternative Restoration Plans*, <https://floridadep.gov/DEAR/Alternative-Restoration-Plans> (last visited Jan. 12, 2024).

<sup>41</sup> Section 373.4134(1)(d)3., F.S., provides that if an applicant is unable to meet water quality standards because existing ambient water quality does not meet standards, the governing board or DEP must consider mitigation measures proposed by or acceptable to the applicant that cause net improvement of the water quality in the receiving body of water for those parameters which do not meet standards.

<sup>42</sup> Section 373.4134(3)(b), F.S.

<sup>43</sup> Section 373.4134(6)(a), F.S.

<sup>44</sup> *Id.*

<sup>45</sup> Section 373.4134(7)(c), F.S.

lands purchased for conservation through the Florida Forever Act or Florida Preservation 2000 Act.<sup>46</sup>

DEP must establish a service area for each WQEA.<sup>47</sup> Enhancement credits may only be used to address adverse impacts within the service area. The boundaries of the service area depend upon the geographic areas where it could reasonably be expected to address adverse impacts. Service areas may overlap, and service areas for two or more WQEAs may be approved for a regional watershed.<sup>48</sup>

Reductions in pollutant loading required under state regulatory programs are not eligible to be considered as credits, and credits may not be used by point source dischargers to satisfy regulatory requirements other than those necessary to obtain an ERP for construction and operation of the surface water management system of the site.<sup>49</sup>

### III. Effect of Proposed Changes:

**Section 1** amends s. 373.4134, F.S., regarding water quality enhancement areas (WQEAs). Currently, water quality enhancement credits may *only* be sold to governmental entities seeking to meet an assigned basin management action plan (BMAP) allocation or reasonable assurance plan (RAP) or for the purpose of achieving net improvement under s. 373.414(1)(b)3., F.S., after the governmental entity has provided reasonable assurance of meeting the Department of Environmental Protection (DEP) rules for design and construction of all onsite stormwater management.<sup>50</sup> The bill removes the word “only” and provides that water quality enhancement credits may be sold to *applicants* seeking to meet an assigned BMAP allocation or RAP or for the purpose of achieving net improvement performance standards after reasonable assurances have been provided for the design and construction of all onsite stormwater management required by law. The bill defines “applicants” as a governmental entity or private sector entity that wishes to purchase water quality enhancement credits to meet an assigned basin management action plan allocation or reasonable assurance plan or for the purpose of achieving the net improvement performance standard under s. 373.414(1)(b)3., F.S.

The bill makes other conforming changes to reflect these principles.

**Section 2** amends s. 373.4135, F.S., regarding mitigation banks and offsite regional mitigation. The bill directs DEP and water management districts (WMDs) to encourage the establishment of private mitigation banks and offsite regional mitigation on lands owned by a local government, when such lands are located in a credit-deficient basin and the proposed mitigation bank or offsite regional mitigation would provide one or more of the deficient habitat type credits described in this bill. Currently, this statute directs DEP and WMDs to participate in and encourage the establishment of private and public mitigation banks and offsite regional mitigation.

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<sup>46</sup> *Id.*

<sup>47</sup> Section 373.4134(5), F.S.

<sup>48</sup> *Id.*

<sup>49</sup> Section 373.4134(7)(e) and (f), F.S.

<sup>50</sup> Section 373.4134(3)(b), F.S.



The bill provides that it is the intent of the Legislature to allow limited use of local government land, including lands acquired for conservation, for private sector mitigation banks, provided that the private mitigation banks are located in credit-deficient basins and would produce the habitat type credits that are unavailable or insufficient in such basins. “Local government” includes a county,<sup>51</sup> municipality,<sup>52</sup> or special district<sup>53</sup> as those terms are defined in s. 165.031, F.S.

The bill provides that a basin is considered to be a credit-deficient basin if it is a drainage basin or a corresponding hydrologic code,<sup>54</sup> and has all of the following features:

- At least one mitigation bank has been permitted and established on lands not owned by a governmental entity, and that mitigation bank no longer has one of the habitat type credits listed below available for purchase;
- There is a documented shortage of either forested freshwater, non-forested freshwater, forested saltwater, or non-forested saltwater habitat type credits; and
- Pending mitigation bank applications on private land or pending credit releases from mitigation banks on nongovernmental land are unlikely to alleviate the credit shortage.

The bill provides that a local government with land in a credit-deficient basin may, through the public procurement processes identified in chapter 287, F.S., or other established competitive procurement processes, consider a proposal from a private entity applicant for the right to establish a mitigation bank on the local government land, including such lands purchased for conservation purposes, provided acquisition encumbrances do not exist to the contrary.

The bill provides that if such a mitigation bank is to be established and operated on local government land, the local government and private applicant must enter into a use agreement that meets the requirements of this bill and that requires the private applicant to establish and operate the mitigation bank in conformance with the permitting requirements of s. 373.4136, F.S., regarding the establishment and operation of mitigation banks, and the rules adopted thereunder. The use agreement must:

- Include a requirement that the local government landowner assume the role of long-term steward of the property, and state that the landowner will grant a conservation easement or substantially similar recordable instrument in favor of the permitting agency, if a conservation easement or substantially similar recordable instrument acceptable to the permitting agency does not already exist; and
- Include a requirement for the private applicant to do all of the following:

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<sup>51</sup> “County” means a political subdivision of the state established pursuant to s. 1, Art. VIII of the State Constitution. Section 165.031(1), F.S.

<sup>52</sup> “Municipality” means a municipality created pursuant to general or special law authorized or recognized pursuant to s. 2 or s. 6, Art. VIII of the State Constitution. Section 165.031(3), F.S.

<sup>53</sup> “Special district” means a local unit of special government, including dependent and independent special districts. Section 165.031(7), F.S.

<sup>54</sup> A hydrologic unit is a geographic area defined by an area’s natural hydrological properties, primarily its drainage patterns. See generally U.S. Geological Survey (USGS), *Hydrologic Unit Maps*, <https://water.usgs.gov/GIS/huc.html> (last visited Jan. 11, 2024). The U.S. is divided and sub-divided into successively smaller hydrologic units, which are classified into four levels: regions, subregions, accounting units, and cataloging units. *Id.* A “hydrologic unit code” or “HUC” means the hydrologic cataloging unit assigned to a geographic area representing a surface watershed drainage basin. Each unit is assigned a two- to 12-digit number that uniquely identifies each of the six levels of classification within six two-digit fields. United States Geological Survey (USGS), *Hydrologic Unit Codes (HUCs) Explained*, <https://nas.er.usgs.gov/hucs.aspx> (last visited Feb. 6, 2024).



- Provide bid and performance security instruments for a minimum of 5 percent of the total bid amount, to ensure that a use agreement with the local government is executed and a mitigation bank permit is applied for by the private applicant.
- Operate and maintain the mitigation bank until final permit success criteria are met, as permitted by the department or water management district.
- Agree to establish financial assurance for long-term management in an amount agreeable to the local government landowner and as provided for in rules adopted pursuant to this section and s. 373.4136, F.S., for use by the local government as the long-term steward of the land, after the mitigation bank final environmental resource permit success criteria are met. The private sector applicant may also use an endowment to provide financial assurances.
- Acknowledge that denial of the state mitigation bank permit application will terminate the use agreement.
- Acknowledge that failure to obtain the mitigation bank permit within two years after the use agreement execution date will terminate the use agreement, unless it is extended for good cause by the local government.

The bill provides that public funds may not be used to fund the financial assurances for construction and implementation of the mitigation bank or for the establishment of the long-term management financial assurances.

The bill provides that, in determining the number of mitigation bank credits to be awarded to a mitigation bank established pursuant to this subsection, the proposed mitigation bank's location in or adjacent to the local government conservation lands may not increase the uniform mitigation assessment method location factor assessment and scoring value, even if the conservation status of the mitigation bank land is improved due to such location.

The bill provides that credit deficiency is confirmed at the time the use agreement is executed by the parties. Once confirmed, the mitigation bank application may proceed, even if the deficiency is relieved. The bill also allows DEP, in coordination with WMDs, to adopt rules to implement this subsection.

**Section 3** reenacts s. 403.9332(1)(a) and (c), F.S., regarding mitigation and enforcement, for the purpose of incorporating the amendment the bill makes to s. 373.4135, F.S.

**Section 4** provides an effective date of July 1, 2024.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

None.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

There may be a positive fiscal impact to private entities creating and maintaining mitigation banks on public lands and applicants participating in the expanded water quality enhancement area (WQEA) credit program.

C. Government Sector Impact:

There may be a positive fiscal impact to the state from additional WQEA permit application fees. However, the Department of Environmental Protection may incur costs to implement the expanded the WQEA program.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 373.4134, 373.4135, and 403.9332.

**IX. Additional Information:**

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS/CS by Community Affairs on February 6, 2024:**

- Narrows the types of lands on which private mitigation banks and offsite regional mitigation may be established to those local government lands located in a credit-deficient basin where certain types of credits are unavailable or insufficient;
- Provides criteria for a basin to be considered credit-deficient;

- Provides that a local government with land in a credit-deficient basin may consider proposals from private applicants to establish a mitigation bank on local government land, provided acquisition encumbrances do not exist to the contrary;
- Removes requirement that a private applicant pay a usage fee to the local government when a private mitigation bank is located on public land;
- Provides that public funds may not be used to fund the financial assurances required under the bill;
- Prohibits considering a proposed mitigation bank's location relative to local government conservation lands when determining the mitigation credits to be awarded;
- Provides that credit deficiency is confirmed at the time the use agreement is executed;
- Allows the Department of Environmental Protection to adopt rules to implement this bill; and
- Changes the term "private-sector sponsor" to "private applicant" and removes the definition for the former.

Regarding the use agreement:

- Requires the local government to assume the role of long-term steward of the property and grant a conservation easement in favor of the permitting agency;
- Requires the private applicant to:
  - Provide bid and performance security instruments for a minimum of 5 percent of the total bid amount;
  - Operate and maintain the mitigation bank until final permit success criteria are met;
  - Agree to establish financial assurance for long-term management for use by the local government as the long-term steward of the land; and
  - Acknowledge that denial of the application or failure to obtain the permit within two years will terminate the use agreement.

**CS by Environment and Natural Resources on January 17, 2024:**

- Changes the term "sponsor" to "private-sector sponsor";
- Defines the term "applicant" and provides it includes governmental and private entities;
- Provides that applicants can purchase water quality enhancement credits to meet an allocation pursuant to a basin management action plan or reasonable assurance plan, as well as to achieve net improvement performance standards as the bill currently provides;
- Changes the phrase "as required by rule 62-330, Florida Administrative Code" to "as required by law";
- Clarifies that the Department of Environmental Protection and water management districts must encourage the establishment of private mitigation banks on private and public lands owned by a local government;
- Removes requirement that governmental entities must consider unsolicited proposals for a mitigation bank and clarifies that a local government may solicit such proposals for public lands purchased for conservation purposes; and

- Clarifies that a governmental entity may create or provide for mitigation for projects other than its own when a local government has allowed a mitigation project, including permittee-responsible mitigation, on conservation lands.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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490056

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/07/2024	.	
	.	
	.	
	.	

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The Committee on Community Affairs (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Present paragraphs (a) through (e) of subsection (2) of section 373.4134, Florida Statutes, are redesignated as paragraphs (b) through (f), respectively, a new paragraph (a) is added to that subsection, and paragraphs (b), (d), and (e) of subsection (1), paragraph (b) of subsection (3), and paragraphs (a) and (j) of subsection (7) of that section are amended, to



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read:

373.4134 Water quality enhancement areas.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds that:

(b) An expansion of existing authority for regional treatment to include offsite compensatory treatment in water quality enhancement areas to make enhancement credits available for purchase by an applicant ~~governmental entities~~ to address impacts regulated under this part is needed.

(d) Water quality enhancement areas are a valuable tool to assist an applicant ~~governmental entities~~ in satisfying the net improvement performance standard under s. 373.414(1)(b)3. to ensure significant reductions of pollutant loadings.

(e) Water quality enhancement areas that provide water quality enhancement credits to applicants ~~governmental entities~~ seeking permits under this part and to governmental entities seeking to meet an assigned basin management action plan allocation or reasonable assurance plan under s. 403.067 are considered an appropriate and permissible option.

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

(a) "Applicant" means a governmental or private sector entity that wishes to purchase water quality enhancement credits to meet an assigned basin management action plan allocation or reasonable assurance plan or for the purpose of achieving the net improvement performance standard under s. 373.414(1)(b)3.

(3) WATER QUALITY ENHANCEMENT AREAS.—

(b) Water quality enhancement credits may be sold ~~only~~ to applicants ~~governmental entities~~ seeking to meet an assigned basin management action plan allocation or reasonable assurance



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plan or for the purpose of achieving net improvement performance standards under s. 373.414(1)(b)3. after ~~the governmental entity has provided~~ reasonable assurances have been provided for the assurance of meeting department rules for design and construction of all onsite stormwater management, as required by law.

(7) ENHANCEMENT CREDITS.—

(a) The department or water management district shall authorize the sale and use of enhancement credits to applicants ~~governmental entities~~ to address adverse water quality impacts of activities regulated under this part or to assist governmental entities seeking to meet required nonpoint source contribution reductions assigned in a basin management action plan or reasonable assurance plan under s. 403.067.

(j) Notwithstanding any other law, this section does not limit or restrict the authority of the department to deny the use of enhancement credits when the department is not reasonably assured that the use of the credits will not cause or contribute to a violation of water quality standards, even if the project being implemented by the applicant ~~governmental entity~~ is within the enhancement service area. The department may allow the use of enhancement credits if the department receives a request for the use of enhancement credits and determines that such use will not cause or contribute to a violation of water quality standards.

Section 2. Subsection (1) of section 373.4135, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

373.4135 Mitigation banks and offsite regional mitigation.—



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(1) The Legislature finds that the adverse impacts of activities regulated under this part may be offset by the creation, maintenance, and use of mitigation banks and offsite regional mitigation. Mitigation banks and offsite regional mitigation can enhance the certainty of mitigation and provide ecological value due to the improved likelihood of environmental success associated with their proper construction, maintenance, and management. Therefore, the department and the water management districts are directed to ~~participate in and~~ encourage the establishment of private ~~and public~~ mitigation banks and offsite regional mitigation on lands owned by a local government, when such lands are located in a credit-deficient basin as defined in paragraph (8)(a) and the proposed mitigation bank or offsite regional mitigation would provide one or more of the deficient habitat type credits described in subparagraph (8)(a)2. Mitigation banks and offsite regional mitigation should emphasize the restoration and enhancement of degraded ecosystems and the preservation of uplands and wetlands as intact ecosystems rather than alteration of landscapes to create wetlands. This is best accomplished through restoration of ecological communities that were historically present.

(a) The Legislature intends that the provisions for establishing mitigation banks apply equally to both public and private entities, except that the rules of the department and water management districts may set forth different measures governing financial responsibility, and different measures governing legal interest, needed to ensure the construction and perpetual protection of a mitigation bank.

(b) The Legislature recognizes the importance of mitigation





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banks as an appropriate and allowable mitigation alternative to permittee-responsible mitigation. However, the Legislature also recognizes that certain timing and geographical constraints could result in the unavailability of mitigation bank credits for a certain project upon completion of the project's application. If state and federal mitigation credits are not available to offset the adverse impacts of a project, a local government may allow permittee-responsible mitigation consisting of the restoration or enhancement of lands purchased and owned by a local government for conservation purposes, and such mitigation must conform to the permitting requirements of s. 373.4136. Except when a local government has allowed a public or private mitigation project to be created on land it has purchased for conservation purposes pursuant to this paragraph, a governmental entity may not create or provide mitigation for a project other than its own unless the governmental entity uses land that was not previously purchased for conservation and unless the governmental entity provides the same financial assurances as required for mitigation banks permitted under s. 373.4136. This paragraph does not apply to:

1. Mitigation banks permitted before December 31, 2011, under s. 373.4136;

2. Offsite regional mitigation areas established before December 31, 2011, under subsection (6) or, when credits are not available at a mitigation bank permitted under s. 373.4136, mitigation areas created by a local government which were awarded mitigation credits pursuant to the uniform mitigation assessment method as provided in chapter 62-345, Florida Administrative Code, under a permit issued before December 31,



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2011;

3. Mitigation for transportation projects under ss.  
373.4137 and 373.4139;

4. Mitigation for impacts from mining activities under s.  
373.41492;

5. Mitigation provided for single-family lots or homeowners  
under subsection (7);

6. Entities authorized in chapter 98-492, Laws of Florida;

7. Mitigation provided for electric utility impacts  
certified under part II of chapter 403; or

8. Mitigation provided on sovereign submerged lands under  
subsection (6).

(c) It is the further intent of the Legislature that  
mitigation banks and offsite regional mitigation be considered  
appropriate and a permittable mitigation option under the  
conditions specified by the rules of the department and water  
management districts.

(d) Offsite mitigation, including offsite regional  
mitigation, may be located outside the regional watershed in  
which the adverse impacts of an activity regulated under this  
part are located, if such adverse impacts are offset by the  
offsite mitigation.

(e) The department or water management district may allow  
the use of a mitigation bank or offsite regional mitigation  
alone or in combination with other forms of mitigation to offset  
adverse impacts of activities regulated under this part.

(f) When an applicant seeking ~~for~~ a permit under ~~the~~  
~~provisions of~~ this part other than this section and s. 373.4136  
submits more than one mitigation proposal to the department or a



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water management district, the department or water management district shall, in evaluating each proposal, ensure that such proposal adequately offsets the adverse impacts.

(8) It is the intent of the Legislature to allow limited use of local government land, including lands acquired for conservation, for private sector mitigation banks, provided that the private mitigation banks are located in credit-deficient basins and would produce the habitat type credits that are unavailable or insufficient in such basins. As used in this subsection, the term "local government" includes a county, municipality, or special district as those terms are defined in s. 165.031.

(a) A basin is considered to be a credit-deficient basin if it is a drainage basin or a corresponding hydrologic code, and has all of the following features:

1. At least one mitigation bank has been permitted and established on lands not owned by a governmental entity, and that mitigation bank no longer has one of the habitat type credits listed in subparagraph 2. available for purchase;

2. There is a documented shortage of either forested freshwater, non-forested freshwater, forested saltwater, or non-forested saltwater habitat type credits; and

3. Pending mitigation bank applications on private land or pending credit releases from mitigation banks on nongovernmental land are unlikely to alleviate the credit shortage.

(b) A local government with land in a credit-deficient basin may, through the public procurement processes identified in chapter 287 or other established competitive procurement processes, consider a proposal from a private entity applicant



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for the right to establish a mitigation bank on the local government land, including such lands purchased for conservation purposes, provided acquisition encumbrances do not exist to the contrary.

(c) If such a mitigation bank is to be established and operated on local government land, the local government and private applicant must enter into a use agreement that meets the requirements of this paragraph and that requires the private applicant to establish and operate the mitigation bank in conformance with the permitting requirements of s. 373.4136, and the rules adopted thereunder. The use agreement must:

1. Include a requirement that the local government landowner assume the role of long-term steward of the property, and state that the landowner will grant a conservation easement or substantially similar recordable instrument pursuant to s. 704.06, in favor of the permitting agency, if a conservation easement or substantially similar recordable instrument acceptable to the permitting agency does not already exist; and

2. Include a requirement for the private applicant to do all of the following:

a. Provide bid and performance security instruments for a minimum of 5 percent of the total bid amount, to ensure that a use agreement with the local government is executed and a mitigation bank permit is applied for by the private applicant.

b. Operate and maintain the mitigation bank until final permit success criteria are met, as permitted by the department or water management district.

c. Agree to establish financial assurance for long-term management in an amount agreeable to the local government



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landowner and as provided for in rules adopted pursuant to this section and s. 373.4136, for use by the local government as the long-term steward of the land, after the mitigation bank final environmental resource permit success criteria are met. The private sector applicant may also use an endowment to provide financial assurances.

d. Acknowledge that denial of the state mitigation bank permit application will terminate the use agreement.

e. Acknowledge that failure to obtain the mitigation bank permit within 2 years after the use agreement execution date will terminate the use agreement, unless it is extended for good cause by the local government.

(f) Public funds may not be used to fund the financial assurances for construction and implementation of the mitigation bank or for the establishment of the long-term management financial assurances.

(g) In determining the number of mitigation bank credits to be awarded to a mitigation bank established pursuant to this subsection, the proposed mitigation bank's location in or adjacent to the local government conservation lands may not increase the uniform mitigation assessment method location factor assessment and scoring value, even if the conservation status of the mitigation bank land is improved due to such location.

(h) Credit deficiency is confirmed at the time the use agreement is executed by the parties. Once confirmed, the mitigation bank application may proceed, even if the deficiency is relieved.

(i) While not required, the department, in coordination



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with the water management districts, may adopt rules to  
implement this subsection.

Section 3. For the purpose of incorporating the amendment made by this act to section 373.4135, Florida Statutes, in references thereto, paragraphs (a) and (c) of subsection (1) of section 403.9332, Florida Statutes, are reenacted to read:

403.9332 Mitigation and enforcement.—

(1)(a) Any area in which 5 percent or more of the trimmed mangrove trees have been trimmed below 6 feet in height, except as provided in s. 403.9326(1)(c), (d), (f), (g), and (h), destroyed, defoliated, or removed as a result of trimming conducted under s. 403.9326 or s. 403.9327 must be restored or mitigated. Restoration must be accomplished by replanting mangroves, in the same location and of the same species as each mangrove destroyed, defoliated, removed, or trimmed, to achieve within 5 years a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed; or mitigation must be accomplished by replanting offsite, in areas suitable for mangrove growth, mangroves to achieve within 5 years a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed. Where all or a portion of the restoration or mitigation is not practicable, as determined by the department or delegated local government, the impacts resulting from the destruction, defoliation, removal, or trimming of the mangroves must be offset by donating a sufficient amount of money to offset the impacts, which must be used for the restoration, enhancement, creation, or preservation of mangrove wetlands within a restoration, enhancement, creation, or preservation project approved by the department or delegated local government; or by



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purchasing credits from a mitigation bank created under s.  
373.4135 at a mitigation ratio of 2-to-1 credits to affected  
area. The donation must be equivalent to the cost, as verified  
by the department or delegated local government, of creating  
mangrove wetlands at a 2-to-1, created versus affected ratio,  
based on canopy area. The donation may not be less than \$4 per  
square foot of created wetland area.

(c) If mangroves are to be trimmed or altered under a  
permit issued under s. 403.9328, the department or delegated  
local government may require mitigation. The department or  
delegated local government shall establish reasonable mitigation  
requirements that must include, as an option, the use of  
mitigation banks created under s. 373.4135, where appropriate.  
The department's mitigation requirements must ensure that  
payments received as mitigation are sufficient to offset impacts  
and are used for mangrove creation, preservation, protection, or  
enhancement.

Section 4. This act shall take effect July 1, 2024.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause  
and insert:

A bill to be entitled  
An act relating to mitigation; amending s. 373.4134,  
F.S.; revising legislative findings; defining the term  
"applicant"; revising the entities to whom and  
purposes for which water quality enhancement credits  
may be sold; requiring the Department of Environmental



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Protection or water management districts to authorize the sale and use of such credits to applicants, rather than to governmental entities, to address adverse water quality impacts of certain activities; revising construction; amending s. 373.4135, F.S.; revising legislative findings; providing legislative intent; defining the term "local government"; providing circumstances under which basins are considered to be credit-deficient basins; authorizing local governments with land in credit-deficient basins to consider bids from private-sector applicants to establish mitigation banks on such lands; requiring use agreements that meet certain requirements for such mitigation banks; prohibiting the use of public funds to fund financial assurances for certain purposes; providing that specified factors may not increase the uniform mitigation assessment method location factor assessment and scoring value in determining the number of mitigation bank credits to be awarded; providing that credit deficiency is confirmed at the time of filing a permit application; authorizing the department, in coordination with the water management districts, to adopt rules; reenacting s. 403.9332(1)(a) and (c), F.S., relating to mitigation and enforcement, to incorporate the amendments made to s. 373.4135, F.S., in references thereto; providing an effective date.



**By** the Committee on Environment and Natural Resources; and  
Senator Brodeur

592-02180-24

20241532c1

A bill to be entitled

An act relating to mitigation; reordering and amending s. 373.403, F.S.; defining the term "private-sector sponsor"; making technical changes; amending s. 373.4134, F.S.; revising legislative findings; defining the term "applicant"; revising the entities to and purposes for which water quality enhancement credits may be sold; requiring the Department of Environmental Protection or water management districts to authorize the sale and use of such credits to applicants, rather than to governmental entities, to address adverse water quality impacts of certain activities; revising construction; amending s. 373.4135, F.S.; revising legislative findings; authorizing governmental entities to solicit certain proposals for mitigation bank projects on public land; providing requirements for the proposals and for agreements between local governmental and private entities; providing requirements for the agreements; providing requirements for the department and water management districts in assigning mitigation bank credits to the bank; providing applicability; providing construction; amending ss. 330.41, 373.414, and 373.461, F.S.; conforming cross-references; reenacting s. 403.9332(1)(a) and (c), F.S., relating to mitigation and enforcement, to incorporate the amendments made to s. 373.4135, F.S., in references thereto; providing an effective date.

592-02180-24

20241532c1

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

Section 1. Section 373.403, Florida Statutes, is reordered and amended to read:

373.403 Definitions.—When appearing in this part or in any rule, regulation, or order adopted pursuant thereto, the following terms mean:

(4)~~(1)~~ “Dam” means any artificial or natural barrier, with appurtenant works, raised to obstruct or impound, or which does obstruct or impound, any of the surface waters of the state.

(2) “Appurtenant works” means any artificial improvements to a dam which might affect the safety of such dam or, when employed, might affect the holding capacity of such dam or of the reservoir or impoundment created by such dam.

(10)~~(3)~~ “Impoundment” means any lake, reservoir, pond, or other containment of surface water occupying a bed or depression in the earth’s surface and having a discernible shoreline.

(18)~~(4)~~ “Reservoir” means any artificial or natural holding area which contains or will contain the water impounded by a dam.

(23)~~(5)~~ “Works” means all artificial structures, including, but not limited to, ditches, canals, conduits, channels, culverts, pipes, and other construction that connects to, draws water from, drains water into, or is placed in or across the waters in the state.

(3)~~(6)~~ “Closed system” means any reservoir or works located entirely within agricultural lands owned or controlled by the user and which requires water only for the filling, replenishing, and maintaining the water level thereof.

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59        (1)~~(7)~~ "Alter" means to extend a dam or works beyond  
60 maintenance in its original condition, including changes which  
61 may increase or diminish the flow or storage of surface water  
62 which may affect the safety of such dam or works.

63        (12)~~(8)~~ "Maintenance" or "repairs" means remedial work of a  
64 nature as may affect the safety of any dam, impoundment,  
65 reservoir, or appurtenant work or works, but excludes routine  
66 custodial maintenance.

67        (5)~~(9)~~ "Drainage basin" means a subdivision of a watershed.

68        (21)~~(10)~~ "Stormwater management system" means a system  
69 ~~which is~~ designed and constructed or implemented to control  
70 discharges ~~which are~~ necessitated by rainfall events,  
71 incorporating methods to collect, convey, store, absorb,  
72 inhibit, treat, use, or reuse water to prevent or reduce  
73 flooding, overdrainage, environmental degradation, and water  
74 pollution or otherwise affect the quantity and quality of  
75 discharges from the system.

76        (20)~~(11)~~ "State water quality standards" means water  
77 quality standards adopted pursuant to chapter 403.

78        (22)~~(12)~~ "Watershed" means the land area that ~~which~~  
79 contributes to the flow of water into a receiving body of water.

80        (6)~~(13)~~ "Dredging" means excavation, by any means, in  
81 surface waters or wetlands, as delineated in s. 373.421(1). The  
82 term ~~It~~ also means the excavation, or creation, of a water body  
83 which is, or is to be, connected to surface waters or wetlands,  
84 as delineated in s. 373.421(1), directly or via an excavated  
85 water body or series of water bodies.

86        (9)~~(14)~~ "Filling" means the deposition, by any means, of  
87 materials in surface waters or wetlands, as delineated in s.

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373.421(1).

(8)~~(15)~~ "Estuary" means a semienclosed, naturally existing coastal body of water that ~~which~~ has a free connection with the open sea and within which seawater is measurably diluted with fresh water derived from riverine systems.

(11)~~(16)~~ "Lagoon" means a naturally existing coastal zone depression that ~~which~~ is below mean high water and that ~~which~~ has permanent or ephemeral communications with the sea, but ~~which~~ is protected from the sea by some type of naturally existing barrier.

(19)~~(17)~~ "Seawall" means a manmade wall or an encroachment, except riprap, which is made to break the force of waves and to protect the shore from erosion.

(7)~~(18)~~ "Ecological value" means the value of functions performed by uplands, wetlands, and other surface waters to the abundance, diversity, and habitats of fish, wildlife, and listed species. These functions include, but are not limited to, providing cover and refuge; breeding, nesting, denning, and nursery areas; corridors for wildlife movement; food chain support; and natural water storage, natural flow attenuation, and water quality improvement, which enhances fish, wildlife, and listed species utilization.

(13)~~(19)~~ "Mitigation bank" means a project permitted under s. 373.4136 undertaken to provide for the withdrawal of mitigation credits to offset adverse impacts authorized by a permit under this part.

(14)~~(20)~~ "Mitigation credit" means a standard unit of measure which represents the increase in ecological value resulting from restoration, enhancement, preservation, or

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creation activities.

~~(15)(21)~~ "Mitigation service area" means the geographic area within which mitigation credits from a mitigation bank may be used to offset adverse impacts of activities regulated under this part.

~~(16)(22)~~ "Offsite regional mitigation" means mitigation on an area of land off the site of an activity permitted under this part, where an applicant proposes to mitigate the adverse impacts of only the applicant's specific activity as a requirement of the permit, which provides regional ecological value, and which is not a mitigation bank permitted under s. 373.4136.

(17) "Private-sector sponsor" means an individual or entity that establishes and operates a wetland mitigation bank project and is responsible for compliance with any permit or authorization, including, but not limited to, funding and undertaking wetland enhancement, restoration or creation activities, and the provision of financial assurances, as well as any required monitoring, reporting, and maintenance of the mitigation bank.

Section 2. Present paragraphs (a) through (e) of subsection (2) of section 373.4134, Florida Statutes, are redesignated as paragraphs (b) through (f), respectively, a new paragraph (a) is added to that subsection, and paragraphs (b), (d), and (e) of subsection (1), paragraph (b) of subsection (3), and paragraphs (a) and (j) of subsection (7) of that section are amended, to read:

373.4134 Water quality enhancement areas.—

(1) LEGISLATIVE FINDINGS AND INTENT.—The Legislature finds

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146 that:

147 (b) An expansion of existing authority for regional  
148 treatment to include offsite compensatory treatment in water  
149 quality enhancement areas to make enhancement credits available  
150 for purchase by an applicant or a governmental entity ~~entities~~  
151 to address impacts regulated under this part is needed.

152 (d) Water quality enhancement areas are a valuable tool to  
153 assist an applicant ~~governmental entities~~ in satisfying the net  
154 improvement performance standard under s. 373.414(1)(b)3. to  
155 ensure significant reductions of pollutant loadings.

156 (e) Water quality enhancement areas that provide water  
157 quality enhancement credits to applicants ~~governmental entities~~  
158 seeking permits under this part and to governmental entities  
159 seeking to meet an assigned basin management action plan  
160 allocation or reasonable assurance plan under s. 403.067 are  
161 considered an appropriate and permissible option.

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

163 (a) "Applicant" means a governmental entity or private  
164 sector entity that wishes to purchase water quality enhancement  
165 credits to meet an assigned basin management action plan  
166 allocation or reasonable assurance plan or for the purpose of  
167 achieving the net improvement performance standard under s.  
168 373.414(1)(b)3.

169 (3) WATER QUALITY ENHANCEMENT AREAS.—

170 (b) Water quality enhancement credits may be sold ~~only~~ to  
171 governmental entities or applicants seeking to meet an assigned  
172 basin management action plan allocation or reasonable assurance  
173 plan or for the purpose of achieving net improvement performance  
174 standards under s. 373.414(1)(b)3. after ~~the governmental entity~~

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175 ~~has provided~~ reasonable assurances have been provided for the  
176 ~~assurance of meeting department rules for~~ design and  
177 construction of all onsite stormwater management, as required by  
178 law.

179 (7) ENHANCEMENT CREDITS.—

180 (a) The department or water management district shall  
181 authorize the sale and use of enhancement credits to applicants  
182 ~~governmental entities~~ to address adverse water quality impacts  
183 of activities regulated under this part or to assist  
184 governmental entities seeking to meet required nonpoint source  
185 contribution reductions assigned in a basin management action  
186 plan or reasonable assurance plan under s. 403.067.

187 (j) Notwithstanding any other law, this section does not  
188 limit or restrict the authority of the department to deny the  
189 use of enhancement credits when the department is not reasonably  
190 assured that the use of the credits will not cause or contribute  
191 to a violation of water quality standards, even if the project  
192 being implemented by the applicant ~~governmental entity~~ is within  
193 the enhancement service area. The department may allow the use  
194 of enhancement credits if the department receives a request for  
195 the use of enhancement credits and determines that such use will  
196 not cause or contribute to a violation of water quality  
197 standards.

198 Section 3. Subsection (1) of section 373.4135, Florida  
199 Statutes, is amended, and subsection (8) is added to that  
200 section, to read:

201 373.4135 Mitigation banks and offsite regional mitigation.—

202 (1) The Legislature finds that the adverse impacts of  
203 activities regulated under this part may be offset by the

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creation, maintenance, and use of mitigation banks and offsite regional mitigation. Mitigation banks and offsite regional mitigation can enhance the certainty of mitigation and provide ecological value due to the improved likelihood of environmental success associated with their proper construction, maintenance, and management. Therefore, the department and the water management districts are directed to ~~participate in and~~ encourage the establishment of private ~~and public~~ mitigation banks and offsite regional mitigation on private and public lands owned by a local government. Mitigation banks and offsite regional mitigation should emphasize the restoration and enhancement of degraded ecosystems and the preservation of uplands and wetlands as intact ecosystems rather than alteration of landscapes to create wetlands. This is best accomplished through restoration of ecological communities that were historically present.

(a) The Legislature intends that the provisions for establishing mitigation banks apply equally to both public and private entities, except that the rules of the department and water management districts may set forth different measures governing financial responsibility, and different measures governing legal interest, needed to ensure the construction and perpetual protection of a mitigation bank.

(b) The Legislature recognizes the importance of mitigation banks as an appropriate and allowable mitigation alternative to permittee-responsible mitigation. However, the Legislature also recognizes that certain timing and geographical constraints could result in the unavailability of mitigation bank credits for a certain project upon completion of the project's



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application. If state and federal mitigation credits are not available to offset the adverse impacts of a project, a local government may allow permittee-responsible mitigation consisting of the restoration or enhancement of lands purchased and owned by a local government for conservation purposes, and such mitigation must conform to the permitting requirements of s. 373.4136. Except when a local government has allowed a public or private mitigation project, including permittee-responsible mitigation, to be created on land it has purchased for conservation purposes pursuant to this paragraph, a governmental entity may not create or provide mitigation for a project other than its own unless the governmental entity uses land that was not previously purchased for conservation and unless the governmental entity provides the same financial assurances as required for mitigation banks permitted under s. 373.4136. This paragraph does not apply to:

1. Mitigation banks permitted before December 31, 2011, under s. 373.4136;

2. Offsite regional mitigation areas established before December 31, 2011, under subsection (6) or, when credits are not available at a mitigation bank permitted under s. 373.4136, mitigation areas created by a local government which were awarded mitigation credits pursuant to the uniform mitigation assessment method as provided in chapter 62-345, Florida Administrative Code, under a permit issued before December 31, 2011;

3. Mitigation for transportation projects under ss. 373.4137 and 373.4139;

4. Mitigation for impacts from mining activities under s.

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373.41492;

5. Mitigation provided for single-family lots or homeowners under subsection (7);

6. Entities authorized in chapter 98-492, Laws of Florida;

7. Mitigation provided for electric utility impacts certified under part II of chapter 403; or

8. Mitigation provided on sovereign submerged lands under subsection (6).

(c) It is the further intent of the Legislature that mitigation banks and offsite regional mitigation be considered appropriate and a permittable mitigation option under the conditions specified by the rules of the department and water management districts.

(d) Offsite mitigation, including offsite regional mitigation, may be located outside the regional watershed in which the adverse impacts of an activity regulated under this part are located, if such adverse impacts are offset by the offsite mitigation.

(e) The department or water management district may allow the use of a mitigation bank or offsite regional mitigation alone or in combination with other forms of mitigation to offset adverse impacts of activities regulated under this part.

(f) When an applicant seeking ~~for~~ a permit under ~~the provisions of~~ this part other than this section and s. 373.4136 submits more than one mitigation proposal to the department or a water management district, the department or water management district shall, in evaluating each proposal, ensure that such proposal adequately offsets the adverse impacts.

(8) A local government may, through a public procurement

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process, solicit proposals from private-sector sponsors for a mitigation bank on public lands purchased for conservation purposes. If such a mitigation bank is to be established and operated on public land, the local government and private-sector sponsor must enter into an agreement requiring the private-sector sponsor to establish and operate the mitigation bank to conform to the permitting requirements of s. 373.4136.

(a) The agreement must require the private-sector sponsor to pay a usage fee to the local government which reflects the market value of the public land, as determined by a competitive process in accordance with state law or such other method of assuring that the cost of the use of the public land is fully accounted for in the pricing of mitigation credits.

(b) In determining the number of mitigation bank credits assigned to the mitigation bank, the department or water management district shall reflect the conservation status of the land in the location factor set forth in the uniform mitigation assessment method.

(c) This subsection applies to drainage basins or corresponding hydrologic units if the private-sector sponsor demonstrates to the department or water management district that in-kind credits are not available.

(d) Rulemaking is not required to implement this subsection.

Section 4. Paragraph (a) of subsection (2) of section 330.41, Florida Statutes, is amended to read:

330.41 Unmanned Aircraft Systems Act.—

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

(a) "Critical infrastructure facility" means any of the

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

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

2. A chemical or rubber manufacturing or storage facility.

3. A water intake structure, water treatment facility, wastewater treatment plant, or pump station.

4. A mining facility.

5. A natural gas or compressed gas compressor station, storage facility, or natural gas or compressed gas pipeline.

6. A liquid natural gas or propane gas terminal or storage facility.

7. Any portion of an aboveground oil or gas pipeline.

8. A refinery.

9. A gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas.

10. A wireless communications facility, including the tower, antennae, support structures, and all associated ground-based equipment.

11. A seaport as listed in s. 311.09(1), which need not be completely enclosed by a fence or other physical barrier and need not be marked with a sign or signs indicating that entry is forbidden.

12. An inland port or other facility or group of facilities serving as a point of intermodal transfer of freight in a specific area physically separated from a seaport.

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13. An airport as defined in s. 330.27.

14. A spaceport territory as defined in s. 331.303(18).

15. A military installation as defined in 10 U.S.C. s. 2801(c)(4) and an armory as defined in s. 250.01.

16. A dam as defined in s. 373.403 ~~s. 373.403(1)~~ or other structures, such as locks, floodgates, or dikes, which are designed to maintain or control the level of navigable waterways.

17. A state correctional institution as defined in s. 944.02 or a private correctional facility authorized under chapter 957.

18. A secure detention center or facility as defined in s. 985.03, or a nonsecure residential facility, a high-risk residential facility, or a maximum-risk residential facility as those terms are described in s. 985.03(44).

19. A county detention facility as defined in s. 951.23.

20. A critical infrastructure facility as defined in s. 692.201.

Section 5. Paragraph (a) of subsection (8) of section 373.414, Florida Statutes, is amended to read:

373.414 Additional criteria for activities in surface waters and wetlands.—

(8)(a) The governing board or the department, in deciding whether to grant or deny a permit for an activity regulated under this part shall consider the cumulative impacts upon surface water and wetlands, as delineated in s. 373.421(1), within the same drainage basin as defined in s. 373.403 ~~s. 373.403(9)~~, of:

1. The activity for which the permit is sought.

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2. Projects which are existing or activities regulated under this part which are under construction or projects for which permits or determinations pursuant to s. 373.421 ~~or s. 403.914~~ have been sought.

3. Activities which are under review, approved, or vested pursuant to s. 380.06, or other activities regulated under this part which may reasonably be expected to be located within surface waters or wetlands, as delineated in s. 373.421(1), in the same drainage basin as defined in s. 373.403 ~~s. 373.403(9)~~, based upon the comprehensive plans, adopted pursuant to chapter 163, of the local governments having jurisdiction over the activities, or applicable land use restrictions and regulations.

Section 6. Paragraph (c) of subsection (2) of section 373.461, Florida Statutes, is amended to read:

373.461 Lake Apopka improvement and management.—

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

(c) "Stormwater management system" has the meaning set forth in s. 373.403 ~~s. 373.403(10)~~.

Section 7. For the purpose of incorporating the amendment made by this act to section 373.4135, Florida Statutes, in references thereto, paragraphs (a) and (c) of subsection (1) of section 403.9332, Florida Statutes, are reenacted to read:

403.9332 Mitigation and enforcement.—

(1)(a) Any area in which 5 percent or more of the trimmed mangrove trees have been trimmed below 6 feet in height, except as provided in s. 403.9326(1)(c), (d), (f), (g), and (h), destroyed, defoliated, or removed as a result of trimming conducted under s. 403.9326 or s. 403.9327 must be restored or mitigated. Restoration must be accomplished by replanting

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mangroves, in the same location and of the same species as each mangrove destroyed, defoliated, removed, or trimmed, to achieve within 5 years a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed; or mitigation must be accomplished by replanting offsite, in areas suitable for mangrove growth, mangroves to achieve within 5 years a canopy area equivalent to the area destroyed, removed, defoliated, or trimmed. Where all or a portion of the restoration or mitigation is not practicable, as determined by the department or delegated local government, the impacts resulting from the destruction, defoliation, removal, or trimming of the mangroves must be offset by donating a sufficient amount of money to offset the impacts, which must be used for the restoration, enhancement, creation, or preservation of mangrove wetlands within a restoration, enhancement, creation, or preservation project approved by the department or delegated local government; or by purchasing credits from a mitigation bank created under s. 373.4135 at a mitigation ratio of 2-to-1 credits to affected area. The donation must be equivalent to the cost, as verified by the department or delegated local government, of creating mangrove wetlands at a 2-to-1, created versus affected ratio, based on canopy area. The donation may not be less than \$4 per square foot of created wetland area.

(c) If mangroves are to be trimmed or altered under a permit issued under s. 403.9328, the department or delegated local government may require mitigation. The department or delegated local government shall establish reasonable mitigation requirements that must include, as an option, the use of mitigation banks created under s. 373.4135, where appropriate.

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436 The department's mitigation requirements must ensure that  
437 payments received as mitigation are sufficient to offset impacts  
438 and are used for mangrove creation, preservation, protection, or  
439 enhancement.

440 Section 8. This act shall take effect July 1, 2024.





## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Committee on Agriculture,  
Environment, and General Government, *Chair*  
Health Policy, *Vice Chair*  
Appropriations  
Appropriations Committee on Health  
and Human Services  
Children, Families, and Elder Affairs  
Community Affairs  
Regulated Industries  
Rules

### JOINT COMMITTEE:

Joint Legislative Auditing Committee

### SENATOR JASON BRODEUR

10th District

January 18, 2024

The Honorable Alexis Calatayud  
Chair, Committee on Community Affairs  
302 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Calatayud,

I respectfully request that **CS/SB 1532: Mitigation**, be placed on the agenda of the Community Affairs Committee meeting to be considered at your earliest convenience.

If you have any questions or concerns, please do not hesitate to reach out to me or my office.

Sincerely,

A handwritten signature in black ink that reads "Jason Brodeur". The signature is fluid and cursive, with the first name "Jason" being more prominent than the last name "Brodeur".

Senator Jason Brodeur – District 10

CC: Elizabeth Ryon – Staff Director  
Tatiana Warden – Administrative Assistant

### REPLY TO:

- 110 Timberlachen Circle, Suite 1012, Lake Mary, Florida 32746 (407) 333-1802
- 405 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5010

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/16/24  
Meeting Date

Community Affairs  
Committee

1532

Bill Number or Topic

Amendment Barcode (if applicable)

Name Lance Pierce

Phone \_\_\_\_\_

Address 301 W College Ave  
Street

Email \_\_\_\_\_

Tallahassee  
City

FL  
State

32301  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

Association of Florida  
Community Developers

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flisenote.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/2024

Meeting Date

1532

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

TRISH NEELY

Phone

Address

2024 SHANGR LA LANE

Street

Email

TALLY FL

City

State

32303

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☒

I am appearing without  
compensation or sponsorship.

LWV

☐

I am a registered lobbyist,  
representing:

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

2/6/24  
Meeting Date

Community Affairs  
Committee

1532  
Bill Number or Topic

Name Candice Ericks

Amendment Barcode (if applicable)  
Phone 954-648-1204

Address 205 S. Adams St.  
Street

Email Candice@ericksconsultants.com

Tallahassee FL 32301  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

The Town of Davie

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

2/6/24

Meeting Date

Deliver both copies of this form to  
Senate professional staff conducting the meeting

1532

Bill Number or Topic

Committee Affairs

Committee

Amendment Barcode (if applicable)

Name

Karen Woodall

Phone

Address

579 E. Call St.

Email

fcfe@yahoo.com

Street

Tallahassee FL

32301

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Earth Justice

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 1534

INTRODUCER: Judiciary Committee and Senator Bradley

SUBJECT: Sovereign Immunity

DATE: February 5, 2024

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Bond	Cibula	JU	<b>Fav/CS</b>
2. Hackett	Ryon	CA	<b>Favorable</b>
3. _____	_____	RC	_____

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1534 revises a statute that treats contractors providing monitoring and inspection services for state road and related infrastructure projects as agents of the state for purposes of sovereign immunity protections. As revised, the liability protections expressly also apply to consultants to a contractor performing monitoring and inspection services for the Florida Department of Transportation related to a state road or related infrastructure project.

The bill is effective July 1, 2024.

**II. Present Situation:**

**Florida Sovereign Immunity Law**

Sovereign immunity is defined as: “A government’s immunity from being sued in its own courts without its consent.”<sup>1</sup> The doctrine had its origin with the judge-made law of England. The basis of the existence of the doctrine of sovereign immunity in the United States was explained as follows:

A sovereign is exempt from suit, not because of any formal conception or obsolete theory, but on the logical and practical ground that there can be

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<sup>1</sup> BLACK’S LAW DICTIONARY (8th ed. 2004).

no legal right as against the authority that makes the law on which the right depends.<sup>2</sup>

The State Constitution authorizes the Legislature to enact laws that permit suits against the state and its subdivisions. Currently, tort suits against the state and its subdivisions are allowed, but collectability of judgments is limited to \$200,000 per person and \$300,000 per incident. Persons seeking to recover amounts in excess of the limits may request that the Legislature enact a claim bill.

### **Extent of Sovereign Immunity (i.e. who is covered?)**

The state's sovereign immunity protection extends to the officers, employees, and agents of the state that were involved in the commission of the tort.<sup>3</sup> Sovereign immunity extends to all subdivisions of the state, including counties and school boards and any agents or employees of these governmental entities.<sup>4</sup>

Whether sovereign immunity applies to an agent depends on the degree of control of the agent of the state retained by the state.<sup>5</sup> Normally, this is a finding of fact to be decided by the courts, but numerous statutes foreclose the inquiry and provide that certain individuals and entities are deemed agents of the state and thereby covered by the state's sovereign immunity.<sup>6</sup>

### **Agency Law, in General**

"Agency is a legal concept which depends upon the existence of required factual elements: the manifestation by the principal that the agent shall act for him, the agent's acceptance of the undertaking and the understanding of the parties that the principal is to be in control of the undertaking."<sup>7</sup> An agent may be authorized to appoint a subagent. A subagent is liable for his acts and may at the same time subject the agent and the principal to liability.<sup>8</sup>

### **Florida Department of Transportation**

The Florida Department of Transportation (FDOT) is a state executive branch agency. FDOT's continuing mission is to provide a safe transportation system that ensures the mobility of people and goods, enhances economic prosperity, and preserves the quality of our environment and

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<sup>2</sup> *Cauley v. City of Jacksonville*, 403 So. 2d 379, 381 (Fla. 1981) (quoting *Kawananakoa v. Polyblank*, 205 U.S. 349, 353 (1907)).

<sup>3</sup> Section 768.28(9)(a), F.S., provides that no officer, employee, or agent of the state or of any of its subdivisions shall be held personally liable in tort or named as a party defendant in any action for any injury or damage suffered as a result of any act, event, or omission of action in the scope of her or his employment or function, *unless* such officer, employee, or agent acted in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

<sup>4</sup> Section 768.28(2), F.S.

<sup>5</sup> *Stoll v. Noel*, 694 So. 2d 701, 703 (Fla. 1997).

<sup>6</sup> See, e.g., s. 768.28(9), F.S.

<sup>7</sup> Restatement (Second) of Agency § 1 (1958).

<sup>8</sup> Restatement (Second) of Agency § 5 (1958).

communities. This mission is accomplished through a primary purpose to plan and develop (either directly or indirectly) Florida's robust transportation system.<sup>9</sup>

For purposes of sovereign immunity, current law specifies that certain contractors of the FDOT are deemed agents of FDOT and therefore covered by the state's sovereign immunity. That statute reads in pertinent part:

[A] professional firm that provides monitoring and inspection services of the work required for state roadway, bridge, or other transportation facility construction projects, or any of the firm's employees performing such services, shall be considered agents of the Department of Transportation while acting within the scope of the firm's contract with the Department of Transportation to ensure that the project is constructed in conformity with the project's plans, specifications, and contract provisions.<sup>10</sup>

A recent trial court decision interpreting this statute ruled that this statute only applies to a contractor who directly contracted with FDOT, and thus a subcontractor of that contractor, which subcontractor was providing the specified monitoring and inspection services, is not covered by the state's sovereign immunity.<sup>11</sup> The trial court apparently believed that only the contractors listed in the relevant statute could be considered agents for purposes of sovereign immunity, regardless of any actual agency relationship that existed between DOT and its contractors and subcontractors.

### **III. Effect of Proposed Changes:**

The bill amends the state's limited waiver of sovereign immunity to follow agency law. It expressly provides that a consultant that provides monitoring and inspection services of the work required for state roadway, bridge, or other transportation facility construction projects, is an agent of the state covered by the state's sovereign immunity.

The bill is effective July 1, 2024.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

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<sup>9</sup> <https://www.fdot.gov/agencyresources/aboutfdot.shtm>

<sup>10</sup> Section 768.28(10)(e), F.S.

<sup>11</sup> Order on Defendant, Pinnacle Consulting Enterprises, Inc.'s Motion to Dismiss Plaintiff's Amended Complaint, *Lillo v. Lead Engineering Contractors LLC*, (Fla. 17th Jud.Cir. CACE22004434, Apr. 10, 2023).



**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

This bill may clarify an unclear area of the law, resulting in lower legal fees incurred by the private sector. The bill may reduce the value of a tort claim by individuals harmed by a subcontractor providing specified services to FDOT. Few such claims are anticipated.

**C. Government Sector Impact:**

None. To the extent that this bill would new entities to be covered by the state's sovereign immunity, there would be no fiscal impact to the state. This is because the applicable statute requires those entities to reimburse the state for any payment made by FDOT in satisfaction of a tort claim.<sup>12</sup>

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 768.28 of the Florida Statutes.

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<sup>12</sup> Section 768.28(10)(e), F.S.

**IX. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Judiciary on January 29, 2024:**

The committee substitute limits the scope of the bill to only consultants hired by a contractor, where the contractor has a direct contract with the Florida Department of Transportation.

- B. **Amendments:**

None.

By the Committee on Judiciary; and Senator Bradley

590-02609-24

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A bill to be entitled  
An act relating to sovereign immunity; amending s.  
768.28, F.S.; revising applicability; requiring that  
contracts with such firms must, to the extent  
permitted by law, provide indemnity to the department;  
making technical changes; providing an effective date.

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

Section 1. Paragraph (e) of subsection (10) of section  
768.28, Florida Statutes, is amended to read:

768.28 Waiver of sovereign immunity in tort actions;  
recovery limits; civil liability for damages caused during a  
riot; limitation on attorney fees; statute of limitations;  
exclusions; indemnification; risk management programs.—

(10)

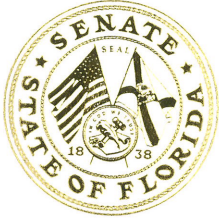
(e) For purposes of this section, a professional firm that  
provides monitoring and inspection services of the work required  
for state roadway, bridge, or other transportation facility  
construction projects, or any employee of a firm ~~the firm's~~  
~~employees~~ performing such services, ~~is shall be~~ considered an  
agent ~~agents~~ of the Department of Transportation while acting  
within the scope of the firm's contract with the Department of  
Transportation to ensure that the project is constructed in  
conformity with the project's plans, specifications, and  
contract provisions. This paragraph applies to a professional  
firm in direct contract with the department, as well as any  
professional firm providing monitoring and inspection services  
as a consultant to the professional firm that is in direct

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30 contract with the department. Any contract with a ~~between the~~  
31 professional firm must ~~and the state~~, to the extent permitted by  
32 law, ~~shall~~ provide for the indemnification of the department for  
33 any liability, including reasonable attorney ~~attorney's~~ fees,  
34 incurred up to the limits set out in this chapter to the extent  
35 caused by the negligence of the firm or its employees. This  
36 paragraph may ~~shall~~ not be construed as designating persons who  
37 provide monitoring and inspection services as employees or  
38 agents of the state for purposes of chapter 440. This paragraph  
39 is not applicable to the professional firm or its employees if  
40 involved in an accident while operating a motor vehicle. This  
41 paragraph is not applicable to a firm engaged by the department  
42 ~~of Transportation~~ for the design or construction of a state  
43 roadway, bridge, or other transportation facility construction  
44 project or to its employees, agents, or subcontractors.

45 Section 2. This act shall take effect July 1, 2024.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Committee on Criminal  
and Civil Justice, *Chair*  
Criminal Justice, *Vice Chair*  
Appropriations  
Children, Families, and Elder Affairs  
Community Affairs  
Regulated Industries

### SELECT COMMITTEE:

Select Committee on Resiliency

**SENATOR JENNIFER BRADLEY**  
6th District

January 31, 2024

Senator Alexis Calatayud, Chair  
Senate Committee on Community Affairs  
302 Senate Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Calatayud:

I respectfully request that CS/SB 1534 be placed on the committee's agenda at your earliest convenience. This bill relates to sovereign immunity.

Thank you for your consideration.

Sincerely,

Jennifer Bradley

cc: Elizabeth Ryon, Staff Director  
Tatiana Warden, Administrative Assistant

### REPLY TO:

- ☐ 1845 East West Parkway, Suite 5, Fleming Island, Florida 32003 (904) 278-2085
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**KATHLEEN PASSIDOMO**  
President of the Senate

**DENNIS BAXLEY**  
President Pro Tempore

February 6, 2024

Meeting Date  
Community Affairs

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1534

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name **Tiffany Garling - Florida Chamber**

Phone **850-661-3339**

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Street

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**Marianna** **FL** **32301**  
City State Zip

Speaking: ☐ For ☐ Against ☐ Information **OR** Waive Speaking: ☒ In Support ☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**Florida Chamber of Commerce**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
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*While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11,045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)*

This form is part of the public record for this meeting.

S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Community Affairs

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BILL: CS/SB 1628

INTRODUCER: Community Affairs Committee and Senator Collins

SUBJECT: Local Government Actions

DATE: February 8, 2024

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	Ryon	CA	Fav/CS
2.			FP	

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 1628 revises the categories of local ordinances exempt from statutes related to the production of business impact estimates and subject to certain conditions on lawsuits brought by any party to challenge the legal validity of local ordinances as preempted by state law, arbitrary, or unreasonable.

The bill takes effect October 1, 2024.

**II. Present Situation:**

**Local Ordinances**

The governing body of a county or municipality has broad legislative powers to enact ordinances, local laws, to perform governmental functions and exercise power to promote the health, welfare, safety, and quality of life of a local government's residents. Ordinances address a wide variety of local issues, from government structure and zoning laws to speed limits and noise ordinances. Procedures for passing local ordinances are prescribed by the Legislature and differ only slightly between counties and municipalities.

***Procedures for Enacting Ordinances***

A board of county commissioners must notice its intent to consider an ordinance or amendment to an ordinance 10 days before the meeting at which the ordinance will be considered. The notice, placed in a newspaper of general circulation, should include the date, time, and place of

the meeting, the proposed ordinance title, and instructions for how to view the language. The board may then vote to pass the ordinance at the meeting, and upon passage, must send a certified copy of the ordinance to the Florida Department of State (DOS).<sup>1</sup> County ordinances take effect upon filing with the DOS, unless otherwise prescribed in the ordinance.<sup>2</sup>

Similarly, municipalities must notice intent to consider an ordinance 10 days before adoption. However, municipalities must also read the ordinance by title or in full on at least 2 separate days before adoption by vote.<sup>3</sup> An ordinance passed by a municipality becomes effective 10 days after passage, unless otherwise prescribed in the ordinance.<sup>4</sup>

### ***Emergency Ordinances***

A board of county commissioners may adopt an emergency ordinance that bypasses the notice requirements if the governing body declares that an emergency exists requiring the immediate enactment of the ordinance and the ordinance is approved by a four-fifths vote of the membership.<sup>5</sup> A municipality may bypass reading and notice requirements to pass an emergency ordinance by a two-thirds vote of the governing body.<sup>6</sup> An emergency ordinance may not be used to adopt zoning and land use changes.<sup>7</sup>

### ***Business Impact Estimate***

A local government must also produce a business impact estimate prior to passing an ordinance.<sup>8</sup> The business impact estimate must include the following:<sup>9</sup>

- A summary of the proposed ordinance, including a estimate of the public purpose to be served by the proposed ordinance;
- An estimate of the direct economic impact of the proposed ordinance on private for-profit businesses in the county or city, including:
  - An estimate of direct compliance costs for businesses;
  - Identification of new charges and fees; and
  - An estimate of the county's or city's regulatory costs.
- A good faith estimate of the number of businesses likely impacted; and
- Any additional information deemed useful.

A business impact estimate is not required for the following types of ordinances:<sup>10</sup>

- Emergency ordinances;
- Growth policy, county and municipal planning, and land development regulations under part II of ch. 163, F.S.;
- Building code ordinances under s. 553.73, F.S.;

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<sup>1</sup> Section 125.66(2), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> Section 166.041(3)(a), F.S.

<sup>4</sup> Section 166.041(4), F.S.

<sup>5</sup> Section 125.66(4), F.S.

<sup>6</sup> Section 166.041(3)(b), F.S.

<sup>7</sup> *Supra* notes 5 and 6.

<sup>8</sup> Sections 125.66(3) and 166.041(4), F.S.

<sup>9</sup> Sections 125.66(3)(a) and 166.041(4)(a), F.S.

<sup>10</sup> Sections 125.66(3)(c) and 166.041(4)(c), F.S.



- Fire prevention code ordinances under s. 633.202, F.S;
- Ordinances establishing or terminating Community Development Districts under ss. 190.005 and 190.046, F.S.;
- Ordinances required to comply with federal or state law or regulation;
- Ordinances relating to financial obligations or issuance and refinancing of debt;
- Ordinances related to the adoption of county or municipal budgets or budget amendments; or
- Ordinances required to implement a contract or agreement, to include federal, state, local, or private grants and other financial assistance.

### **Local Government Authority**

The Florida Constitution grants local governments broad authority to take actions furthering citizens' health, welfare, safety, and quality of life. This "home rule" authority includes regulatory powers to issue authorizations and permits, and legislative powers to enact local laws. Specifically, non-charter county governments may exercise those powers of self-government that are provided by general or special law.<sup>11</sup> Those counties operating under a county charter have all powers of local self-government not inconsistent with general law or special law approved by the vote of the electors.<sup>12</sup> Likewise, municipalities have those governmental, corporate, and proprietary powers that enable them to conduct municipal government, perform their functions and provide municipal services, and exercise any power for municipal purposes, except as otherwise provided by law.<sup>13</sup>

This authority, under the umbrella of governmental or municipal purpose, extends broadly to any ordinance necessary to promote the health, welfare, safety, and quality of life of a local government's residents.<sup>14</sup> Local governments' authority has been liberally construed when reviewed by courts. For example, courts have found the following to meet the standards for what constitutes a "municipal purpose," and therefore were valid local government actions:

- Acquisition and maintenance of a golf course;<sup>15</sup>
- Sale of souvenir photographs;<sup>16</sup> and
- Prohibiting the rental of motorized scooters.<sup>17</sup>

In general, this broad home rule authority is limited by two guideposts: preemption, where a higher level of government such as the State has already legislated on a topic, and standards of reasonableness. Local governments may not pass ordinances which are apparently unreasonable

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<sup>11</sup> FLA. CONST. art. VIII, s. 1(f).

<sup>12</sup> FLA. CONST. art. VIII, s. 1(g).

<sup>13</sup> FLA. CONST. art. VIII, s. 2(b). *See also* s. 166.021(1), F.S.

<sup>14</sup> Art. VIII, § 2(b), Fla. Const.; Section 125.86, F.S.; for municipalities see *Quiles v. City of Boynton Beach*, 802 So. 2d 397, 398 (Fla. 4th DCA 2001); § 166.021, Fla. Stat.

<sup>15</sup> *West v. Town of Lake Placid*, 97 Fla. 127, 120 So. 361 (1929).

<sup>16</sup> *City of Winter Park v. Montesi*, 448 So. 2d 1242 (Fla. 5th DCA 1984).

<sup>17</sup> *Classy Cycles, Inc. v. Panama City Beach*, 301 So. 3d 1046 (Fla. 1<sup>st</sup> DCA 2019).

or unreasonable, despite their wide-ranging powers.<sup>18</sup> Anyone affected by an ordinance may challenge its validity in court by filing a civil action against the local government.<sup>19</sup>

### ***Legal Challenges to Certain Recently Enacted Ordinances***

Current law<sup>20</sup> requires the local government to suspend enforcement of an ordinance subject to such an action, including appeals, if:

- The action was filed with the court no later than 90 days after the adoption date of the ordinance;
- The plaintiff or petitioner requests suspension in the initial complaint or petition; and
- The county or city has been served with a copy of the complaint or petition.

Unless the plaintiff obtains a stay of the lower court's order pending appeal, the local government may enforce the ordinance 45 days after the entry of the lower court's order. In filing such an action, a party certifies that they do not file such a suit for frivolous or improper purposes, and may be subject to sanctions and fees if they do so. Additionally, the court must give those cases in which enforcement of the ordinance is suspended priority over other pending cases and render a preliminary or final decision as expeditiously as possible.

The statutes regarding an ordinance's stay and priority docketing for challenges do not apply to the same set of decisions exempted from business impact estimates.

### **Comprehensive Plans**

Local comprehensive plans must include principles, guidelines, standards, and strategies for the orderly and balanced future land development of the area and reflect community commitments to implement the plan. The Community Planning Act intends that local governments manage growth through comprehensive land use plans that facilitate adequate and efficient provision of transportation, water, sewage, schools, parks, recreational facilities, housing, and other requirements and services.<sup>21</sup>

The comprehensive plan is implemented via land development regulations. Each county and municipality must adopt and enforce land development regulations, such as zoning or other land use-related ordinances, which are consistent with and implement its adopted comprehensive plan.<sup>22</sup>

### ***Issuing Development Orders and Permits***

Under the Community Planning Act, a development permit is any official action of a local government that has the effect of permitting the development of land including, but not limited to, building permits, zoning permits, subdivision approval, rezoning, certifications, special

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<sup>18</sup> *Dennis v. City of Key West*, 381 So. 2d 312 (Fla. 3d DCA 1980).

<sup>19</sup> *Hardage v. City of Jacksonville Beach*, 399 So. 2d 1077 (Fla. 1 DCA 1981). There are statutory requirements for being allowed to bring suit in certain cases, such as those based on a technical deficiency in the ordinance, but the cases at issue in this analysis merely require being affected.

<sup>20</sup> Sections 125.675 and 166.0411, F.S.

<sup>21</sup> Section 163.3161(4), F.S.

<sup>22</sup> Section 163.3202, F.S.

exceptions, and variances.<sup>23</sup> A development order is issued by a local government and grants, denies, or grants with conditions an application for a development permit.<sup>24</sup>

After receiving an application for approval of a development permit or development order, a municipality or county must review the application for completeness and issue a letter indicating that all required information is submitted or specify any areas that are deficient. If the application is deficient, the applicant may address the deficiencies by submitting the required additional information.<sup>25</sup> After the municipality or county has deemed the application complete it must ultimately approve, approve with conditions, or deny the application for a development permit or development order.<sup>26</sup>

### ***Development Agreements***

Local governments may enter into development agreements with developers.<sup>27</sup> A “development agreement” is a “contract between a local government and a property owner/developer, which provides the developer with vested rights by freezing the existing zoning regulations applicable to a property in exchange for public benefits.”<sup>28</sup>

Any local government may, by ordinance, establish procedures and requirements to consider and enter into a development agreement with any person having a legal or equitable interest in real property located within its jurisdiction.<sup>29</sup> A development agreement must include certain statutorily required elements describing the terms of the contract.<sup>30</sup>

## **III. Effect of Proposed Changes:**

**Sections 1 and 3** amend ss. 125.66 and 166.041, F.S., to amend the exemptions to the requirement that counties and cities, respectively, produce or have produced a “business impact estimate” prior to passing an ordinance. Whereas current law exempts the entirety of growth policy, county and municipal planning, and land development regulations under part II of ch. 163, F.S., the bill limits this exemption to development orders, permits, and agreements.

**Sections 2 and 4** amend ss. 125.675 and 166.0411, F.S., to amend the exemptions to statutes regarding an ordinance’s stay and priority docketing pending legal challenge. Whereas current law exempts the entirety of growth policy, county and municipal planning, and land development regulations under part II of ch. 163, F.S., the bill limits this exemption to development orders, permits, and agreements

**Section 5** provides that the act shall take effect October 1, 2024.

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<sup>23</sup> Section 163.3164(16), F.S.

<sup>24</sup> See ss. 125.022, 163.3164(15), and 166.033, F.S.

<sup>25</sup> Sections 125.022(1) and 166.033(1), F.S.

<sup>26</sup> *Id.*

<sup>27</sup> Section 163.3220(4), F.S.; see also ss. 163.3220-163.3243, F.S., known as the “Florida Local Government Development Agreement Act.”

<sup>28</sup> *Morgan Co., Inc. v. Orange County*, 818 So. 2d 640 (Fla. 5th DCA 2002); 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).

<sup>29</sup> Section 163.3223, F.S.; 7 Fla. Jur 2d Building, Zoning, and Land Controls § 168 (2019).

<sup>30</sup> Section 163.3227(1), F.S.

#### IV. Constitutional Issues:

##### A. Municipality/County Mandates Restrictions:

The county and municipality mandate provisions of Article VII, section 18 of the Florida Constitution may apply because the bill expands the types of ordinances for which local governments must produce a business impact estimate, which will require additional staff work for local governments. Article VII, section 18 (a) of the Florida Constitution provides in part that a county or municipality may not be bound by a general law requiring a county or municipality to spend funds or take an action that requires the expenditure of funds unless certain specified exemptions or exceptions are met. None of the constitutional exceptions appear to apply.

Article VII, section 18 (d) provides eight exemptions, which, if any single one is met, exempts the law from the limitations on mandates. Laws having an “insignificant fiscal impact” are exempt from the mandate requirements, which for Fiscal Year 2024-2025 is forecast at approximately \$2.3 million.<sup>31,32</sup> However, any local government costs associated with the bill are speculative and not readily estimable for purposes of determining whether the exemption for bills having an insignificant fiscal impact applies. If the bill does qualify as a mandate, in order to be binding upon cities and counties, the bill must contain a finding of important state interest and be approved by a two-thirds vote of the membership of each house.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

##### D. State Tax or Fee Increases:

None.

##### E. Other Constitutional Issues:

None.

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<sup>31</sup> FLA. CONST. art. VII, s. 18(d).

<sup>32</sup> An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Jan. 24, 2024).

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

Producing business impact estimates for land use-related ordinances currently exempt under current law will have a negative impact county and municipality staffing time and resources.

Because the bill allows the stay and priority docketing provisions to apply to land use-related ordinances, courts may see indeterminate economic impact as suspensions may reduce hearings sought for temporary injunctive relief, while priority docketing may increase workload for clerks of court.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends sections 125.66, 125.675, 166.041, and 166.0411 of the Florida Statutes.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

**CS by Community Affairs on February 6, 2024:**

The committee substitute removes provisions of the bill relating to economic security analysis of local government actions by executive branch agencies.

**B. Amendments:**

None.



973824

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/08/2024	.	
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The Committee on Community Affairs (Collins) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 166 - 372.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete lines 6 - 34

and insert:

municipal ordinances, respectively; providing an



386876

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
02/08/2024	.	
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	.	
	.	

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The Committee on Community Affairs (Brodeur) recommended the following:

**Senate Amendment (with title amendment)**

Delete line 373

and insert:

Section 9. Effective July 1, 2024, section 125.489, Florida Statutes, is created to read:

125.489 Preemption of restrictions on gasoline-powered leaf blowers.—

(1) As used in this section, the term "gasoline-powered leaf blower" means a machine powered by an internal combustion



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engine or motor that uses gasoline or a blend of gasoline and oil to blow leaves, dirt, or other debris from sidewalks, driveways, lawns, or other surfaces.

(2) A county may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits the use of gasoline-powered leaf blowers and may not create differing standards for or distinguish gasoline-powered leaf blowers from any other gasoline-powered, electric, or similar equipment or any other type of leaf blower in a retail, manufacturer, or distributor setting.

(3) This section does not prohibit or limit a county from encouraging the use of alternative leaf blower equipment, such as battery-powered tools.

Section 10. Effective July 1, 2024, section 166.0486, Florida Statutes, is created to read:

166.0486 Preemption of restrictions on gasoline-powered leaf blowers.—

(1) As used in this section, the term "gasoline-powered leaf blower" means a machine powered by an internal combustion engine or motor that uses gasoline or a blend of gasoline and oil to blow leaves, dirt, or other debris from sidewalks, driveways, lawns, or other surfaces.

(2) A municipality may not enact or enforce a resolution, an ordinance, a rule, a code, or a policy or take any action that restricts or prohibits the use of gasoline-powered leaf blowers and may not create differing standards for or distinguish gasoline-powered leaf blowers from any other gasoline-powered, electric, or similar equipment or any other type of leaf blower in a retail, manufacturer, or distributor





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setting.

(3) This section does not prohibit or limit a municipality from encouraging the use of alternative leaf blower equipment, such as battery-powered tools.

Section 11. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect October 1, 2024.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete lines 34 - 35

and insert:

report; providing applicability; creating ss. 125.489 and 166.0486, F.S.; defining the term "gasoline-powered leaf blower"; prohibiting counties and municipalities, respectively, from taking certain actions to restrict or prohibit the use of gasoline-powered leaf blowers; prohibiting differing standards or distinctions between leaf blowers and other similar equipment; providing construction; providing effective dates.

By Senator Collins

14-01636C-24

20241628\_\_

A bill to be entitled

An act relating to local government actions; amending ss. 125.66, 125.675, 166.041, and 166.0411 F.S.; revising applicability provisions for the enactment or adoption of and legal challenges to county and municipal ordinances, respectively; creating s. 186.921, F.S.; defining terms; providing legislative findings; requiring local governments to seek to minimize or eliminate the potential negative impacts of a local government action; authorizing affected entities to submit written requests to the appropriate departments for impact reviews under certain circumstances; providing requirements for such requests and the responses to such requests; requiring affected entities to provide certain information to the appropriate departments; requiring a department to issue an impact review within a specified timeframe and to consider specified potential impacts; requiring local governments to hold specified meetings upon receipt of an impact review; prohibiting additional impact reviews for the same local government action under certain circumstances; providing construction; authorizing rulemaking; requiring the appropriate departments to consult with each other regarding certain guidelines and procedures; providing applicability; authorizing the Department of Agriculture and Consumer Services, the Department of Transportation, and the Public Service Commission to adopt emergency rules; providing for future expiration

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of such rulemaking authority; requiring the Office of  
Program Policy Analysis and Government Accountability  
to submit a report to the Governor and the Legislature  
by a specified date; providing requirements for the  
report; providing applicability; providing an  
effective date.

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

Section 1. Paragraph (c) of subsection (3) of section  
125.66, Florida Statutes, is amended to read:

125.66 Ordinances; enactment procedure; emergency  
ordinances; rezoning or change of land use ordinances or  
resolutions.—

(3)

(c) This subsection does not apply to:

1. Ordinances required for compliance with federal or state  
law or regulation;

2. Ordinances relating to the issuance or refinancing of  
debt;

3. Ordinances relating to the adoption of budgets or budget  
amendments, including revenue sources necessary to fund the  
budget;

4. Ordinances required to implement a contract or an  
agreement, including, but not limited to, any federal, state,  
local, or private grant, or other financial assistance accepted  
by a county government;

5. Emergency ordinances;

6. Ordinances relating to procurement; or

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7. Ordinances enacted to implement the following:

a. ~~Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning,~~ Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243 ~~and development permits;~~

b. Sections 190.005 and 190.046;

c. Section 553.73, relating to the Florida Building Code;  
or

d. Section 633.202, relating to the Florida Fire Prevention Code.

Section 2. Subsection (5) of section 125.675, Florida Statutes, is amended to read:

125.675 Legal challenges to certain recently enacted ordinances.—

(5) This section does not apply to:

(a) Ordinances required for compliance with federal or state law or regulation;

(b) Ordinances relating to the issuance or refinancing of debt;

(c) Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

(d) Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a county government;

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(e) Emergency ordinances;

(f) Ordinances relating to procurement; or

(g) Ordinances enacted to implement the following:

1. ~~Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning,~~ Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243 ~~and development permits;~~

2. Sections 190.005 and 190.046;

3. Section 553.73, relating to the Florida Building Code;  
or

4. Section 633.202, relating to the Florida Fire Prevention Code.

Section 3. Paragraph (c) of subsection (4) of section 166.041, Florida Statutes, is amended to read:

166.041 Procedures for adoption of ordinances and resolutions.—

(4)

(c) This subsection does not apply to:

1. Ordinances required for compliance with federal or state law or regulation;

2. Ordinances relating to the issuance or refinancing of debt;

3. Ordinances relating to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;

4. Ordinances required to implement a contract or an

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117 agreement, including, but not limited to, any federal, state,  
118 local, or private grant, or other financial assistance accepted  
119 by a municipal government;

120 5. Emergency ordinances;

121 6. Ordinances relating to procurement; or

122 7. Ordinances enacted to implement the following:

123 a. ~~Part II of chapter 163, relating to growth policy,~~  
124 ~~county and municipal planning, and land development regulation,~~  
125 ~~including zoning,~~ Development orders and development permits, as  
126 those terms are defined in s. 163.3164, and, development  
127 agreements, as authorized by the Florida Local Government  
128 Development Agreement Act under ss. 163.3220-163.3243 ~~and~~  
129 ~~development permits;~~

130 b. Sections 190.005 and 190.046;

131 c. Section 553.73, relating to the Florida Building Code;  
132 or

133 d. Section 633.202, relating to the Florida Fire Prevention  
134 Code.

135 Section 4. Subsection (5) of section 166.0411, Florida  
136 Statutes, is amended to read:

137 166.0411 Legal challenges to certain recently enacted  
138 ordinances.—

139 (5) This section does not apply to:

140 (a) Ordinances required for compliance with federal or  
141 state law or regulation;

142 (b) Ordinances relating to the issuance or refinancing of  
143 debt;

144 (c) Ordinances relating to the adoption of budgets or  
145 budget amendments, including revenue sources necessary to fund

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the budget;

(d) Ordinances required to implement a contract or an agreement, including, but not limited to, any federal, state, local, or private grant, or other financial assistance accepted by a municipal government;

(e) Emergency ordinances;

(f) Ordinances relating to procurement; or

(g) Ordinances enacted to implement the following:

1. ~~Part II of chapter 163, relating to growth policy, county and municipal planning, and land development regulation, including zoning,~~ Development orders and development permits, as those terms are defined in s. 163.3164, and, development agreements, as authorized by the Florida Local Government Development Agreement Act under ss. 163.3220-163.3243 ~~and development permits;~~

2. Sections 190.005 and 190.046;

3. Section 553.73, relating to the Florida Building Code;  
or

4. Section 633.202, relating to the Florida Fire Prevention Code.

Section 5. Section 186.921, Florida Statutes, is created to read:

186.921 Food, energy, and supply chain security.—

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

(a) "Affected entity" means a private, for-profit business in an identified sector which may be negatively impacted by a local government action.

(b) "Department" means:

1. For an identified sector under subparagraph (c)1., the

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Department of Agriculture and Consumer Services;

2. For an identified sector under subparagraph (c)2., the Public Service Commission; and

3. For an identified sector under subparagraph (c)3., the Department of Transportation.

(c) "Identified sector" means:

1. Farming, farm operations, and farm production, including food crops, livestock, poultry, viticulture, aquaculture, commercial fishing, apiculture, timber, and fertilizer production and distribution;

2. Energy and fuel production and transmission, energy distribution, and fuel storage; and

3. Supply chain points of connection, including ports, railways, and rail stations.

(d) "Local government action" means the adoption or amendment of any ordinance or charter provision by a county or municipality or the denial of a local authorization or permit issued by the county or municipality.

(2) The Legislature finds that there is an important state interest in protecting this state's food production and supply, energy generation and delivery, essential supply chains, and the private enterprises that support this state's food, energy, and supply chains. Such interest includes creating jobs, achieving economic prosperity, reducing the potential for disruptions due to supply chain vulnerabilities, ensuring the flow of commerce and the intrastate production of essential goods and services, and providing economic security associated therewith.

(3) A local government shall seek to minimize or eliminate the potential negative impacts that a local government action



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will have on an identified sector while still advancing the stated public purpose, such as serving public health, safety, and welfare.

(4) (a) An affected entity may submit a written request to the appropriate department for an impact review if the local government action is likely to negatively impact an identified sector. Such request must be made within 15 days after the enactment or adoption of a local government action pursuant to s. 125.66 or s. 166.041. An affected entity may submit only one request for an impact review to the appropriate department for a local government action. The department shall issue an impact review to an affected entity pursuant to this subsection as to the position of the department on the impact of a local government action and whether the local government has adequately minimized or eliminated impacts to the identified sector.

(b) The affected entity must submit a copy of the request for an impact review to the relevant local government within 1 business day after submitting the request to the department. This shall serve as notice to the local government. Upon notice of the timely submission of a request for an impact review to the appropriate department by an affected entity pursuant to this section, a local government may not enforce the local government action until the department issues an impact review and the local government holds the meeting required under subsection (8), if applicable.

(5) The affected entity shall submit to the department all of the following information in its request for an impact review if applicable and if the information is available to the

14-01636C-24

20241628\_\_

requester:

(a) A copy of the local government action and relevant supplemental information published with the local government action.

(b) A complete statement of all relevant facts relating to the action, including:

1. Any negative impacts to the identified sector that the affected entity reasonably anticipates will occur;

2. Information relating to the local government's stated interest in implementing the local government action; and

3. Any supporting documentation.

(c) A business impact estimate required pursuant to s. 125.66(3) or s. 166.041(4) associated with the proposed local government action.

(6) A department shall issue an impact review within 45 days after receiving such a request and shall provide a copy to the affected entity and the local government. The department may request additional information if necessary during that timeframe.

(7) A department shall consider all of the following potential impacts when balancing the interest of a local government and an affected entity, as applicable:

(a) Impacts on customer or downstream charges for goods and services.

(b) Impacts on the market value of goods and services produced, provided, or sold, or other change in value resulting from implementation or compliance.

(c) Impacts on revenues.

(d) Costs resulting from the purchase of substitute or

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20241628\_\_

alternative goods or services or capital, equipment, materials, supplies, or other implementation or compliance costs.

(e) The reasonable value of time to be spent by owners, officers, operators, and managers of the affected entity to understand and comply with the local government action, including time to be spent completing any required education, training, or testing.

(f) Impacts on opportunity or timing in executing a business plan.

(g) Monitoring and reporting requirements.

(h) Advancement of a stated public purpose, such as serving public health, safety, and welfare.

(8) If the department determines in the impact review that the local government failed to minimize or eliminate the negative impacts to the identified sector:

(a) The department may recommend in the impact review changes to the local government action which may minimize or eliminate the negative impacts; and

(b) At its next regular or special meeting after issuance of the review, the local government must include a discussion of its response to the review and whether revisions to the proposed local government action are appropriate.

(9) After the issuance of an impact review to an affected entity, another review may not be issued to an affected entity that requests a review relating to the same local government action unless it relates to a substantial modification of the local government action. An impact review does not have precedential value. Any modification of an impact review is prospective only. An impact review is not an order issued

14-01636C-24

20241628\_\_

pursuant to s. 120.565 or s. 120.569 or a rule or policy of  
general applicability under s. 120.54. The provisions of s.  
120.53 are not applicable to impact reviews.

(10) Each department identified in paragraph (1)(b) may  
establish rules prescribing guidelines and procedures for  
submission, issuance or denial of issuance, and disclosure of  
impact reviews. Each department shall consult with the other  
departments to ensure the rules prescribing guidelines and  
procedures for submission of a request for impact reviews,  
issuance or denial of issuance, and disclosure of impact reviews  
are consistent.

(11) This section does not apply to local government  
actions:

(a) Required for compliance with a federal or state law or  
regulation;

(b) Related to the issuance or refinancing of debt;

(c) Related to the adoption of budgets or budget  
amendments, including the revenue source necessary to fund the  
budget;

(d) Required to implement a contract or an agreement,  
including, but not limited to, any federal, state, local, or  
private grant, or other financial assistance accepted by the  
local government;

(e) Enacted to prepare for or respond to an emergency;

(f) Related to procurement; or

(g) Enacted to implement the following:

1. Sections 190.005 and 190.046;

2. Section 553.73, relating to the Florida Building Code;

or

14-01636C-24

20241628\_\_

320       3. Section 633.202, relating to the Florida Fire Prevention  
321 Code.

322       Section 6. (1) The Department of Agriculture and Consumer  
323 Services is authorized, and all conditions are deemed met, to  
324 adopt emergency rules under s. 120.54(4), Florida Statutes, for  
325 the purpose of implementing provisions related to s. 186.921,  
326 Florida Statutes, as created by this act. Notwithstanding any  
327 other law, emergency rules adopted under this section are  
328 effective for 6 months after adoption and may be renewed during  
329 the pendency of procedures to adopt permanent rules addressing  
330 the subject of the emergency rules.

331       (2) The Department of Transportation is authorized, and all  
332 conditions are deemed met, to adopt emergency rules under s.  
333 120.54(4), Florida Statutes, for the purpose of implementing  
334 provisions related to s. 186.921, Florida Statutes, created by  
335 this act. Notwithstanding any other law, emergency rules adopted  
336 under this section are effective for 6 months after adoption and  
337 may be renewed during the pendency of procedures to adopt  
338 permanent rules addressing the subject of the emergency rules.

339       (3) The Public Service Commission is authorized, and all  
340 conditions are deemed met, to adopt emergency rules under s.  
341 120.54(4), Florida Statutes, for the purpose of implementing  
342 provisions related to s. 186.921, Florida Statutes, created by  
343 this act. Notwithstanding any other law, emergency rules adopted  
344 under this section are effective for 6 months after adoption and  
345 may be renewed during the pendency of procedures to adopt  
346 permanent rules addressing the subject of the emergency rules.

347       (4) This section expires July 1, 2026.

348       Section 7. (1) The Office of Program Policy Analysis and

14-01636C-24

20241628\_\_

Government Accountability (OPPAGA) shall submit to the Governor, the President of the Senate, and the Speaker of the House of Representatives by December 1, 2025, a report on the implementation and effectiveness of impact reviews issued pursuant to s. 186.921, Florida Statutes, on reducing or eliminating local government actions that threaten this state's food production and supply, energy generation and delivery, and essential supply chains.

(2) In consultation with the Department of Agriculture and Consumer Services, the Department of Transportation, and the Public Service Commission, OPPAGA shall develop the report and recommendations with input from local governments, affected entities, and other stakeholders.

(3) At a minimum, the report and recommendations must include:

(a) The number of impact reviews issued and a brief summary of the issues and actions, if any, taken by the local government to address the impacts to the affected entity and identified sector; and

(b) Recommended changes to the food, energy, and supply chain security process.

Section 8. This act applies to local government ordinances or charter provisions, or amendments to ordinances or charter provisions, enacted on or after the effective date of this act.

Section 9. This act shall take effect October 1, 2024.



The Florida Senate

## Committee Agenda Request

**To:** Senator Alexis Calatayud, Chair  
Committee on Community Affairs

**Subject:** Committee Agenda Request

**Date:** January 15, 2024

---

I respectfully request that **Senate Bill # 1628**, relating to Local Government Actions, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in blue ink, which appears to read "Jay Collins", is written over a horizontal line.

Senator Jay Collins  
Florida Senate, District 14

The Florida Senate

**APPEARANCE RECORD**

SB 1628

2/6/24

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Jackson Oberlink

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Florida Rising

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)



2/6/24  
community affairs

Meeting Date

The Florida Senate  
**APPEARANCE RECORD**

Deliver both copies of this form to  
Senate professional staff conducting the meeting

SB 1628

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

CHelsea RIVERA

Phone

504 329 8975

Address

200 38th St. S

Email

chelsea@cfjiv.org

Street

St. Petersburg FL

33711

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without  
compensation or sponsorship.

☐ I am a registered lobbyist,  
representing:

☒ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

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2/6/24

Meeting Date

Community Affairs

Committee

SB 1628

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Yenisbel Vilorio

Phone

Address

Street

Email

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Six Action

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

# APPEARANCE RECORD

5/6/24

Meeting Date

1628

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

TRISH NEECE

Phone

Address

2024 SHANGRI LA

Email

Street

TALLY

State

FL

Zip

32303

City

Speaking:

☐ For

☐ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:

LWV



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

# APPEARANCE RECORD

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Senate professional staff conducting the meeting

2/6/24

Meeting Date

CA

Committee

1628

Bill Number or Topic

Amendment Barcode (if applicable)

Name Kim Dinkins

Phone 850-273-5055

Address 306 N Manatee St  
Street

Email kdinkins@1000fof.org

Tallahassee  
City

FL  
State

32314  
Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

1000 Friends of Florida

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

Meeting Date

Bill Number or Topic

Committee

Amendment Barcode (if applicable)

Name

Phone

Address

Email

Street

City

State

Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without compensation or sponsorship.

☒

I am a registered lobbyist, representing:

☐

I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

**APPEARANCE RECORD**

2/6/2024

Meeting Date

1528

Bill Number or Topic

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name Bob McKee

Phone 850 922-4300

Address 100 S Monroe

Email bmckee@fl-countries.com

Street

Tallahassee, FL 32301

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

**OR**

Waive Speaking: ☐ In Support ☒ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐ I am appearing without compensation or sponsorship.

☒ I am a registered lobbyist, representing:

Florida Association of Counties

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

# APPEARANCE RECORD

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1628

Bill Number or Topic

2/21/24

Meeting Date

Community Affairs

Committee

Name

Ryan Smart

Phone

561-358-7191

Address

204 Tallwood Rd

Email

Smart@floridaspringscouncil.org

Street

Jax Beach FL 32250

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without compensation or sponsorship.



I am a registered lobbyist,  
representing:

Florida Springs  
Council



I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1, [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

# APPEARANCE RECORD

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SB 1628

Bill Number or Topic

2/6/24

Meeting Date

Community Affairs

Committee

Name RYAN WORTHINGTON

Phone

904-228-5659

Address 5665 SHARON RD

Street

GREEN COVE SPRINGS, FL 32043

City

State

Zip

Email

RYAN.WORTHINGTON1@aol.com

Speaking: ☐ For ☐ Against ☐ Information

OR

Waive Speaking: ☐ In Support ☒ Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☒ I am appearing without compensation or sponsorship.

☐ I am a registered lobbyist, representing:

☐ I am not a lobbyist, but received something of value for my appearance (travel, meals, lodging, etc.), sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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The Florida Senate

# APPEARANCE RECORD

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2/6/24

Meeting Date

Community Affairs

Committee

1628

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Karen Woodell

Phone

850-321-9386

Address

579 E. Call St.

Street

Tallahassee, FL

City

State

32301

Zip

Email

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☒

Against

## PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Earth Justice

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

2/6/24 3 pm

Meeting Date

Community Affairs

Committee

The Florida Senate

## APPEARANCE RECORD

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1628

Bill Number or Topic

Amendment Barcode (if applicable)

Name **DAVID CULLEN**

Phone **941-323-2404**

Address **816 W THARPE ST**

Email **CULLENASEA@GMAIL.COM**

Street

**TALLAHASSEE**

**FL**

**32303**

City

State

Zip

Speaking: ☐ For ☒ Against ☐ Information **OR** Waive Speaking: ☐ In Support ☐ Against

### PLEASE CHECK ONE OF THE FOLLOWING:

☐ I am appearing without  
compensation or sponsorship.

☒ I am a registered lobbyist,  
representing:

**SIERRA CLUB FLORIDA**

☐ I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(fisenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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4/6/24

Meeting Date

Community Affairs

Committee

1628

Bill Number or Topic

Amendment Barcode (if applicable)

Name

Libby Lavelette

Phone

850 759 2576

Address

2525 Hartsfield Rd

Email

libbyannlavelette@gmail.com

Street

Tallahassee

City

State

32303

Zip

Speaking:

☐ For

☒ Against

☐ Information

**OR**

Waive Speaking:

☐ In Support

☐ Against

**PLEASE CHECK ONE OF THE FOLLOWING:**



I am appearing without  
compensation or sponsorship.



I am a registered lobbyist,  
representing:



I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

APPEARANCE RECORD

1128

Bill Number or Topic

973824

Amendment Barcode (if applicable)

2/6/24

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Name

Rebecca O'Hara

Phone

850 222 9684

Address

PO Box 1757

Street

Email

rohara@flcities.com

Tallahassee FL 32302

City

State

Zip

Speaking:

☐

For

☒

Against

☐

Information

OR

Waive Speaking:

☐

In Support

☐

Against

PLEASE CHECK ONE OF THE FOLLOWING:

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Fla League of Cities

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

The Florida Senate

**APPEARANCE RECORD**

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Senate professional staff conducting the meeting

2/6/24

Meeting Date

Comm Affairs

Committee

1628

Bill Number or Topic

386876

Amendment Barcode (if applicable)

Name

Rebecca O'Hara

Phone

850 222 9684

Address

PO Box 1757

Email

rohara@elicitos.com

Street

Tulsa

City

FL

State

32302

Zip

Speaking:

☐

For

☒

Against

☐

Information

**OR**

Waive Speaking:

☐

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

Fla League of Cities

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

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S-001 (08/10/2021)

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

---

Prepared By: The Professional Staff of the Committee on Community Affairs

---

BILL: SPB 7054

INTRODUCER: Community Affairs Committee

SUBJECT: Private Activity Bonds

DATE: February 8, 2024

REVISED: \_\_\_\_\_

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Hackett	Ryon		<b>CA Submitted as Comm. Bill/Fav</b>

---

**I. Summary:**

SPB 7054 substantially revises Part VI, Private Activity Bonds, of ch. 159, F.S. The bill modernizes, updates, and streamlines out-of-date provisions throughout the part, and codifies certain Division of Bond Finance (Division) rules related to the administration of private activity bonds. Specifically, the bill:

- Provides legislative intent to maximize the annual use of private activity bonds to finance improvements, projects, and programs serving public purposes and benefitting the social and economic well-being of Floridians;
- Refines and adds definitions used throughout;
- Revises the regions, pools, and timelines related to bond allocations to consolidate infrequently used pools and expedite usage of bonds;
- Codifies current rules and procedures related to requests for volume limitation by notice of intent to issue, evaluating such notices, and the division's role in final certification of bond issuance;
- Allows for all volume cap allocated in a confirmation to be entitled to be carried forward, rather than limiting to specific types of projects or basing it on the amount of the confirmation;
- Replaces the existing processes for requesting and granting allocation of volume cap with an electronic application wherein all Notices and Issuance Reports will be submitted on the Division's website in lieu of via certified/overnight mail;
- Repeals the Division's rulemaking authority; and
- Amends related statutes to correct cross references and outdated references.

The bill takes effect January 1, 2025.



## II. Present Situation:

### Private Activity Bonds

State and local governments receive direct and indirect tax benefits under the Internal Revenue Code (the “Code”) and associated federal tax regulations that typically result in lower borrowing costs for capital projects through the issuance of tax-exempt bonds.<sup>1</sup> The tax exemption lowers the cost of capital because the interest earnings on taxable bonds carry a tax liability, allowing investors to receive the same rate of return while charging a lower interest rate.<sup>2</sup>

### *Tax-Exempt Status of Governmental & Private Activity Bonds*

Bonds issued by state and local governments, and conduit issuers on their behalf,<sup>3</sup> are classified as either governmental bonds,<sup>4</sup> or private activity bonds (“PABs”).<sup>5</sup> Governmental bonds are those bonds which are issued to finance programs and projects that are owned, operated, or used by, governmental entities, including construction, maintenance, and repair of public infrastructure,<sup>6</sup> and which have only a *de minimis* benefit to private businesses.<sup>7</sup> All other bonds issued by state and local governments are considered PABs.<sup>8</sup> PABs can be issued by designated state agencies and units of local government, including conduit issuers, to finance projects that are owned, operated, or used by, nongovernmental, private businesses, that provide a public benefit.

Generally, interest on governmental bonds excluded from gross income for federal income tax purposes<sup>9</sup> and the interest on PABs is taxable;<sup>10</sup> however, Congress has authorized the issuance of tax-exempt PABs as a mechanism to subsidize the development of capital projects by private businesses that provide a public purpose by affording such projects the same tax benefits as

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<sup>1</sup> United States Department of the Treasury, Internal Revenue Service “Publication 4078, Tax-Exempt PABs” (Rev. 9-2019) Catalog Number 34662G, available at <https://www.irs.gov/pub/irs-pdf/p4078.pdf> (last visited Feb. 2, 2024).

<sup>2</sup> For example, if the interest earnings on taxable bonds carry a tax liability of 35% of the interest earnings, the after-tax rate of return on taxable bonds that yield a 10% rate of return before taxes is equivalent to tax-exempt bonds that yield a 6.5% rate of return; the investor receives the same return in both instances but, by issuing tax-exempt bonds capital can be raised at an interest cost that is 3.5 percentage points lower. The greater the yield spread between taxable and tax-exempt bonds, the greater the nominal savings. See Congressional Research Service, “Tax-Exempt Bonds: A Description of State and Local Government Debt,” updated February 15, 2018, available at: <https://crsreports.congress.gov/product/pdf/RL/RL30638> (last visited Feb. 2, 2024).

<sup>3</sup> Conduit issuers include governmental and quasi-governmental agencies and corporations, such as special districts, industrial development authorities, local housing finance authorities, and other agencies statutorily authorized to issue PABs (e.g., the Florida Housing Finance Corporation and the Florida Development Finance Corporation).

<sup>4</sup> Treas. Reg. § 1.141-1(b).

<sup>5</sup> I.R.C. § 141(a).

<sup>6</sup> United States Department of the Treasury, Internal Revenue Service “Publication 4079, Tax-Exempt Governmental Bonds” (Rev. 9-2019) Catalog Number 34663R, available at <https://www.irs.gov/pub/irs-pdf/p4079.pdf> (last visited Feb. 2, 2024).

<sup>7</sup> If more than 10% of the proceeds will be used by a private business (the “private business use test”) and more than 10% of the proceeds will be secured by property used by a private business (the “private security or payment test”), then the bonds will satisfy both prongs of the private business tests will be considered PABs and not governmental bonds. Additionally, if more than the lesser of 5% of the proceeds or \$5 million will be used to make or finance loans to persons or entities other than governmental units, then the bonds will satisfy the private loan financing test and will be considered PABs and not governmental bonds. See I.R.C. § 141(b)-(c).

<sup>8</sup> I.R.C. § 141(a).

<sup>9</sup> I.R.C. § 103(a).

<sup>10</sup> I.R.C. § 103(b)(1).

governmental bonds.<sup>11</sup> Such projects include affordable housing projects, public works projects (e.g., utility, water, sewage, solid waste facilities), and projects that will be used by 501(c)(3) non-profit organizations.<sup>12</sup> These types of projects are deemed to provide sufficient public benefits to merit excluding the interest on the PABs issued to finance such projects from gross income for federal income tax purposes.<sup>13</sup> As such, governments can incentivize the private sector to invest in infrastructure and develop programs and projects that benefit their citizens by providing those private businesses with a more affordable (lower interest rate) source of funds through the issuance of tax-exempt PABs.<sup>14</sup>

### *The Division of Bond Finance*

The Division of Bond Finance of the State Board of Administration of Florida (the “Division”) was created to provide capital financing for state agencies and associated entities by issuing and administering a variety of bonds authorized by s. 11, art. VII of the state constitution for education, environmental, transportation, state facilities, and insurance programs.<sup>15</sup> The Division is administratively housed within the State Board of Administration, and is governed by the Governor and Cabinet.

Included in their duties is the administration of PABs, which includes calculating the volume cap, allocating those bonds from the federal grant of authority to end users across the state, and reporting their ultimate usage to the Internal Revenue Service to maintain tax exempt status.<sup>16</sup> The Division receives and executes applications for use of PABs from local governments, end users, and conduit issuers such as the Florida Housing Finance Corporation and the Florida Development Finance Corporation.

### *Types of Tax-Exempt PABs*

Since PABs were defined in 1968, Congress has more than doubled the purposes for which PABs can qualify for the tax exemption.<sup>17</sup> A “qualified bond” (i.e., one that may be issued as tax-exempt) is any one of the following types of PABs<sup>18</sup> that also meets the applicable requirements of Sections 146 and 147 of the Code:

- Exempt facility bonds<sup>19</sup> that are issued to finance airports, docks and wharves, *mass commuting facilities, facilities for the furnishing of water, sewage facilities, solid waste*

<sup>11</sup> Congressional Research Service, “PABs: An Introduction,” updated January 31, 2022, available at: <https://crsreports.congress.gov/product/pdf/RL/RL31457> (last visited Feb. 2, 2024).

<sup>12</sup> I.R.C. §§ 142-145.

<sup>13</sup> Tax-exempt status only applies to PABs that are “qualified bonds” as defined in I.R.C. § 141. See I.R.C. § 103(b).

<sup>14</sup> *Supra*, note 7.

<sup>15</sup> The Division currently reports ratings for more than 30 different bonds. See State of Florida Division of Bond Finance, *Summary of Bond Program Ratings*, available at <https://www.flabonds.com/state-of-florida-investor-relations-fl/additional-info/i678?i=3> (last visited Feb. 5, 2024).

<sup>16</sup> See Generally, “Florida Private Activity Bond Allocation Act,” Part VI, Ch. 159, F.S.; *Office of Program Policy Analysis and Government Accountability*, State Board of Administration of Florida, Bond Finance, available at <https://oppaga.fl.gov/ProgramSummary/ProgramDetail?programNumber=4041> (last visited Feb. 5, 2024).

<sup>17</sup> *Supra*, note 12.

<sup>18</sup> Those that are in ***bold italics*** are the ones that are subject to allocation of volume cap by the Division.

<sup>19</sup> I.R.C. § 142(a) identifies 17 types of facilities that may be financed with exempt facility bonds. Additionally, Congress has identified two other types of bonds that are to be treated as if they were exempt facility bonds, enterprise zone facility bonds and empowerment zone facility bonds. See I.R.C. § 1394.



*disposal facilities, qualified residential rental projects, facilities for the local furnishing of electric energy or gas, local district heating or cooling facilities, qualified hazardous waste facilities, high-speed intercity rail facilities, environmental enhancements of hydro-electric generating facilities, qualified public educational facilities, qualified green building and sustainable design projects, qualified highway or surface freight transfer facilities, qualified broadband projects, and qualified carbon dioxide capture facilities.*

- *Qualified mortgage bonds*<sup>20</sup>
- Qualified veterans' mortgage bonds<sup>21</sup>
- *Qualified small issue bonds*<sup>22</sup>
- *Qualified student loan bonds*<sup>23</sup>
- *Qualified redevelopment bonds*<sup>24</sup>
- Qualified 501(c)(3) bonds<sup>25</sup>

### ***PAB Volume Cap and State Ceiling***

The federal government imposes an annual limit (“volume cap” or “volume limitation”) on the aggregate amount of certain types of tax-exempt PABs, that may be issued in each state and U.S. territory (the “state ceiling”).<sup>26</sup> The state ceiling is based on the state’s population and may be adjusted for inflation.<sup>27</sup> The inflation adjustments are published in a revenue procedure issued prior to the beginning of each calendar year.<sup>28</sup> The formula for calculating the state ceiling for 2024 is the greater of \$125 multiplied by the state population or \$378.23 million.<sup>29</sup> The Division has calculated Florida’s state ceiling for 2024 to be \$2,826,340,750.<sup>30</sup> The following table shows the historical increase to the state ceiling as the per capita rate and state population have increased.

Florida’s State Ceiling 2014-2023										
Calendar Year	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023
IRS Per Capita	\$100	\$100	\$100	\$100	\$105	\$105	\$105	\$110	\$110	\$120
State Pop.	19.55M	19.89M	20.27M	20.61M	20.98M	21.30M	21.48M	21.73M	21.78M	22.24M
State Ceiling	\$1.96B	\$1.99B	\$2.03B	\$2.06B	\$2.15B	\$2.24B	\$2.26B	\$2.39B	\$2.40B	\$2.67B

<sup>20</sup> I.R.C. § 143(a).

<sup>21</sup> I.R.C. § 143(b).

<sup>22</sup> I.R.C. §§ 144(a) and 7871(c). Qualified small issue bonds are frequently referred to as industrial revenue bonds (“IRBs”) or industrial development bonds (“IBDs”) and are issued to finance manufacturing facilities and farm property.

<sup>23</sup> I.R.C. § 144(b). Additionally, qualified scholarship funding bonds, established in I.R.C. § 150(d)(2), are analyzed under I.R.C. § 144(b).

<sup>24</sup> I.R.C. § 144(c).

<sup>25</sup> I.R.C. § 145.

<sup>26</sup> I.R.C. § 146. The economic rationale for the limitation on the amount tax-exempt PABs that may be issued stems from the inefficiency of the mechanism to subsidize private activity and the lack of congressional control of the subsidy absent such a limitation. *Supra*, note 12.

<sup>27</sup> I.R.C. § 146(d).

<sup>28</sup> In 2022 the formula for the state ceiling was the greater of \$110 multiplied by the state population or \$335,115,000. This amount increased in calendar year 2023 to the greater of \$120 multiplied by the state population or \$358,845,000. *See* § 3.20, Rev. Proc. 2021-45, available at: <https://www.irs.gov/pub/irs-drop/rp-21-45.pdf> and § 3.20, Rev. Proc. 2022-38, available at: <https://www.irs.gov/pub/irs-drop/rp-22-38.pdf> (last visited Feb. 2, 2024).

<sup>29</sup> *See* § 3.20, Rev. Proc. 2023-34, available at: <https://www.irs.gov/pub/irs-drop/rp-23-34.pdf> (last visited Feb. 2, 2024).

<sup>30</sup> Division of Bond Finance, *Act Summary*, available at <https://www.sbafla.com/bond/Other-Functions/Private-Activity-Bond-Allocation-Programs> (last visited Feb. 2, 2024).

While the Code provides a default formula for the allocation of volume cap, each state may, by law, provide its own formula for allocating its state ceiling.<sup>31</sup> The Division is statutorily designated to allocate volume limitation to those entities authorized to issue PABs in Florida pursuant to the Florida Private Activity Bond Allocation Act<sup>32</sup> and the rules promulgated thereunder.<sup>33</sup>

### Allocation of State Ceiling

For PABs subject to the state ceiling,<sup>34</sup> issuers must have sufficient volume cap under the Code or their state's formula for allocating its state ceiling in order for the interest on those bonds to be excluded from gross income for federal income tax purposes.<sup>35</sup> States have a variety of methods for distributing their state ceiling at the beginning of each year based on the purpose or type of the proposed PABs, the location of the project, and the issuer requesting an allocation of volume cap; additionally, the timeframe within which state ceiling is available for various types of projects varies greatly from state to state. There are two predominant methods for how volume cap is allocated in each state; one in which broad discretion is given to the program administrator to determine which issuers and projects should be allowed to access the tax-exempt market, and one in which the state legislature has established a detailed framework making the administration of the program a ministerial function based on legislative priorities.<sup>36</sup>

<sup>31</sup> I.R.C. § 146(e).

<sup>32</sup> Part VI of chapter 159, F.S.

<sup>33</sup> Chapter 19A-4, F.A.C.

<sup>34</sup> The amounts of tax-exempt PABs issued as exempt facility bonds to finance mass commuting facilities, facilities for the furnishing of water, sewage facilities, privately owned solid waste disposal facilities, qualified residential rental projects, facilities for the furnishing local electric energy or gas, local district heating and cooling facilities, qualified hazardous waste facilities, privately owned high-speed intercity rail facilities, privately owned qualified broadband projects, and qualified carbon capture facilities, qualified mortgage revenue bonds, qualified small issue bonds, qualified student loan bonds, and qualified redevelopment bonds are subject to an annual volume cap and cannot exceed the amount allocated. Tax-exempt PABs issued to finance privately owned high-speed intercity rail facilities, privately owned qualified broadband projects, and qualified carbon capture facilities only need an allocation for 25% of the amount of any tax-exempt exempt facility bonds issued. I.R.C. §§ 142(a), 143, 144, and 146(g)(4)-(5). Certain types of PABs are not subject to the state ceiling but are subject to other annual or lifetime caps under the Code. The amounts of tax-exempt PABs issued to finance qualified public educational facilities, qualified green building and sustainable design projects, and qualified highway or surface freight transfer facilities are separately limited in I.R.C. § 142. Qualified public educational facilities are subject to a separate annual state volume cap, which is the greater of \$10 per capita or \$5 million, as allotted in the manner the state determines appropriate pursuant to I.R.C. § 142(k)(5). *See*, s. 159.834, F.S. Qualified green building and sustainable design projects must receive designation from the United States Secretary of the Treasury, after consultation with the Administrator of the Environmental Protection Agency; exempt facility bonds issued to finance such project are subject to a lifetime volume cap of \$2 billion, allocated by the Secretary of the Treasury pursuant to I.R.C. § 142(l)(7)(B). Exempt facility bonds for qualified transfer facilities are subject to a lifetime volume cap of \$30 billion, allocated by the United States Secretary of Transportation pursuant to I.R.C. § 142(m)(2)(C).

<sup>35</sup> The aggregate face amount of tax-exempt PABs issued by a particular issuing authority during a calendar year cannot exceed such authority's volume cap for such calendar year. I.R.C. § 146(a).

<sup>36</sup> California's Debt Limit Allocation Committee has been delegated broad discretion to annually set priorities and method of allocation. *See e.g.*, Cal. Govt. Code § 8869.80 et seq. (2021); Cal. Code Regs. Tit. 4, §§ 5010, 5020-5022, and 5150-5155; *California Debt Limit Allocation Committee (CDLAC)*, CALIFORNIA STATE TREASURER, available at <https://www.treasurer.ca.gov/cdlac/index.asp> (last visited Feb. 2, 2024). Some states have a hybrid approach, either setting aside only a portion of their state ceiling to be allocated at the discretion of the program administrator, or giving the program administrator discretion in the event that requests exceed the available state ceiling. *See*, Ga. Code Ann. §§ 36-82-195 – 36-82-196, Ariz. Rev. Stat. §§ 35-901 – 35-913, Va. Code Ann. § 15.2-5002, and Rule 122-4-02, Ohio Admin. Code. Comparatively, states including Texas and Washington allocate volume cap in accordance with prescriptive legislative frameworks similar to Florida.

Additionally, a number of state legislatures have designated percentages or set amounts of their state ceiling for affordable housing projects (multifamily and single-family housing bonds and mortgage credit certificates (“MCCs”), for low- and moderate-income families),<sup>37</sup> industrial development projects (manufacturing facility bonds), and public works projects (exempt facility bonds). The Division’s administration of Florida’s state ceiling falls is ministerial pursuant to a detailed legislative framework, with a first-come, first-served system with discrete pools reserved, for at least part of the year, for specific purposes and/or projects located in specified regions.

### ***Current Allocation of Florida’s State Ceiling by the Division***

The Division has calculated Florida’s state ceiling and allocated volume cap to issuers throughout the state pursuant to the Act since 1986. Prior to January 1 of each year, the Division calculates the state ceiling for the upcoming calendar year; then, on January 1 of each year, the Division allocates the state ceiling to the Manufacturing Facility Bond Pool (“MFBP”), among the 17 Regional Allocation Pools, to the Florida Housing Finance Corporation (“FHFC”), to the Florida First Business allocation pool (“FFBP”), and to the state allocation pool (the “State Pool”), all as described in the following table:<sup>38</sup>

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<sup>37</sup> Typically, states that designate a portion of their state ceiling for affordable housing split it into two parts; either based on purpose (single-family housing bonds and MCCs vs. multifamily housing bonds) or based on the issuer (state-level housing agency vs. local HFAs). *See*, Ariz. Rev. Stat. §§ 35-901 – 35-913; Code Ann. § 15.2-5002; Me. Stat. tit. 10, § 363; Iowa Code § 7C, available at <https://www.legis.iowa.gov/docs/ico/chapter/7C.pdf>; Wash. Rev. Code §39.86.120; and *Bond Cap Allocation Program*, WASHINGTON DEPARTMENT OF COMMERCE, <https://www.commerce.wa.gov/about-us/research-services/bond-cap-allocation-program/> (last visited Feb. 2, 2024).

<sup>38</sup> Section 159.804, F.S.

Current Allocation of Florida's State Ceiling		
Pool/Entity	Amount <sup>39</sup>	Purpose/Limitations
MFBP	\$97.5 million	<ul style="list-style-type: none"> <li>Available Jan 1 – Nov 15 to finance manufacturing facility projects <ul style="list-style-type: none"> <li>Amount remaining on Nov 16 is transferred to the state pool</li> </ul> </li> <li>The first \$73,125,000 available to issuers on first come, first served basis, with \$14,620,000 is reserve for small counties Jan 1 – June 30; and the final \$24,375,000 requires Department of Commerce review and approval</li> </ul>
Regional Allocation Pools	50% after MFBP (\$1,364,420,375)	<ul style="list-style-type: none"> <li>Available local issuers on first come, first served basis from Jan 1 – June 30 to finance projects within that region <ul style="list-style-type: none"> <li>Any amounts remaining on July 1 are transferred to FFBP</li> </ul> </li> <li>The amount distributed to each region is proportional to its share of the state population</li> </ul>
FHFC	25% after MFBP (\$682,210,187.50)	<ul style="list-style-type: none"> <li>Available for FHFC to use to issue housing bonds; FHFC may assign a portion to other issuers to issue housing bonds <ul style="list-style-type: none"> <li>Amount remaining on July 1 is transferred to the state pool</li> </ul> </li> </ul>
FFBP	20% after MFBP (\$545,768,150)	<ul style="list-style-type: none"> <li>Available Jan 1 – Nov 15 to finance “Florida First Business projects”<sup>40</sup> <ul style="list-style-type: none"> <li>Amount remaining on Nov 16 is transferred to the state pool</li> </ul> </li> <li>Issuer must have project certified as a Florida first business project by Department of Commerce prior to requesting allocation</li> </ul>
State Pool	5% after MFBP (\$136,442,037.50)	<ul style="list-style-type: none"> <li>Available Jan 1 – May 30 to finance “Priority Projects,”<sup>41</sup> which may be subject to Governor’s review and approval <ul style="list-style-type: none"> <li>Amount remaining on June 1 is transferred to FFBP</li> </ul> </li> <li>Following inflows from FFBP available to all issuers after Nov 16</li> <li>Balance remaining on Dec 30 is available for carryforward</li> </ul>

<sup>39</sup> Amounts shown for each pool are for calendar year 2024. See “2024 Private Activity Bond State Volume Cap Allocation By Pool,” available at <https://www.sbafla.com/bond/Portals/0/Content/FinancialInformation/2024%20PAB%20State%20Volume%20Cap%20Allocation%20By%20Pool%20with%20MAP.pdf?ver=2023-12-28-090525-327> (last visited Feb. 2, 2024).

<sup>40</sup> “Florida First Business project” means (1) any project proposed by a business which qualifies as a target industry business or (2) any project providing a substantial economic benefit to this state. The department shall develop measurement protocols and performance measures to determine what competitive value a project by a target industry business will bring to the state which is certified by the Department of Commerce as eligible to receive an allocation from the FFBP. Section 159.803(11), F.S.

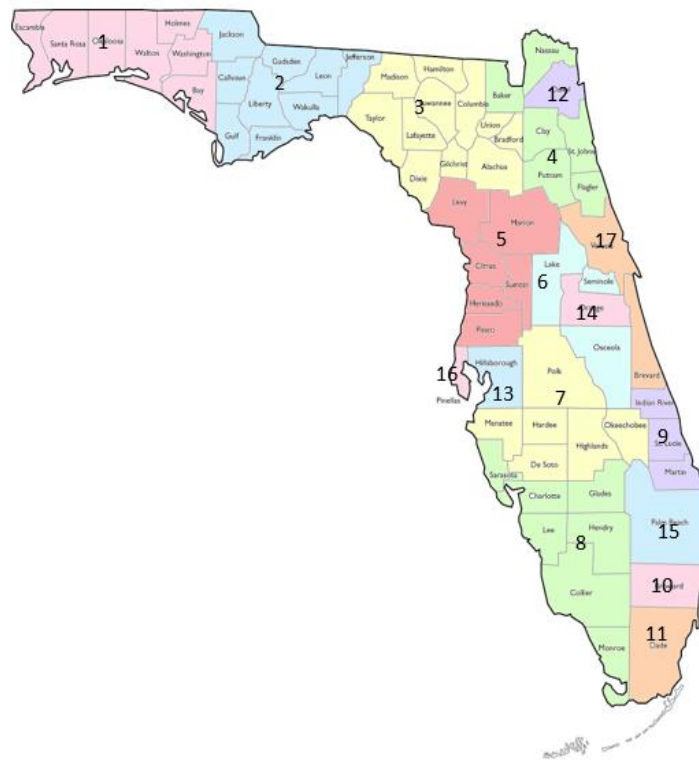
<sup>41</sup> “Priority project” means (1) a solid waste disposal facility, (2) a sewage facility, (3) a water facility, which is operated by a member-owned, not-for-profit utility, or (4) any project which is to be located in an area which is an enterprise zone. Section 159.803(5), F.S.

### ***Manufacturing Facility Bond Pool***

When first created for the 1993 calendar year,<sup>42</sup> \$75 million of the state ceiling was distributed to the MFBP.<sup>43</sup> Currently, \$97.5 million is distributed to the MFBP annually.<sup>44</sup> Following a large amount of PABs issued to finance manufacturing facilities in the late 1990s, requests for and issuances of PABs with volume cap for such projects has steadily declined over the past 20 years.<sup>45</sup>

### ***Regional Allocation Pools***

Prior to the establishment of the regions for the Regional Allocation Pools, each county received a *pro rata* share of 50 percent of the state ceiling.<sup>46</sup> The Legislature created the Regional Allocation Pools for the 1988 calendar year,<sup>47</sup> and last revised the regions effective in 2000.<sup>48</sup> Currently, there are currently 17 statutorily created single- and multi-county regions (10 multi-



<sup>42</sup> Section 2, ch. 92-127, LAWS OF FLA.

<sup>43</sup> Section 159.804(1)(a), F.S.

<sup>44</sup> The portion of the state ceiling distributed to the MFBP increased by \$7.5 million on January 1, 1997, 1998, and 1999, pursuant to s. 159.804(1)(a), F.S., because more than 75 percent of the state ceiling distributed to the MFBP was used to issue qualified small issue bonds for manufacturing facilities prior to November 15 in each of the preceding years. There hasn't been a change to the amount of the state ceiling distributed to the MFBP since 1999.

<sup>45</sup> Approximately 70% of the state ceiling distributed to the MFBP for manufacturing facilities was allocated and issued in 1999; thereafter, PABs issued to finance manufacturing facilities steadily declined (65% of the state ceiling distributed to the MFBP was utilized in 2000, decreasing to 55% in 2005, and further decreasing to 17% in 2010, 13% in 2015, and then 10% in 2020).

<sup>46</sup> Section 1, ch. 85-282, Laws of Fla.

<sup>47</sup> Section 3, ch. 87-222, Laws of Fla.

<sup>48</sup> Section 1, ch. 99-173, Laws of Fla. (effective Jan. 1, 2000).

county and seven single county geographic regions) that receive a *pro rata* share of the state ceiling.<sup>49</sup>

In 2024, the three regions receiving the most volume cap were region 11 (Miami-Dade County) with over \$166.91 million, region 8 (Charlotte, Collier, Glades, Hendry, Lee, Monroe, and Sarasota Counties) with over \$120.97 million, and region 10 (Broward County) with over \$118.97 million.<sup>50</sup>

The regional allocation pools are the only pools from which issuers located within a region, including housing finance authorities created pursuant to s. 159.604 F.S. (“HFAs”), can be allocated volume cap, subject to availability, for a majority of the calendar year, unless the proposed PABs will be issued to finance a project that is certified by the Department of Commerce as a Florida First Business project,<sup>51</sup> or that meets the statutory definition of manufacturing facility<sup>52</sup> project or priority project.<sup>53</sup> The majority of requests for and issuance of PABs with volume cap by from the regional allocation pools are for the issuance of multifamily and single-family housing bonds for low- and moderate-income families.

### ***Florida Housing Finance Corporation***

The volume cap allocated to FHFC must be used for “housing bonds” as defined in s. 159.803, F.S., these include both multifamily and single-family housing bonds for low- and moderate-income families.<sup>54</sup> During the first six months of the calendar year, FHFC may, in its discretion, assign any portion of its volume cap to any HFA for the issuance of housing bonds, taking into consideration the ability of the HFA to timely issue such PABs, the need and public purpose to be served by the issue, and the ability of the HFA to comply with the requirements of federal and state law.<sup>55</sup> This is the only provision in the Act that allows one issuer to transfer any portion of its volume cap to another issuer. However, FHFC has never transferred a portion of their volume cap to another issuer.

### ***Florida First Business Allocation Pool***

Established beginning in the 1996 calendar year,<sup>56</sup> the FFBP is available solely for those projects certified by Department of Commerce as “Florida First Business projects;” Department of

<sup>49</sup> Section 159.804(2)(b), F.S.

<sup>50</sup> Annual allocation information for calendar year 2024 by pool, including each of the regions, is available on the Division’s website at <https://www.sbafla.com/bond/Portals/0/Content/FinancialInformation/2024%20PAB%20State%20Volume%20Cap%20Allocation%20By%20Pool%20with%20MAP.pdf> and <https://www.sbafla.com/bond/Other-Functions/Private-Activity-Bond-Allocation-Programs> (last visited Feb. 2, 2024).

<sup>51</sup> Section 159.803(11), F.S. “Florida First Business project” means any project which is certified by DEO as eligible to receive an allocation from the FFBP because it either (1) meets the criteria set forth in s. 288.106(4)(b), F.S., or (2) will provide a substantial economic benefit to this state.

<sup>52</sup> Section 159.803(10), F.S. A “manufacturing facility” is a facility that meets the definition of “manufacturing facility” in I.R.C. § 144(a)(12)(C).

<sup>53</sup> Section 159.803(5), F.S. A “priority project” means (1) a solid waste disposal facility; (2) a sewage facility; (3) a facility for the furnishing of water, which is operated by a member-owned, not-for-profit utility; or (4) any project located in an enterprise zone designated pursuant to section 290.0065, F.S.

<sup>54</sup> Section 159.804(3)(a), F.S.

<sup>55</sup> Section 159.804(c)(3), F.S.

<sup>56</sup> Section 11, ch. 95-416, Laws of Fla.

Commerce must certify that the project either meets the criteria for targeted business industries or will provide a substantial economic benefit to this state.<sup>57</sup> From 1996-2002, the FFBP was used for a variety of solid waste disposal facility projects and qualified student loan bonds that were certified as Florida First Business projects. Thereafter, there were no projects certified as Florida First Business projects from 2003-2008, 2010-2017, or 2020 and the pool was not used. The amount of projects certified as Florida First Business projects has substantially increased over the last few years.<sup>58</sup>

### ***State Allocation Pool***

The State Pool is available exclusively to finance Priority Projects from January 1 to June 1; except that it is available at all times for allocations to state agencies, and for those portions of governmental bonds requiring an allocation of volume cap under Code.<sup>59</sup> Priority Projects are unable to receive an allocation of volume cap prior to May 1 of any calendar year; the Division is required evaluate all requests submitted from January 1 through April 30 on May 1 to determine whether the total amount of volume requested exceeds the portion of the state ceiling allocated to the state pool.<sup>60</sup> If there is a sufficient amount, all requests for Priority Projects submitted before May 1 will receive an allocation of volume cap by May 15; however, if there is not a sufficient amount, the Division is required to forward all such requests to the Governor, who is required to establish an order within which such projects should receive an allocation of volume cap by June 1.<sup>61</sup> The Division has only had to forward requests to the Governor for consideration twice in the past 20 years, in 2004 and 2023.<sup>62</sup>

Annually on November 16, any state ceiling remaining in either the MFBP or FFBP is transferred to the state pool.<sup>63</sup> Such amount is available on first-come, first-served basis, except that those projects that weren't selected by the Governor to receive an allocation on June 1, receive priority, in the order established by the Governor, for allocation of volume cap from any portion of the state ceiling transferred to the State Pool later in the calendar year; such projects would receive priority over non-priority projects already on the pending list.<sup>64</sup>

### **Process to Obtain an Allocation of Volume Cap**

After the project has obtained the public approval (by the applicable elected official or voter referendum of the appropriate governmental unit), if any, required by section 147(f) of the Code (the "TEFRA approval"), the issuer can request an allocation of volume cap by submitting an

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<sup>57</sup> Section 159.803(11), F.S.

<sup>58</sup> Florida First Business projects receiving volume cap from the FFBP since 2021 include high-speed rail facility projects (\$125M in 2021 and \$125M in 2023), a solid waste disposal facility project (\$350M in 2022), and a sewage facility project (\$250M in 2022).

<sup>59</sup> The Division has not received any requests for volume cap from state agencies, and for those portions of governmental bonds requiring an allocation of volume cap pursuant to section 146(m) of the Code.

<sup>60</sup> Section 159.807(2), F.S.

<sup>61</sup> *Id.*

<sup>62</sup> From 2005 through 2022, there were 1-2 Priority Projects requesting an allocation of volume cap from the State Pool prior to June 1 in 2006-09, 2014-16, and 2019-21, all of which were for solid waste and sewage facilities; in each of these years there was sufficient volume cap to fill all requests without sending to the Governor for ranking and all such requests received allocation by June 1.

<sup>63</sup> Section 159.809(4), F.S.

<sup>64</sup> Section 159.807(2), F.S.



application, called a notice of intent to issue private activity bonds (a “Notice”), to the Division. Each Notice filed with the Division must include a certification that TEFRA approval has been obtained and be accompanied by an opinion or statement of bond counsel that the project to be financed with the requested allocation of volume cap may be financed with PABs and that allocation is required under the Code to issue such Bonds and a nonrefundable filing fee.<sup>65</sup> The fee is \$100.00. The Division allocates volume cap, subject to availability, through written confirmations of allocation (“Confirmations”).

The majority of notices are processed on a first-come, first-served basis based on a twenty-four-hour period from noon on one business day to noon the next business day.<sup>66</sup> This system applies to the Regional Allocation Pools, the first 75% of the volume cap in the MFBP,<sup>67</sup> and volume cap in the State after June 1. If there is insufficient volume cap available in the FFBP, the Division will forward all Notices to Department of Commerce, which will determine which one(s) will receive a Confirmation.<sup>68</sup> On any day when there is insufficient volume cap available in the appropriate pool(s) to issue Confirmations for all Notices, a random selection is held to determine the Notice(s) that will receive the available volume cap.<sup>69</sup> Any Notices for which there is insufficient volume cap following the random selection are placed on a pending list in case volume cap becomes available at a later date in the calendar year and will receive priority from the next available volume cap that may become available during the calendar year, prior to Notices received by the Division after that day’s random selection, except that Notices on the pending list for Priority Projects pursuant to Section 159.807(2), F.S., will take priority from the next available volume cap available in the State Allocation Pool, regardless of when such other Notices were placed on the pending list.<sup>70</sup>

### ***Deadlines for Issuing PABs Pursuant to a Confirmation***

Generally, PABs must be issued within 155 days of allocation or by December 29, whichever is earlier; after such time, the Confirmation ceases to be effective and the volume cap reverts to the appropriate pool.<sup>71</sup> Confirmations from the FFBP expire on either October 1 or November 15, depending on the date on which they are issued,<sup>72</sup> and confirmations from the MFBP expire the earlier of 90 days after issued or November 15.<sup>73</sup> These limits are tolled during a validation proceeding, if written notice is provided to the Division prior to the expiration.<sup>74</sup> Confirmations for Priority Projects and those of \$50 million or more are not subject to these time limitations and are valid through December 30.<sup>75</sup>

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<sup>65</sup> Section 159.805(1), F.S., Except that FHFC is not required to submit a Notice to use the volume cap in its pool for PABs it issues prior to July 1 of any year and is not subject to the fee; However, FHFC must submit a Notice for volume cap it intends to use for PABs issued after July 1 no later than June 30 of such year. Section 159.804(3)(b), F.S.

<sup>66</sup> Section 159.805(1), F.S.

<sup>67</sup> All Notices that are eligible to receive Confirmation using the final 25% of volume cap in the MFBP are forwarded to the Department of Commerce to determine which ones will receive a Confirmation. Section 159.8081(2)(a), F.S.

<sup>68</sup> Section 159.8083, F.S.

<sup>69</sup> Section 159.805(6), F.S.

<sup>70</sup> *Id.*

<sup>71</sup> Section 159.805(2), F.S.

<sup>72</sup> Sections 159.809(2) and (3), F.S.

<sup>73</sup> Section 159.8081(3), F.S.

<sup>74</sup> Section 159.805(4), F.S. Except that pendency of a validation proceeding does not extend a Confirmation beyond December 29 of such year. Rule 19A-4.007(2), F.A.C.

<sup>75</sup> Section 159.805(4), F.S.

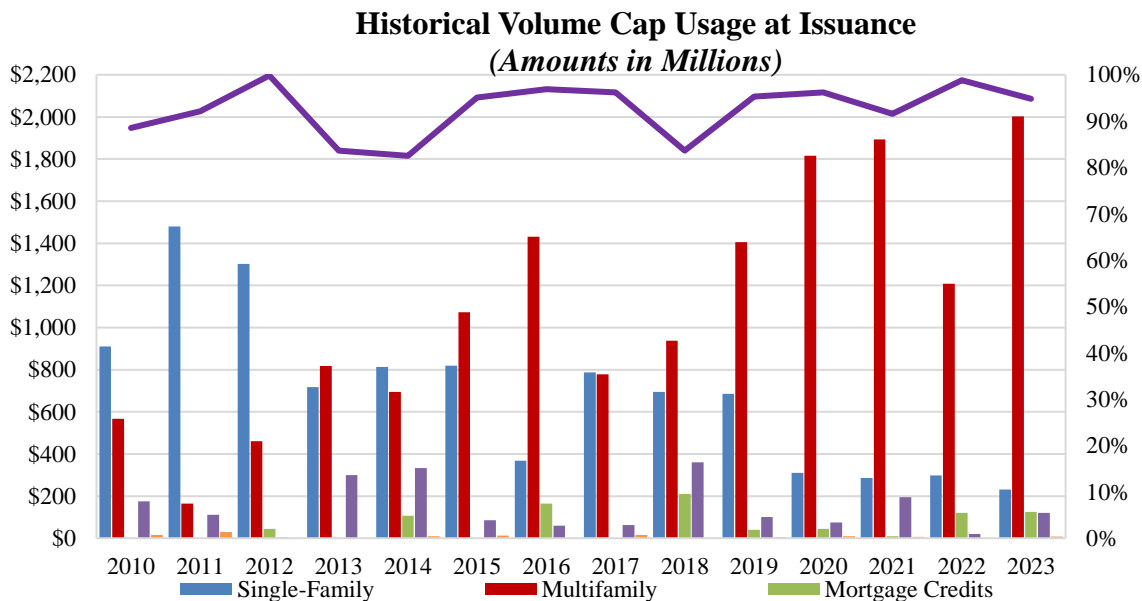


### ***End of Year Allocation and Carryforward Lottery***

Unused allocations of volume cap may be carried forward for up to three years. The Code permits carryforward for the following types of projects that require an allocation of volume cap from the Division: mass commuting facilities, facilities for the furnishing of water, sewerage facilities, solid waste disposal facilities, multi-family housing projects, local electric or gas generating facilities, local district heating or cooling facilities, hazardous waste facilities, high speed rail facilities, single family housing bonds, student loan bonds, and redevelopment bonds.<sup>76</sup> Volume cap that is allocated for a Florida First Business project is entitled to be carried forward at the request of the Agency, if the Department of Commerce has approved the project to receive carryforward.<sup>77</sup> Additionally, volume cap that is allocated for Priority Projects and those projects of \$50 million or more are entitled to be carried forward at the request of the Agency.<sup>78</sup> All other requests for carryforward are subject to availability on December 30; such volume cap is allocated on a lottery basis to fund carryforward projects as defined by the Code.<sup>79</sup>

### **Historical Utilization of Volume Cap in Florida**

The majority of volume cap is allocated and used to issue multifamily and single-family housing bonds for low- and moderate-income families. From 2010 through 2023, approximately 92.5% of all volume cap (current year and carryforward) has been used for affordable housing (multifamily and single-family housing bonds and MCCs for low- and moderate-income families).



<sup>76</sup> I.R.C. § 146(f).

<sup>77</sup> Section 159.81(1), F.S.

<sup>78</sup> Section 159.81(2)(a)1., F.S.

<sup>79</sup> *Id.*

### ***Increasing Demand***

In recent years, demand for volume cap has exceeded the state ceiling. Since 2020, a growing number of regions have had requests for volume cap in excess of the portion of the state ceiling available in their Regional Allocation Pool.<sup>80</sup> When requests for volume cap exceed the amount available, the request is placed on a pending list to receive an allocation of volume cap if and when available; this is usually from the state pool after November 15. The number of requests and the amount on the pending list had increased dramatically over the past five years. As of January 26, 2024, there were 11 Notices, 10 of which are eligible for volume cap allocation from a Regional Allocation Pool and one of which is a Priority Project eligible for allocation from the State Pool after May 1, totaling \$1,214,725,019.72 on the pending list.<sup>81</sup>

### **III. Effect of Proposed Changes:**

The bill substantially revises Part VI, Private Activity Bonds, of Chapter 159, F.S. The bill modernizes, updates, and streamlines out-of-date provisions throughout the part, and codifies certain provisions from the Division's rules related to the administration of private activity bonds. Specifically, the bill:

- Provides legislative intent to maximize the annual use of private activity bonds to finance improvements, projects, and programs serving public purposes and benefitting the social and economic well-being of Floridians;
- Refines and adds definitions used throughout;
- Revises the regions, pools, and timelines related to bond allocations to consolidate infrequently used pools and expedite usage of bonds, detailed below;
- Codifies current rules and procedures related to requests for volume limitation by notice of intent to issue, evaluating such notices, and the division's role in final certification of bond issuance;
- Allows for all volume cap allocated in a Confirmation to be entitled to be carried forward, rather than limiting to specific types of projects or basing it on the amount of the Confirmation;
- Replaces the existing processes for requesting and granting allocation of volume cap with an electronic application wherein all Notices and Issuance Reports will be submitted on the Division's website in lieu of via certified/overnight mail;
- Repeals the Division's rulemaking authority; and
- Amends related statutes to correct cross references and outdated references.

### **Bond Allocation Regions, Pools, and Timeline Amendments**

The bill combines the purposes of FFBP, MFBP, and the existing State Pool (prior to June 1, when available for Priority Projects). Into a single pool, the Economic Development Allocation Pool, which is available for all PABs other than those issued to finance affordable housing projects. The bill also consolidates a number of regions from the existing Regional Allocation Pools and specifies that the regional pools are specific to affordable housing projects. The

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<sup>80</sup> Data on file with the Division.

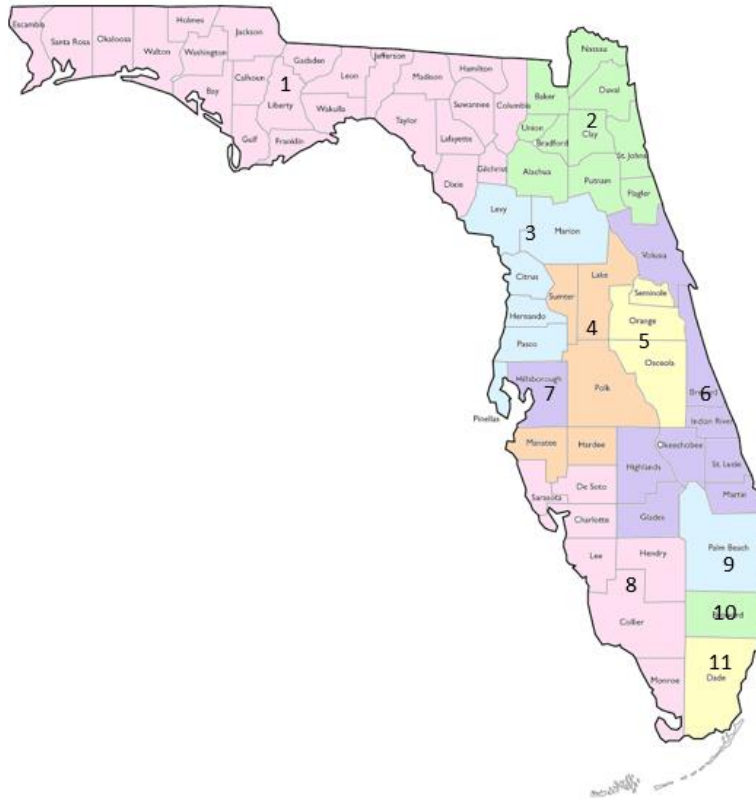
<sup>81</sup> Division of Bond Finance, Act Summary, available at <https://www.sbafla.com/bond/Other-Functions/Private-Activity-Bond-Allocation-Programs> (last visited Feb. 2, 2024).

following table describes new pools under the bill with amounts of volume cap shown as what they would be for calendar year 2024:

<b>Pool</b>	<b>Amount</b>	<b>Purpose/Availability</b>
Affordable Housing Allocation Pools	50% ( <i>approx.</i> \$1.413B)	Available 1/1 – 9/30 for affordable housing projects <ul style="list-style-type: none"> <li>• 1/1 – 5/31: Regional Affordable Housing Allocation Pools (11 regions) <ul style="list-style-type: none"> <li>○ Available on a first-come, first-served basis to issuers within each region for projects within such region</li> </ul> </li> <li>• 6/1 – 9/30: Statewide Affordable Housing Allocation Pools (no regions) <ul style="list-style-type: none"> <li>○ Available for single and multifamily housing projects statewide</li> <li>○ Initial priority for unfilled requests for allocation from the Regional Affordable Housing Allocation Pools (first pending multifamily, then pending single-family), available on first-come, first-served basis thereafter</li> </ul> </li> </ul>
FHFC Pool	25% ( <i>approx.</i> \$706.6M)	Available 1/1 – 9/30 to FHFC for affordable housing projects
Economic Development Allocation Pool	25% ( <i>approx.</i> \$706.6M)	Available 1/1 – 9/30 for all non-affordable housing projects <ul style="list-style-type: none"> <li>• 1/1 – 5/31: Available following ranking by Secretary of Commerce <ul style="list-style-type: none"> <li>○ Applications received by 5/31 sent to the Department of Commerce</li> <li>○ Secretary of Commerce has 15 days to rank order applications</li> </ul> </li> <li>• 6/1 – 9/30: Available on a first-come, first-served basis with notification to the Department of Commerce</li> </ul>
State Allocation Pool	Rollover on 9/30	Available 10/1 – 11/30 for all PABs on a first-come, first-served basis
Carryforward Allocation Pool	Rollover on 11/30	Carryforward requests submitted Dec 1 – 15; processed on Dec 15 (lottery)

Based on the changes to the regions that increase the number of counties within seven regions, a number of counties (small, medium, and large) will have access to more volume cap.<sup>82</sup> The new regions for the Regional Affordable Housing Allocation Pools are shown in the following map:

<sup>82</sup> Under the bill the regions would have the following amounts of volume cap in 2024: Region 1: \$101,359,720.58, Region 2: \$127,495,261.83, Region 3: \$136,178,995.75, Region 4: \$101,750,476.19, Region 5: \$137,986,608.48, Region 6: \$117,350,855.82, Region 7: \$87,775,926.25, Region 8: \$115,544,051.27, Region 9: \$87,638,708.62, Region 10: \$113,670,629.50, and Region 11: \$159,188,145.71.



The bill takes effect January 1, 2025.

#### IV. **Constitutional Issues:**

##### A. Municipality/County Mandates Restrictions:

None.

##### B. Public Records/Open Meetings Issues:

None.

##### C. Trust Funds Restrictions:

None.

##### D. State Tax or Fee Increases:

None.

##### E. Other Constitutional Issues:

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

The Division of Bond Finance will see an indeterminate impact, with potential costs related to administering the changes and potential savings related to increased efficiency in the process.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 159.608, 159.802, 159.803, 159.811, 159.814, 159.816, 420.504, and 163.2520.

This bill creates the following sections of the Florida Statutes: 159.8041, 159.8051, 159.8052, 159.8053, 159.8061, 159.8062, 159.8063, 159.8071, 159.80751, 159.8091, and 159.8101.

This bill repeals the following sections of the Florida Statutes: 159.804, 159.805, 159.806, 159.807, 159.8075, 159.8081, 159.8083, 159.809, 159.81, 159.8105, 159.812, and 159.815.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

**B. Amendments:**

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
02/08/2024	.	
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The Committee on Community Affairs (Calatayud) recommended the following:

**Senate Amendment (with title amendment)**

Delete lines 676 - 843

and insert:

(a) On June 1 of each year, if a sufficient amount of state volume limitation is available in the statewide affordable housing allocation pool, the division must issue confirmations for all notices of intent to issue previously placed on the pending list for the regional affordable housing pool pursuant to s. 159.8052(1)(b) during such year. After confirmations have



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11 been issued for all notices of intent to issue previously placed  
12 on the pending list for the regional affordable housing pool  
13 pursuant to s. 159.8052(1)(b), the statewide affordable housing  
14 allocation pool must be available to issue confirmations on a  
15 first-come, first-served basis. Notwithstanding s.  
16 159.8052(1)(c), if the amount of state volume limitation  
17 available in the statewide affordable housing allocation pool is  
18 insufficient to issue a confirmation for each such notice of  
19 intent to issue, the division must issue confirmations in the  
20 priority order established in paragraph (b).

21 (b) If the division determines that the aggregate amount  
22 requested in the notices of intent to issue placed on the  
23 pending list for the regional affordable housing pool pursuant  
24 to s. 159.8052(1)(b) during such year exceeds the state volume  
25 limitation available in the statewide affordable housing  
26 allocation pool on June 1, the division must issue confirmations  
27 for any such notices of intent to issue for multifamily  
28 affordable housing bonds in the priority order established in  
29 this paragraph, and then, subject to the availability of state  
30 volume limitation, must issue confirmations for any such notices  
31 of intent to issue for single-family affordable housing bonds in  
32 the priority order established in this paragraph until the  
33 available state volume limitation is exhausted. In establishing  
34 the priority of each such notice of intent, the division shall  
35 first assign a consecutive number to each such notice of intent  
36 to issue for multifamily affordable housing bonds and draw such  
37 numbers randomly to establish the priority of each such notice  
38 of intent to issue. The division shall assign a consecutive  
39 number to each such notice of intent to issue for single-family



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affordable housing bonds and draw such numbers randomly to  
establish the priority of each such notice of intent to issue.

Section 12. Section 159.8062, Florida Statutes, is created  
to read:

159.8062 Florida housing finance corporation pool.—

(1) From January 1 through September 30 of each year, the  
corporation pool is established and shall be available for the  
sole purpose of issuing confirmations for affordable housing  
bonds to the corporation and its assigns pursuant to the  
procedures specified in s. 159.8052. Before October 1 of any  
year, the corporation pool is the only pool from which a  
corporation may receive any allocation of state volume  
limitation.

(2) (a) Notwithstanding s. 159.8051(1), before October 1 of  
any year, the corporation need not submit a notice of intent to  
issue or obtain a confirmation for the issuance of affordable  
housing bonds using the state volume limitation allocated to  
this pool pursuant to s. 159.8041(2) (b) .

(b) For affordable housing bonds that the corporation  
intends to issue on or after October 1 of any year, the  
corporation must submit a notice of intent to issue no later  
than September 30 of such year, and the division shall issue a  
confirmation not exceeding the amount of state volume limitation  
then available in the corporation pool. The corporation is not  
subject to the fee required under s. 159.811 for notices of  
intent to issue submitted pursuant to this paragraph.

(3) Prior to June 1 of each year, the corporation may, in  
its discretion, assign any portion of the state volume  
limitation in the corporation pool to the affordable housing





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allocation pools.

Section 13. Section 159.8063, Florida Statutes, is created to read:

159.8063 Economic development allocation pool.—

(1) The economic development allocation pool is hereby established and is available for issuing confirmations pursuant to the procedures specified in this section and s. 159.8052.

(2) The economic development allocation pool must, at all times, first be available to issue confirmations for those portions of a private activity bond requiring an allocation of state volume limitation under s. 146(m) of the Code and to issue confirmations to state issuers and, thereafter, be available as provided in subsection (3).

(3) (a) From January 1 through May 31 of each year, the economic development allocation pool must be available for the sole purpose of issuing confirmations for exempt facility bonds, small issue bonds, student loan bonds, and redevelopment bonds to issuers statewide in the priority order established by the Secretary of Commerce as provided in this paragraph.

Notwithstanding s. 159.8052(1), any notice of intent to issue requesting a confirmation from the economic development allocation pool which conforms to the requirements of s. 159.8051 and is filed with the division before May 1 must be forwarded to the Secretary of Commerce for review. The Secretary of Commerce shall render a decision on or before May 15 as to the order in which such notices of intent to issue are to receive a confirmation. The division shall issue confirmations for such notices of intent to issue in the order of priority established by the Secretary of Commerce within 3 business days



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after receipt of such decision.

(b) The economic development allocation pool must be available from June 1 through September 30 of each year for the sole purpose of issuing confirmations for exempt facility bonds, small issue bonds, student loan bonds, and redevelopment bonds to issuers statewide on a first-come, first-served basis with notification to the Department of Commerce.

Section 14. Section 159.807, Florida Statutes, is repealed.

Section 15. Section 159.8071, Florida Statutes, is created to read:

159.8071 State allocation pool.—The state allocation pool is hereby established and must be available to issue confirmations pursuant to the procedures specified in s. 159.8052, and to issue confirmations for bonds to issuers statewide on a first-come, first-served basis for all types of private activity bonds from October 1 through November 30 of each year.

Section 16. Section 159.8075, Florida Statutes, is repealed.

Section 17. Section 159.80751, Florida Statutes, is created to read:

159.80751 Qualified mortgage credit certificates.—

(1) On or before November 30 of each year, an issuer may elect in writing to the division to convert all or a portion of its allocation of state volume limitation for single-family affordable housing bonds to mortgage credit certificates, provided such election is made before the expiration date of the confirmation granting such allocation. Each issuer shall provide notice of any election made under this section to the governing



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body of the county for which the issuer was created. Such election is irrevocable.

(2) All mortgage credit certificates must be issued under a certification program that is designed to ensure that the requirements of s. 25 of the Code, specifically s. 25(f)(4), are complied with and that meets all requirements adopted by the United States Secretary of the Treasury as set out in applicable regulations. Any potential issuer of mortgage credit certificates must certify in writing to the division that the mortgage credit certification program is certified under s. 25 of the Code, specifically s. 25(f)(4).

(3) For that portion of the confirmation that an issuer has elected to use for mortgage credit certificates before the expiration thereof, the expiration dates in s. 159.8052(2) do not apply and any unissued mortgage credit certificates will automatically receive a carryforward confirmation.

(4) The election referenced in subsection (1) and the certification referenced in subsection (2) must be filed with the division in accordance with s. 159.814. The director of the division is the state official designated to make the certification required by Temporary Regulation 1.25-4T(d) under the Code.

Section 18. Section 159.8081, Florida Statutes, is repealed.

===== T I T L E   A M E N D M E N T =====

And the title is amended as follows:

Delete lines 145 - 146  
and insert:



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156 certification; repealing s. 159.8081, F.S.; relating  
157 to the Manufacturing Facility Bond Pool; repealing s.

FOR CONSIDERATION By the Committee on Community Affairs

578-01935A-24

20247054pb

A bill to be entitled

An act relating to private activity bonds; amending s. 159.608, F.S.; conforming a provision to changes made by the act; amending s. 159.802, F.S.; providing legislative findings and intent; amending s. 159.803, F.S.; revising and defining terms; repealing s. 159.804, F.S., relating to allocation of state volume limitation; creating s. 159.8041, F.S.; requiring the Division of Bond Finance of the State Board of Administration to annually determine the state volume limitation and publicize such information; requiring the division to initially allocate the state volume limitation in a specified manner among specified pools annually on a specified date; requiring that any portion of each allocation of state volume limitation made to certain pools for which the division has not issued a confirmation to be added to either the state allocation pool or carryforward allocation pool, respectively, by a certain date; requiring that any portion of the state volume limitation used to issue confirmation which has not been used in a specified manner or has not received a carryforward confirmation or been converted for the issuance of mortgage certificates be added to the carryforward allocation pool; repealing s. 159.805, F.S., relating to procedures for obtaining allocations, requirements, limitations on allocations, and issuance reports; creating s. 159.8051, F.S.; establishing procedures for the issuance of private activity bonds; providing

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requirements for notices of intent to issue private activity bonds; requiring that a separate notice of intent to issue be filed for each proposed issuance of a private activity bond; creating s. 159.8052, F.S.; providing procedures for the evaluation, approval, and confirmation of notices of intent to issue private activity bonds; providing procedures for the division to follow if the amount of state volume limitation requested in notices of intent to issue private activity bonds exceeds the state volume limitation available to issuers; providing procedures for the allocation of state volume limitation that subsequently becomes available for allocation; providing that certain confirmations expire on a specified date unless a certain requirement is met; requiring that certain confirmations include certain information; authorizing the effectiveness of a confirmation of allocation when fewer private activity bonds are issued than set forth in such confirmation; prohibiting the effectiveness of a confirmation of allocation when more private activity bonds are issued than set forth in such confirmation; providing requirements for the issuance of private activity bonds in excess of the amount set forth in the confirmation; requiring the division to cancel a confirmation of allocation and reallocate the state volume limitation under certain circumstances; creating s. 159.8053, F.S.; prohibiting the allocation of state volume limitation before an issuance report

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is filed by or on behalf of the issuer issuing bonds before the expiration of confirmation of allocation for such bonds; providing requirements for issuance reports; providing for the reversion of certain unissued state volume limitation and requiring that it be made available for reallocation; requiring the director of the division to sign a final certification of allocation after timely filing of an issuance report; repealing s. 159.806, F.S., relating to regional allocation pools; creating s. 159.8061, F.S.; establishing affordable housing allocation pools for a specified purpose; requiring that a certain allocation be allocated and distributed to the regional affordable housing allocation pool and distributed among specified regions; providing requirements for such allocations; establishing regions within the regional affordable housing allocation pool; requiring that, on a specified date, any portion of the allocation made to such pool for which the division has not issued a confirmation be added to the statewide affordable housing allocation pool; requiring that the pool be available for issuing confirmations for affordable housing bonds to issuers statewide during a specified timeframe; requiring the division to issue confirmations for all notices of intent to issue previously placed on the pending list for the regional affordable housing pool on a certain date; providing procedures for the issuance of confirmations when the division determines that the

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amount of notices of intent to issue exceeds the state volume limitation; creating s. 159.8062, F.S.; establishing the corporation pool for a specified timeframe each year to issue confirmations for affordable housing bonds to corporations according to certain procedures; providing that, prior to a specified date, the corporation pool is the only pool from which a corporation may receive allocations of state volume limitation; providing that the corporation is not required to submit a notice of intent to issue affordable housing bonds or to obtain a confirmation for the issuance of bonds before a specified date; requiring the corporation to submit a notice of intent to issue on or before a certain date for affordable housing bonds that the corporation intends to issue on or after a certain date; authorizing the corporation to assign a portion of its state volume limitation to specified pools before a certain date each year; creating s. 159.8063, F.S.; establishing the economic development allocation pool; requiring that the economic development allocation pool be first available to issue confirmations pursuant to specified procedures; requiring the economic development allocation pool to be available for the sole purpose of issuing confirmations for certain bonds during a certain timeframe each year; requiring that certain notices of intent to issue requesting confirmation from the economic development allocation pool which conform with certain



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requirements and are filed by a certain date be forwarded to the Secretary of Commerce for review and the rendering of a decision; repealing s. 159.807, F.S., relating to the state allocation pool; creating s. 159.8071, F.S.; establishing the state allocation pool to issue confirmations for all types of private activity bonds during a specified timeframe each year; repealing s. 159.8075, F.S., relating to qualified mortgage credit certificates; creating s. 159.80751, F.S.; authorizing an issuer to convert all or a portion of its allocation of state volume limitation for certain affordable housing bonds to mortgage credit certificates if certain conditions are met; providing requirements for the issuance of mortgage credit certificates; providing that elections to convert are irrevocable; requiring that mortgage credit certificates be issued under a certification program that meets specified requirements; requiring potential issuers to certify in writing to the division that the mortgage credit certification program is certified under specified federal law; providing that certain expiration dates do not apply under certain circumstances and that certain unissued mortgage credit certificates will automatically receive a carryforward confirmation; requiring that certain elections and certifications be filed with the division; designating the director of the division to be the state official authorized to make a required certification; amending s. 159.8081, F.S.; conforming

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a provision to changes made by the act; repealing s.  
159.8083, F.S., relating to the Florida First Business  
allocation pool; repealing s. 159.809, F.S., relating  
to recapture of unused amounts; creating s. 159.8091,  
F.S.; establishing the carryforward allocation pool  
for the sole purpose of issuing carryforward  
confirmations to issuers for specified projects;  
requiring the division to issue certain carryforward  
confirmations until a specified occurrence; requiring  
that the amount of each carryforward confirmation be  
the amount requested if there is sufficient state  
volume limitation in the carryforward allocation pool;  
requiring the division to use a specified  
prioritization process when the aggregated amount  
requested exceeds the available amount; providing for  
the carryforward of certain state volume limitations;  
repealing s. 159.81, F.S., relating to unused  
allocations; creating s. 159.8101, F.S.; requiring an  
issuer that elects to carryforward an allocation to  
request and obtain carryforward confirmation from the  
division; requiring the division, upon request, to  
issue a carryforward confirmation when certain  
conditions are met; providing requirements for  
requesting a carryforward confirmation; repealing s.  
159.8105, F.S., relating to allocation of bonds for  
water and wastewater infrastructure projects; amending  
s. 159.811, F.S.; conforming provisions to changes  
made by the act; making technical changes; repealing  
s. 159.812, F.S., relating to a grandfather clause;

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amending s. 159.814, F.S.; providing requirements for the form of applications for allocations; providing that certain notices of intent and applications for carryforward confirmation are timely filed only if filed with the division within specified timeframes; deleting obsolete provisions; repealing s. 159.815, F.S., relating to rules; amending s. 159.816, F.S.; requiring the director of the division to execute a final certification of allocation following the timely filing of an issuance report; amending s. 420.504, F.S.; conforming provisions to changes made by the act; amending s. 163.2520, F.S.; conforming a provision to changes made by the act; providing an effective date.

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

Section 1. Subsection (10) of section 159.608, Florida Statutes, is amended to read:

159.608 Powers of housing finance authorities.—A housing finance authority shall constitute a public body corporate and politic, exercising the public and essential governmental functions set forth in this act, and shall exercise its power to borrow only for the purpose as provided herein:

(10) (a) To make loans or grant surplus funds to corporations that qualify as not-for-profit corporations under s. 501(c)(3) of the Internal Revenue Code of 1986, as amended, and under the laws of this state, for the development of affordable housing; and

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(b) To do anything necessary or appropriate to further the purpose for which a housing finance authority is established, pursuant to s. 159.602, including, as further described in s. 159.08751 ~~s. 159.8075~~, the power to issue mortgage credit certificates to the extent allocation is available for that purpose to qualifying individuals in lieu of issuing qualified mortgage bonds pursuant to ss. 25, 143, and 146 of the Internal Revenue Code of 1986, as amended, or a combination of the two. Mortgage credit certificates may not be issued on December 30 or December 31 of any year.

Section 2. Section 159.802, Florida Statutes, is amended to read:

159.802 Purpose; legislative findings and intent.—

(1) The purpose of this part is to allocate the state volume limitation imposed on private activity bonds under s. 146 of the Code. A ~~no~~ private activity bond subject to the limitation in s. 146 of the Code may not ~~shall~~ be issued in this state unless a ~~written~~ confirmation therefor is issued pursuant to this part.

(2) The Legislature finds and declares that private activity bonds are used to finance improvements, projects, and programs that serve important public purposes and benefit the social and economic well-being of the people of this state. The Legislature recognizes that the exemption of interest on private activity bonds from federal income taxation and the concomitant reduced interest costs have been central to the marketability of such bonds.

(3) It is the intent of the Legislature that issuers use the state volume limitation in such a manner as to maximize the

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amount of private activity bonds that may be issued in this state which will benefit the social and economic well-being of the people of this state by increasing the number of improvements, projects, and programs that may be financed in a given year and that, to the extent that any portion of state volume limitation allocated to an issuer is carried forward, it be used to issue private activity bonds before its expiration.

Section 3. Section 159.803, Florida Statutes, is reordered and amended to read:

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

(1) "Affordable housing bonds" means multifamily affordable housing bonds and single-family affordable housing bonds.

~~(1) "County" means the geographic boundaries of each county as established by law.~~

(16)~~(2)~~ "Private activity bond" or "bond" means any bond which requires an allocation pursuant to s. 146 of the Code.

~~(3) "Director" means the director of the Division of Bond Finance of the State Board of Administration or his or her designee.~~

~~(4) "Agency" means the State of Florida, any unit of local government, industrial development authority, or other entity in this state authorized to issue private activity bonds.~~

~~(5) "Priority project" means a solid waste disposal facility or a sewage facility, as such terms are defined in s. 142 of the Code, or a water facility, as defined in s. 142 of the Code, which is operated by a member-owned, not-for-profit utility, or any project which is to be located in an area which is an enterprise zone designated pursuant to s. 290.0065.~~

(6) "Division" means the Division of Bond Finance of the

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State Board of Administration.

(11)~~(7)~~ "Issued" or "issuance" has the same meaning as in the Code.

(3)~~(8)~~ "Code" means the Internal Revenue Code of 1986, as amended, and the regulations and rulings issued thereunder.

~~(9) "Housing bonds" means bonds issued pursuant to s. 142(d) of the Code to finance qualified residential units or mortgage revenue bonds issued pursuant to s. 143 of the Code which require an allocation under s. 146 of the Code.~~

~~(10) "Manufacturing facility" means a facility described in s. 144(a)(12)(C) of the Code.~~

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

(13)~~(12)~~ "Mortgage credit certificate" means those certificates issued pursuant to s. 25 of the Code.

(2) "Carryforward confirmation" means a confirmation for a project that qualifies for a carryforward pursuant to s. 146(f)(5) of the Code which authorizes the issuer to make an election to carry forward such allocation of state volume limitation beyond the end of the current calendar year in

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291 accordance with s. 146(f) of the Code.

292 (4) "Confirmation" means the conditional allocation of a  
293 portion of the state volume limitation to an issuer, made  
294 pursuant to a timely filed notice of intent to issue, which is  
295 contingent upon the issuer's timely filing of an issuance  
296 report.

297 (5) "Corporation" means the Florida Housing Finance  
298 Corporation created by s. 420.504.

299 (7) "Exempt facility bonds" means any bonds, except  
300 multifamily affordable housing bonds, issued pursuant to s. 142  
301 of the Code to finance facilities and projects that are listed  
302 in s. 142(a) of the Code which require an allocation of state  
303 volume limitation under s. 146 of the Code.

304 (8) "Final certification of allocation" means the  
305 certification issued by the division following the timely filing  
306 of an issuance report which establishes the final amount of  
307 state volume limitation allocated to an issuer for an issuance  
308 of private activity bonds as required in s. 149(e)(2)(F) of the  
309 Code.

310 (9) "Governmental unit" means the general-purpose  
311 governmental unit, as defined in the Code, which provides  
312 approval under the federal Tax Equity and Fiscal Responsibility  
313 Act (TEFRA) for proposed issuances of private activity bonds for  
314 issuers within its jurisdiction.

315 (10) "Issuance report" means the form containing the  
316 information described in s. 159.8053(2) by which an issuer  
317 notifies the division of its issuance of bonds pursuant to a  
318 confirmation.

319 (12) "Issuer" means the State of Florida, any governmental

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unit, a housing finance authority, an industrial development authority, or any other entity in this state authorized to issue private activity bonds.

(14) "Multifamily affordable housing bonds" means bonds issued pursuant to s. 142 of the Code to finance qualified residential rental projects, as described in s. 142(d)(1) of the Code, which require an allocation of state volume limitation under s. 146 of the Code.

(15) "Notice of intent to issue" means the form containing the information described in s. 159.8051(2) on which an issuer requests an allocation of the state volume limitation from the division.

(17) "Redevelopment bonds" means bonds issued pursuant to s. 144(c) of the Code to be used for redevelopment purposes in any designated blighted area as such terms are described in s. 144(c)(3) and s. 144(c)(4) of the Code.

(18) "Single-family affordable housing bonds" means qualified mortgage revenue bonds issued pursuant to s. 143 of the Code which require an allocation of state volume limitation under s. 146 of the Code.

(19) "Small issue bonds" means bonds issued pursuant to s. 144(a) of the Code to finance a manufacturing facility as described in s. 144(a)(12)(C) of the Code or the acquisition of farmland or farm property, which require an allocation of state volume limitation under s. 146 of the Code.

(20) "State volume limitation" means the maximum amount of private activity bonds which may be issued in this state during each calendar year as such limit is imposed by s. 146 of the Code, and which is allocated by the division pursuant to this



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part.

(21) "Student loan bonds" means bonds issued pursuant to s. 144(b) of the Code to make or finance student loans which require an allocation of state volume limitation under s. 146 of the Code.

(22) "TEFRA approval" means the approval of a proposed issuance of bonds by an elected official or body of elected officials of the applicable governmental unit after a public hearing or by a referendum of the voters within such governmental unit, as required by s. 147(f) of the Code.

Section 4. Section 159.804, Florida Statutes, is repealed.

Section 5. Section 159.8041, Florida Statutes, is created to read:

159.8041 Allocation of state volume limitation; recapture of unused amounts.—

(1) The division shall annually determine the state volume limitation. The division shall make the state volume limitation information available upon request and shall publish such information on its website.

(2) On January 1 of each year, the division shall initially allocate the state volume limitation among the following pools:

(a) Fifty percent of the state volume limitation must initially be allocated among the affordable housing allocation pools established in s. 159.8061 for use as provided therein.

(b) Twenty-five percent of the state volume limitation must initially be allocated to the corporation pool established in s. 159.8062 for use as provided therein.

(c) Twenty-five percent of the state volume limitation must initially be allocated to the economic development allocation

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pool established in s. 159.8063 for use as provided therein.

(3) On October 1 of each year, any portion of each allocation of state volume limitation made to the affordable housing allocation pools or the economic development allocation pool pursuant to subsection (2) for which the division has not issued a confirmation must be added to the state allocation pool.

(4) On December 1 of each year, any portion of the allocation of state volume limitation made to the corporation pool pursuant to subsection (2) or the state allocation pool pursuant to subsection (3) for which the division has not issued a confirmation must be added to the carryforward allocation pool. Additionally, on December 1 of each year, any portion of the state volume limitation used to issue a confirmation which has not been used by an issuer for the issuance of bonds, as evidenced by receipt by the division of an issuance report, or which has not received a carryforward confirmation pursuant to s. 159.8101(2) or been converted for the issuance of mortgage credit certificates must be added to the carryforward allocation pool.

Section 6. Section 159.805, Florida Statutes, is repealed.

Section 7. Section 159.8051, Florida Statutes, is created to read:

159.8051 Procedures for requesting state volume limitation; requirements; prohibitions.—

(1) Before the issuance of any private activity bond by or on behalf of any issuer, such issuer shall request and obtain an allocation of a portion of the state volume limitation from the division through the issuance of a confirmation, except for

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private activity bonds issued by the corporation pursuant to s. 159.8062(2)(b) from the initial allocation of state volume limitation made by s. 159.8041(2)(b). Such request must be made through a notice of intent to issue containing the information required in this section timely filed with the division in accordance with s. 159.814 by or on behalf of the issuer requesting the confirmation. Any notice of intent to issue that does not conform to this section is not eligible to receive a confirmation and must be rejected.

(2) Each notice of intent to issue must include the following information:

(a) The name of the issuer requesting the allocation.

(b) The name and contact information of the person submitting the notice of intent to issue.

(c) The amount of state volume limitation requested.

(d) A description of the project and the type of qualified bond, as such term is defined in s. 141(e) of the Code, including the type of exempt facility, as described in s. 142(a) of the Code, if applicable, which will be issued to finance the project.

(e) The county or counties in which the project will be located.

(f) The pool from which the allocation is requested.

(g) The governmental unit that provided any required TEFRA approval, and a certification that, if required, TEFRA approval has been obtained. A notice of intent to issue may not be filed until any required TEFRA approval has been obtained.

(h) The fee required by s. 159.811.

(i) An opinion or statement of counsel that the project to

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be financed may be financed with private activity bonds and that  
an allocation of state volume limitation is required to issue  
such bonds.

(3) A separate notice of intent to issue must be filed for  
each proposed issuance of private activity bonds. A notice of  
intent to issue may not request an allocation of state volume  
limitation for more than one project or more than one purpose.  
An issuer may not request an allocation of state volume  
limitation from multiple pools in a single notice of intent to  
issue.

Section 8. Section 159.8052, Florida Statutes, is created  
to read:

159.8052 Procedures for evaluating notices of intent to  
issue; confirmations; requirements; limitations.-

(1)(a) All notices of intent to issue filed with the  
division must be evaluated for compliance with this part. Any  
notice of intent to issue that conforms to the requirements of  
s. 159.8051 is eligible to receive a confirmation and must be  
approved, subject to the availability of a sufficient amount of  
state volume limitation in the appropriate pool. Each business  
day, the division shall compute the state volume limitation in  
the pools for which approved notices of intent to issue were  
received on the previous business day. The division shall issue  
confirmations, subject to the availability of a sufficient  
amount of state volume limitation in the appropriate pool. The  
amount of confirmation, if there is sufficient state volume  
limitation available to the issuer in the appropriate pool, must  
be in the amount requested in the approved notice of intent to  
issue. If the amount of state volume limitation available to the

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465 issuer in the appropriate pool is less than the amount requested  
466 in the approved notice of intent to issue, the division must  
467 issue confirmations in the order of priority established in  
468 paragraph (b) until the available state volume limitation in  
469 each such applicable pool is exhausted. The division shall  
470 maintain continuous records of the cumulative amount of state  
471 volume limitation for which confirmations have been granted  
472 pursuant to this section.

473 (b) If the division determines that the aggregate amount of  
474 state volume limitation requested in notices of intent to issue  
475 received by noon of the previous business day exceeds the state  
476 volume limitation available to such issuers in the applicable  
477 pool, the division must assign a consecutive number to the  
478 notice of intent to issue requesting allocation from such pool,  
479 draw such numbers randomly to establish the priority of each  
480 such notice of intent to issue, and issue confirmations in the  
481 order of priority until the available state volume limitation in  
482 such pool is exhausted. If the amount of state volume limitation  
483 in the appropriate pool is insufficient to issue a confirmation  
484 in the amount requested for the prioritized notice of intent to  
485 issue, the division must issue a confirmation in the amount of  
486 the state volume limitation available and place the balance of  
487 the request on a pending list for such pool. The unfilled  
488 portion of any such notice of intent to issue and any notices of  
489 intent to issue for which there was insufficient state volume  
490 limitation to issue a confirmation must be placed on the pending  
491 list for the appropriate pool in the priority order established  
492 in this paragraph.

493 (c) To the extent that state volume limitation subsequently

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494 becomes available for allocation in a pool, notices of intent  
495 placed on the pending list for that pool pursuant to paragraph  
496 (b) must be given priority for the next available volume  
497 limitation for that year before any notices of intent to issue  
498 requesting allocation from that pool received by the division  
499 after that day's random selection. On September 30 of each year,  
500 any unfilled notices of intent to issue on the pending lists for  
501 the economic development allocation pool or the affordable  
502 housing allocation pools must be rejected and the issuer may  
503 file a new notice of intent to issue with the division to  
504 request a confirmation from the state allocation pool to be  
505 considered pursuant to this subsection. On November 30 of each  
506 year, any unfilled notices of intent to issue on the pending  
507 lists for the state allocation pool must be rejected and the  
508 issuer may file a new notice of intent to issue with the  
509 division to request a carryforward confirmation to be considered  
510 pursuant to s. 159.8101(3).

511 (2) Each confirmation issued pursuant to s. 159.8061, s.  
512 159.8062, s. 159.8063, or s. 159.8071 expires and ceases to be  
513 effective on November 30 of the year in which it was issued,  
514 unless the issuer obtains a carryforward confirmation pursuant  
515 to s. 159.8101(2).

516 (3) A confirmation only assures an issuer of an allocation  
517 of state volume limitation in such amount and for such purpose  
518 as set forth therein until the expiration thereof. Each  
519 confirmation granted pursuant to subsection (1) must include the  
520 following information:

521 (a) The issuer to which the allocation of state volume  
522 limitation is made.

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523       (b) The amount of the allocation of state volume limitation  
524 granted to the issuer.

525       (c) The project and type of qualified bond for which bonds  
526 using such allocation of state volume limitation may be issued.

527       (d) The date on which the confirmation expires.

528       (e) A statement that the allocation of state volume  
529 limitation is conditional and may not be considered final until  
530 and unless the issuer files an issuance report pursuant to s.  
531 159.8053.

532       (4) (a) A confirmation is effective as to private activity  
533 bonds issued in an amount less than the amount set forth in such  
534 confirmation only if the aggregate amount issued pursuant to  
535 such confirmation is not less than 90 percent of the amount set  
536 forth therein, together with the amounts of any carryforward  
537 confirmation an issuer has for such purpose and any  
538 supplementary confirmation, after subtracting any portion  
539 thereof which the issuer has elected to convert for the issuance  
540 of mortgage credit certificates.

541       (b) A confirmation is not effective as to private activity  
542 bonds issued in an amount in excess of the amount set forth in  
543 such confirmation. An issuer wishing to issue private activity  
544 bonds in an amount in excess of the amount set forth in a  
545 confirmation must obtain a supplementary confirmation before the  
546 issuance of such bonds by filing a supplementary notice of  
547 intent to issue with the division. A supplementary notice of  
548 intent to issue must specify the prior confirmation to which it  
549 applies and must also include all items required in s.  
550 159.8051(2). Such supplementary notice of intent to issue must  
551 be filed in accordance with s. 159.814 by or on behalf of the

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552 issuer to whom the confirmation was issued. The division shall  
553 evaluate supplementary notices of intent to issue for compliance  
554 with this part, and, to the extent sufficient state volume  
555 limitation is available, the division shall issue a  
556 supplementary confirmation pursuant to subsection (1). The  
557 amount of state volume limitation allocated in a supplementary  
558 confirmation may be added to a prior confirmation for the same  
559 project to provide an aggregate allocation of state volume  
560 limitation for the issuance of private activity bonds for that  
561 project. A supplementary confirmation does not alter the  
562 expiration date of the initial confirmation.

563 (c) Upon the expiration of the confirmation, or at any time  
564 before such expiration that the issuer notifies the division  
565 that the allocation of state volume limitation in such  
566 confirmation is no longer necessary, the division shall cancel  
567 such confirmation and the allocation of state volume limitation  
568 provided therein must be made available for reallocation  
569 pursuant to this part.

570 Section 9. Section 159.8053, Florida Statutes, is created  
571 to read:

572 159.8053 Issuance reports; final certification of  
573 allocation.—

574 (1) Except for an allocation of state volume limitation  
575 that has been converted to the issuance of mortgage credit  
576 certificates pursuant to s. 159.80751, no portion of the state  
577 volume limitation may be allocated before the filing of an  
578 issuance report with the division by or on behalf of the issuer  
579 issuing bonds no later than the date on which the confirmation  
580 for such bonds expires. An issuer's failure to file an issuance



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581 report before the expiration of a confirmation will result in  
582 the loss of such state volume limitation, regardless of whether  
583 the issuer has issued bonds pursuant to such confirmation.

584 (2) Each issuance report must include all of the following  
585 information:

586 (a) The name of the issuer issuing such bonds.

587 (b) The confirmation pursuant to which the bonds are being  
588 issued.

589 (c) The amount of state volume limitation used by such  
590 issuance.

591 (d) The name and series designation of the bonds.

592 (e) The principal amount of bonds issued.

593 (f) The date of issuance and the amount of proceeds  
594 distributed at issuance.

595 (g) The purpose for which the bonds were issued, including  
596 the private business or entity that will benefit from or use the  
597 proceeds of the bonds; the name of the project, if known; the  
598 location of the project; whether the project is an acquisition  
599 of an existing facility or new construction; and the number  
600 products manufactured or the number of residential units, if  
601 applicable.

602 (h) The name, role, and contact information of the person  
603 submitting the issuance report.

604 (3) At issuance, any portion of the state volume limitation  
605 granted in such confirmation that is unissued, except in the  
606 case of a carryforward confirmation, immediately reverts to the  
607 pool from which the allocation was made and must be made  
608 available for reallocation.

609 (4) Following the timely filing of an issuance report, the

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610 director of the division shall sign the final certification of  
611 allocation. The final certification of allocation may not be  
612 issued before the timely receipt of an issuance report pursuant  
613 to subsection (1).

614 Section 10. Section 159.806, Florida Statutes, is repealed.

615 Section 11. Section 159.8061, Florida Statutes, is created  
616 to read:

617 159.8061 Affordable housing allocation pools.—

618 (1) (a) The following affordable housing allocation pools  
619 are hereby established:

620 1. The regional affordable housing allocation pool.

621 2. The statewide affordable housing allocation pool.

622 (b) The affordable housing allocation pools are available  
623 solely for issuing confirmations for affordable housing bonds  
624 pursuant to the procedures specified in this section and s.  
625 159.8052.

626 (2) (a) From January 1 through May 31 of each year, the  
627 allocation made pursuant to s. 159.8041(2) (a) must be allocated  
628 to the regional affordable housing allocation pool and  
629 distributed among the regions established in paragraph (b). The  
630 allocation distributed to each region must be available solely  
631 to issue confirmations for affordable housing bonds to issuers  
632 located within such region on a first-come, first-served basis  
633 for projects located within such region. The amount of volume  
634 limitation distributed to each region within the regional  
635 affordable housing allocation pool must be an amount  
636 proportional to the ratio of the population of the region to the  
637 total population of this state.

638 (b) The following regions are established within the

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regional affordable housing allocation pool for the purposes of  
this allocation:

1. Region 1, consisting of Bay, Calhoun, Columbia, Dixie,  
Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes,  
Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Okaloosa,  
Santa Rosa, Suwannee, Taylor, Wakulla, Walton, and Washington  
Counties.

2. Region 2, consisting of Alachua, Baker, Bradford, Clay,  
Duval, Flagler, Nassau, Putnam, St. Johns, and Union Counties.

3. Region 3, consisting of Citrus, Hernando, Levy, Marion,  
Pasco, and Pinellas Counties.

4. Region 4, consisting of Hardee, Lake, Manatee, Polk, and  
Sumter Counties.

5. Region 5, consisting of Orange, Osceola, and Seminole  
Counties.

6. Region 6, consisting of Brevard, Glades, Highlands,  
Indian River, Martin, Okeechobee, St. Lucie, and Volusia  
Counties.

7. Region 7, consisting of Hillsborough County.

8. Region 8, consisting of Charlotte, Collier, DeSoto,  
Hendry, Lee, Monroe, and Sarasota Counties.

9. Region 9, consisting of Palm Beach County.

10. Region 10, consisting of Broward County.

11. Region 11, consisting of Miami-Dade County.

(3) On June 1 of each year, any portion of the allocation  
made to the regional affordable allocation pool pursuant to  
subsection (2) for which the division has not issued a  
confirmation must be added to the statewide affordable housing  
allocation pool. On and after June 1 of each year, any portion

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of such allocation for which a confirmation is relinquished by the issuer receiving such allocation before the expiration thereof must be added to the statewide affordable housing allocation pool.

(4) From June 1 through September 30 of each year, the statewide affordable housing allocation pool must be available for issuing confirmations for affordable housing bonds to issuers statewide as provided in this subsection.

(a) On July 1 of each year, if a sufficient amount of state volume limitation is available in the statewide affordable housing allocation pool, the division must issue confirmations for all notices of intent to issue previously placed on the pending list for the regional affordable housing pool pursuant to s. 159.8052(1)(b) during such year. After confirmations have been issued for all notices of intent to issue previously placed on the pending list for the regional affordable housing pool pursuant to s. 159.8052(1)(b), the statewide affordable housing allocation pool must be available to issue confirmations on a first-come, first-served basis. Notwithstanding s. 159.8052(1)(c), if the amount of state volume limitation available in the statewide affordable housing allocation pool is insufficient to issue a confirmation for each such notice of intent to issue, the division must issue confirmations in the priority order established in paragraph (b).

(b) If the division determines that the aggregate amount requested in the notices of intent to issue placed on the pending list for the regional affordable housing pool pursuant to s. 159.8052(1)(b) during such year exceeds the state volume limitation available in the statewide affordable housing

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697 allocation pool on June 1, the division must issue confirmations  
698 for any such notices of intent to issue for multifamily  
699 affordable housing bonds in the priority order established in  
700 this paragraph, and then, subject to the availability of state  
701 volume limitation, must issue confirmations for any such notices  
702 of intent to issue for single-family affordable housing bonds in  
703 the priority order established in this paragraph until the  
704 available state volume limitation is exhausted. In establishing  
705 the priority of each such notice of intent, the division shall  
706 first assign a consecutive number to each such notice of intent  
707 to issue for multifamily affordable housing bonds and draw such  
708 numbers randomly to establish the priority of each such notice  
709 of intent to issue. The division shall assign a consecutive  
710 number to each such notice of intent to issue for single-family  
711 affordable housing bonds and draw such numbers randomly to  
712 establish the priority of each such notice of intent to issue.

713 Section 12. Section 159.8062, Florida Statutes, is created  
714 to read:

715 159.8062 Florida housing finance corporation pool.—

716 (1) From January 1 through September 30 of each year, the  
717 corporation pool is established and shall be available for the  
718 sole purpose of issuing confirmations for affordable housing  
719 bonds to the corporation and its assigns pursuant to the  
720 procedures specified in s. 159.8052. Before October 1 of any  
721 year, the corporation pool is the only pool from which a  
722 corporation may receive any allocation of state volume  
723 limitation.

724 (2) (a) Notwithstanding s. 159.8051(1), before October 1 of  
725 any year, the corporation need not submit a notice of intent to

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726 issue or obtain a confirmation for the issuance of affordable  
727 housing bonds using the state volume limitation allocated to  
728 this pool pursuant to s. 159.8041(2) (b).

729 (b) For affordable housing bonds that the corporation  
730 intends to issue on or after October 1 of any year, the  
731 corporation must submit a notice of intent to issue no later  
732 than September 30 of such year, and the division shall issue a  
733 confirmation not exceeding the amount of state volume limitation  
734 then available in the corporation pool. The corporation is not  
735 subject to the fee required under s. 159.811 for notices of  
736 intent to issue submitted pursuant to this paragraph.

737 (3) Prior to June 1 of each year, the corporation may, in  
738 its discretion, assign any portion of the state volume  
739 limitation in the corporation pool to the affordable housing  
740 allocation pools.

741 Section 13. Section 159.8063, Florida Statutes, is created  
742 to read:

743 159.8063 Economic development allocation pool.—

744 (1) The economic development allocation pool is hereby  
745 established and is available for issuing confirmations pursuant  
746 to the procedures specified in this section and s. 159.8052.

747 (2) The economic development allocation pool must, at all  
748 times, first be available to issue confirmations for those  
749 portions of a private activity bond requiring an allocation of  
750 state volume limitation under s. 146(m) of the Code and to issue  
751 confirmations to state issuers and, thereafter, be available as  
752 provided in subsection (3).

753 (3) (a) From January 1 through May 31 of each year, the  
754 economic development allocation pool must be available for the

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sole purpose of issuing confirmations for exempt facility bonds, small issue bonds, student loan bonds, and redevelopment bonds to issuers statewide in the priority order established by the Secretary of Commerce as provided in this paragraph.

Notwithstanding s. 159.8052(1), any notice of intent to issue requesting a confirmation from the economic development allocation pool which conforms to the requirements of s. 159.8051 and is filed with the division before May 1 must be forwarded to the Secretary of Commerce for review. The Secretary of Commerce shall render a decision on or before May 15 as to the order in which such notices of intent to issue are to receive a confirmation. The division shall issue confirmations for such notices of intent to issue in the order of priority established by the Secretary of Commerce within 3 business days after receipt of such decision.

(b) The economic development allocation pool must be available from June 1 through September 30 of each year for the sole purpose of issuing confirmations for exempt facility bonds, small issue bonds, student loan bonds, and redevelopment bonds to issuers statewide on a first-come, first-served basis with notification to the Department of Commerce.

Section 14. Section 159.807, Florida Statutes, is repealed.

Section 15. Section 159.8071, Florida Statutes, is created to read:

159.8071 State allocation pool.—The state allocation pool is hereby established and must be available to issue confirmations pursuant to the procedures specified in s. 159.8052, and to issue confirmations for bonds to issuers statewide on a first-come, first-served basis for all types of

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private activity bonds from October 1 through November 30 of each year.

Section 16. Section 159.8075, Florida Statutes, is repealed.

Section 17. Section 159.80751, Florida Statutes, is created to read:

159.80751 Qualified mortgage credit certificates.—

(1) On or before November 30 of each year, an issuer may elect in writing to the division to convert all or a portion of its allocation of state volume limitation for single-family affordable housing bonds to mortgage credit certificates, provided such election is made before the expiration date of the confirmation granting such allocation. Each issuer shall provide notice of any election made under this section to the governing body of the county for which the issuer was created. Such election is irrevocable.

(2) All mortgage credit certificates must be issued under a certification program that is designed to ensure that the requirements of s. 25 of the Code, specifically s. 25(f)(4), are complied with and that meets all requirements adopted by the United States Secretary of the Treasury as set out in applicable regulations. Any potential issuer of mortgage credit certificates must certify in writing to the division that the mortgage credit certification program is certified under s. 25 of the Code, specifically s. 25(f)(4).

(3) For that portion of the confirmation that an issuer has elected to use for mortgage credit certificates before the expiration thereof, the expiration dates in s. 159.8052(2) do not apply and any unissued mortgage credit certificates will



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813 automatically receive a carryforward confirmation.

814 (4) The election referenced in subsection (1) and the  
815 certification referenced in subsection (2) must be filed with  
816 the division in accordance with s. 159.814. The director of the  
817 division is the state official designated to make the  
818 certification required by Temporary Regulation 1.25-4T(d) under  
819 the Code.

820 Section 18. Subsection (1) of section 159.8081, Florida  
821 Statutes, is amended to read:

822 159.8081 Manufacturing facility bond pool.—

823 (1) There is established the manufacturing facility bond  
824 pool. The manufacturing facility bond pool shall be available  
825 solely to provide written confirmations for private activity  
826 bonds to finance manufacturing facility projects. Allocations  
827 from this pool shall be awarded statewide, ~~except as provided in~~  
828 ~~this section, pursuant to the procedures specified in s.~~  
829 ~~159.805, except that the provisions of s. 159.805(2) and (3) do~~  
830 ~~not apply.~~ In issuing written confirmations of allocations for  
831 manufacturing facility projects, the division shall use the  
832 manufacturing facility bond pool. If allocation is not available  
833 from the manufacturing facility bond pool, the division shall  
834 issue written confirmations of allocations for manufacturing  
835 facility projects ~~pursuant to s. 159.806 or s. 159.807, in that~~  
836 ~~order.~~ For the purpose of determining priority within a regional  
837 allocation pool or the state allocation pool, notices of intent  
838 to issue bonds for manufacturing facility projects to be issued  
839 from a regional allocation pool or the state allocation pool  
840 shall be considered to have been received by the division at the  
841 time it is determined by the division that the manufacturing

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facility bond pool is unavailable to issue confirmation for such manufacturing facility project.

Section 19. Section 159.8083, Florida Statutes, is repealed.

Section 20. Section 159.809, Florida Statutes, is repealed.

Section 21. Section 159.8091, Florida Statutes, is created to read:

159.8091 Carryforward allocation pool.—

(1) The carryforward allocation pool is hereby established. The carryforward allocation pool is available for the sole purpose of issuing carryforward confirmations to issuers statewide for projects that are entitled under the Code to a carryforward of state volume limitation past the end of the calendar year pursuant to requests that meet the requirements of s. 159.8101(3).

(2) On December 15 of each year, or, if December 15 is not a business day, the first business day thereafter, the division shall issue carryforward confirmations as provided for in subsection (3) until the state volume limitation in the carryforward allocation pool is exhausted.

(3) The amount of each carryforward confirmation, if there is sufficient state volume limitation in the carryforward allocation pool, must be the amount requested. If the division determines that the aggregate amount of state volume limitation requested for carryforward confirmations pursuant to this section exceeds the amount available in the carryforward allocation pool, the division must assign a consecutive number to each such request, shall draw such numbers randomly to establish the priority of each request, and shall issue

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871 carryforward confirmations until the total amount of state  
872 volume limitation is exhausted. Any requests in excess of the  
873 state volume limitation may not be given any priority in the  
874 following calendar year. If any state volume limitation remains  
875 in the carryforward allocation pool after issuing carryforward  
876 confirmations for all requests filed pursuant to s. 159.8101,  
877 the division must make such remaining state volume limitation  
878 available to the corporation to be carried forward for the  
879 issuance of affordable housing bonds in subsequent years as  
880 provided by the Code. Thereafter, any remaining state volume  
881 limitation not used as provided in subsection (2) must be  
882 carried forward to the next calendar year to the extent  
883 permitted by the Code.

884 Section 22. Section 159.81, Florida Statutes, is repealed.

885 Section 23. Section 159.8101, Florida Statutes, is created  
886 to read:

887 159.8101 Applications for a carryforward; carryforward  
888 confirmations.—

889 (1) Any issuer that wishes to elect to carryforward an  
890 allocation of state volume limitation under s. 146(f) of the  
891 Code must first request and obtain a carryforward confirmation  
892 from the division.

893 (2) The division shall, when requested, issue a  
894 carryforward confirmation for those confirmations issued  
895 pursuant to this part for those projects that qualify for a  
896 carryforward pursuant to s. 146(f) of the Code, provided that  
897 such request includes an opinion of bond counsel that such  
898 allocation of state volume limitation will be used for a  
899 carryforward purpose pursuant to s. 146(f)(5) of the Code and is

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received by the division at least 3 business days before the  
expiration of such confirmation.

(3) A request for a carryforward confirmation must be made  
by filing with the division a notice of intent to issue meeting  
all requirements of this section and s. 159.8051(2). Such  
request must include an opinion of bond counsel that such  
allocation of state volume limitation will be used for a  
carryforward purpose pursuant to s. 146(f)(5) of the Code. All  
such requests must be timely filed with the division in  
accordance with s. 159.814 by or on behalf of the issuer  
requesting to carryforward an allocation of state volume  
limitation.

Section 24. Section 159.8105, Florida Statutes, is  
repealed.

Section 25. Subsection (1) of section 159.811, Florida  
Statutes, is amended to read:

159.811 Fees; trust fund.—

(1) There shall be imposed a nonrefundable fee on each  
notice of intent to issue a private activity bond filed with the  
division pursuant to s. 159.8051 ~~s. 159.805(1)~~. A ~~No~~ notice of  
intent to issue may not ~~a private activity bond shall~~ be  
accepted by the division unless and until the fee has been paid.  
The ~~division shall establish a fee,~~ which may be revised from  
time to time, must ~~shall~~ be an amount sufficient to cover all  
expenses of maintaining the allocation system in this part. ~~In~~  
~~calculating the fee, any unexpended trust fund balance remaining~~  
~~unexpended prior to setting the fee shall be deducted from the~~  
~~amount appropriated.~~ The amount of the fee may ~~shall~~ not exceed  
\$500 and may be adjusted no more than once every 6 months. The

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929 fee must be included the division's schedule of fees and  
930 expenses in s. 215.65(3).

931 Section 26. Section 159.812, Florida Statutes, is repealed.

932 Section 27. Section 159.814, Florida Statutes, is amended  
933 to read:

934 159.814 Form of applications for allocations;  
935 requirements.—All notices of intent to issue ~~for an allocation~~  
936 ~~and applications,~~ requests for a carryforward confirmations, and  
937 issuance reports must ~~shall~~ be made in such form as may be  
938 prescribed by the division. All such forms may be filed  
939 electronically through a portal on the division's website at  
940 such time as the division establishes such portal through which  
941 such forms and the fee required by s. 159.811 may be submitted.  
942 Notices ~~No notices~~ of intent to issue ~~for allocations of the~~  
943 ~~private activity bond volume limitation~~ for any calendar year  
944 may not ~~shall~~ be accepted before ~~prior to~~ January 1 of that  
945 calendar year. Notices of intent to issue requesting a  
946 confirmation from the affordable housing allocation pools, the  
947 economic development allocation pool, or the Corporation pool  
948 are considered timely only if filed with the division on or  
949 before September 30 of that calendar year, or, if September 30  
950 is not a business day, the last business day before September  
951 30. Notices of intent to issue requesting a confirmation from  
952 the state allocation pool are considered timely only if filed  
953 with the division from October 1 through November 30 of that  
954 calendar year, or, if November 30 is not a business day, the  
955 last business day before November 30. Applications for a  
956 carryforward confirmation pursuant to s. 159.8091(1) are  
957 considered timely only if filed with the division from December

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1 through December 15 of that calendar year, or, if December 15 is not a business day, the last business day before December 15

~~All notices of intent to issue or application for a carryforward shall be mailed by certified mail return receipt requested or by overnight common carrier delivery service. No notice of intent to issue or application for carryforward shall be accepted by hand delivery from the issuing authority, attorneys, or other parties. All notices of intent to issue or applications for a carryforward shall be received in a standard business size envelope devoid of markings, colors, or other attention gathering devices except for the return address.~~

Section 28. Section 159.815, Florida Statutes, is repealed.

Section 29. Section 159.816, Florida Statutes, is amended to read:

159.816 Certification Certificate as to state volume limitation.—Following the timely filing of an issuance report, the director of the division shall execute a final certification of allocation ~~sign the certificate required pursuant to s. 149(c)(2)(F) of the Code.~~

Section 30. Subsection (2) of section 420.504, Florida Statutes, is amended to read:

420.504 Public corporation; creation, membership, terms, expenses.—

(2) The corporation is constituted as a public instrumentality, and the exercise by the corporation of the power conferred by this act is considered to be the performance of an essential public function. The corporation is an agency for the purposes of s. 120.52 and is ~~a state agency for purposes of s. 159.807(4).~~ The corporation is subject to chapter 119,

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subject to exceptions applicable to the corporation, and to the provisions of chapter 286; however, the corporation is ~~shall be~~ entitled to provide notice of internal review committee meetings for competitive proposals or procurement to applicants by mail, facsimile, or publication on an Internet website, rather than by means of publication. The corporation is not governed by chapter 607 or chapter 617, but by ~~the provisions of~~ this part. If for any reason the establishment of the corporation is deemed in violation of law, such provision is severable and the remainder of this act remains in full force and effect.

Section 31. Subsection (3) of section 163.2520, Florida Statutes, is amended to read:

163.2520 Economic incentives.—

(3) Prior to June 1 each year, areas designated by a local government as urban infill and redevelopment areas shall be given a priority in the allocation of private activity bonds from the state pool pursuant to s. 159.8071 ~~s. 159.807~~.

Section 32. This act shall take effect January 1, 2025.

The Florida Senate

**APPEARANCE RECORD**

SPB 7054

Bill Number or Topic

2-6-24

Meeting Date

Community Affairs

Committee

Deliver both copies of this form to  
Senate professional staff conducting the meeting

Amendment Barcode (if applicable)

Name

MARK HENDRICKSON

Phone

850.671.5601

Address

1404 ALBA AVE

Email

mark@aphendricksoncompany.com

Street

FLA  
City

FL  
State

32301  
Zip

Speaking:

☐

For

☐

Against

☐

Information

**OR**

Waive Speaking:

☒

In Support

☐

Against

**PLEASE CHECK ONE OF THE FOLLOWING:**

☐

I am appearing without  
compensation or sponsorship.

☒

I am a registered lobbyist,  
representing:

FLORIDA ASSOCIATION OF LOCAL  
HOUSING FINANCE AUTHORITIES

☐

I am not a lobbyist, but received  
something of value for my appearance  
(travel, meals, lodging, etc.),  
sponsored by:

While it is a tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this hearing. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard. If you have questions about registering to lobby please see Fla. Stat. §11.045 and Joint Rule 1. [2020-2022 Joint Rules.pdf \(flsenate.gov\)](#)

This form is part of the public record for this meeting.

S-001 (08/10/2021)



# CourtSmart Tag Report

**Room:** SB 401  
**Caption:** Senate Committee on Community Affairs

**Case No.:**

**Type:**  
**Judge:**

**Started:** 2/6/2024 3:00:31 PM  
**Ends:** 2/6/2024 8:46:41 PM **Length:** 05:46:11

3:00:31 PM	Meeting called to order
3:00:35 PM	Roll Call
3:00:44 PM	Quorum is present
3:01:08 PM	Tab 1 SB 50 by Senator Stewart
3:01:20 PM	Senator Stewart recognized to explain the bill
3:02:14 PM	Public Testimony recognized
3:02:38 PM	Senator Stewart recognized to close on the bill
3:02:45 PM	Roll Call
3:03:15 PM	Reported Favorably
3:03:19 PM	Gavel passed to Vice Chair Osgood
3:03:25 PM	Tab 23 SPB 7054 by Community Affairs
3:03:33 PM	Senator Calatayud recognized to explain the proposed bill
3:05:09 PM	Take up amendment barcode #104328
3:05:15 PM	Senator Calatayud recognized to explain the amendment
3:05:47 PM	Senator Calatayud recognized to waive close on the amendment
3:05:59 PM	Amendment passed
3:06:02 PM	Back on the proposed bill as amended
3:06:21 PM	Public testimony recognized
3:06:35 PM	Senator Calatayud recognized to waive close on the proposed bill as amended
3:06:49 PM	Roll Call
3:07:10 PM	Reported favorably
3:07:15 PM	Gavel passed back to Senator Calatayud
3:07:22 PM	Tab 16 SB 1158 by Senator Bradley
3:07:33 PM	Senator Bradley recognized to explain the bill
3:08:24 PM	Public Testimony from Ty Silcox
3:09:20 PM	Senator Bradley recognized to waive close
3:09:29 PM	Roll call
3:09:41 PM	Reported favorably
3:09:46 PM	Tab 6 SB 496 by Senator Perry
3:09:54 PM	Senator Perry recognized to explain the bill
3:10:33 PM	Amendment barcode #640052
3:10:37 PM	Senator Perry recognized to explain the amendment
3:10:47 PM	Take up the substitute amendment #690598
3:11:21 PM	Senator Perry recognized to waive close on the amendment
3:11:29 PM	Amendment adopted
3:11:43 PM	Public testimony recognized
3:11:48 PM	Senator Perry recognized to waive close on bill as amended
3:11:58 PM	Roll call
3:12:07 PM	Reported favorably
3:12:12 PM	Tab 10 SB 774 by Senator Perry
3:12:44 PM	Senator Perry recognized to explain the bill
3:13:17 PM	Take up delete all amendment #430566
3:13:21 PM	Senator Perry recognized to explain the amendment
3:13:49 PM	Senator Perry recognized to waive close on amendment
3:13:58 PM	Amendment adopted
3:14:08 PM	Public Testimony from Mike Seamon
3:14:47 PM	Public Testimony from Sean Loscalzo
3:15:32 PM	Public Testimony from Eric DeCampos
3:17:35 PM	Public Testimony recognized
3:18:50 PM	Senator Pizzo recognized for debate
3:20:09 PM	Public Testimony from Ramon Crego
3:20:57 PM	Senator Perry recognized to waive close on the bill as amended

3:21:40 PM Roll call  
3:22:03 PM Reported favorably  
3:22:15 PM Tab 22 SB 1628 by Senator Collins  
3:22:26 PM Senator Collins recognized to explain the bill  
3:22:39 PM Take up amendment barcode #973824  
3:23:03 PM Senator Collins recognized to explain the amendment  
3:24:01 PM Public testimony from Rebecca O'Hara  
3:30:06 PM Senator Collins recognized to waive close on the amendment  
3:30:15 PM Amendment adopted  
3:30:19 PM Take up amendment barcode #386876  
3:30:32 PM Senator Brodeur recognized to explain the amendment  
3:32:03 PM Show the amendment withdrawn  
3:32:09 PM Back on the bill as amended  
3:32:14 PM Senator Pizzo recognized for question  
3:32:52 PM Senator Collins recognized for answer  
3:33:02 PM Back and forth recognized  
3:36:43 PM Public Testimony from Libby Lavette  
3:40:20 PM David Cullen, Sierra Club  
3:40:27 PM Chair Osgood reads appearance cards waiving  
3:41:48 PM Debate:  
3:41:51 PM Senator Pizzo  
3:43:29 PM Senator Berman  
3:44:30 PM Senator Collins recognized to waive close on the bill as amended  
3:45:51 PM Roll call  
3:46:16 PM Reported favorably  
3:46:22 PM Tab 11 SB 818 by Senator Collins, presenting for Senator Avila  
3:46:48 PM Senator Collins recognized to explain the bill  
3:47:38 PM Public testimony recognized  
3:47:51 PM Senator Collins recognized to waive close  
3:47:58 PM Roll call  
3:48:16 PM Reported favorably  
3:48:20 PM Tab 3 CS/SB 192 by Senator Garcia  
3:48:41 PM Senator Garcia recognized to explain the bill  
3:51:11 PM Public Testimony from Ron Book  
3:52:19 PM Senator Berman recognized for question  
3:52:40 PM Ron Book recognized for answer  
3:53:18 PM Public Testimony from Jon Moyle  
3:55:01 PM Public Testimony from Denise Whitlock  
3:56:22 PM Senator Pizzo recognized for question  
3:57:41 PM Public testimony from Bonnie Basham  
3:59:05 PM Public Testimony from Karl Hempel  
3:59:56 PM Public Testimony from David Suarez  
4:04:17 PM Public Testimony from Tim Carr  
4:05:45 PM Public Testimony from David O'Hara  
4:07:04 PM Senator Pizzo recognized for question  
4:07:33 PM Public Testimony from Kingsley Ross  
4:08:55 PM Public Testimony from Chris Ensing  
4:10:07 PM Public Testimony from Kimberly Russo  
4:11:41 PM Senator Pizzo recognized for question  
4:12:08 PM Back and forth recognized  
4:13:02 PM Public testimony from Rosanna Catalano  
4:14:14 PM Public testimony recognized  
4:14:32 PM Senator Pizzo recognized for debate  
4:15:42 PM Senator Martin recognized for debate  
4:17:41 PM Senator Garcia recognized to waive close on the bill  
4:18:41 PM Roll call  
4:18:59 PM Reported favorably  
4:19:04 PM Tab 19 CS/SB 1492 by Senator Trumbull  
4:19:17 PM Senator Trumbull recognized to explain the bill  
4:20:08 PM Public testimony recognized  
4:20:19 PM Public testimony from Jackson Oberlink  
4:21:39 PM Public testimony from Carolyn Johnson

4:22:43 PM	Senator Pizzo recognized for question
4:23:25 PM	Public testimony from Karen Woodall
4:24:34 PM	Public testimony from Yensibel Vloria
4:26:01 PM	Public testimony from Carol Bowen
4:27:16 PM	Public testimony from David Metellus
4:28:16 PM	Senator Pizzo recognized for question
4:29:15 PM	Public testimony from Alexis Tsoukalas
4:30:39 PM	Public testimony from Samuel Dohler
4:31:51 PM	Public testimony from Samantha Kaddis
4:33:16 PM	Public testimony from Dr. Bansal
4:34:38 PM	Public testimony from Chelsea Rivera
4:36:13 PM	Public testimony from Amy Morales
4:37:50 PM	Public testimony from Adam Basford
4:39:07 PM	Public testimony recognized
4:40:04 PM	Senator Berman recognized for debate
4:41:19 PM	Senator Pizzo recognized for debate
4:43:22 PM	Senator Osgood recognized for debate
4:43:46 PM	Senator Baxley recognized for debate
4:45:43 PM	Senator Martin recognized for debate
4:45:55 PM	Senator Trumbull recognized to close on the bill
4:48:50 PM	Roll call
4:49:11 PM	Reported favorably
4:49:19 PM	Tab 13 CS/SB 870 by Senator Boyd
4:49:35 PM	Senator Boyd recognized to explain the bill
4:51:37 PM	Public testimony recognized
4:51:43 PM	Public testimony from Jessica Cimijotti
4:52:55 PM	Public testimony recognized
4:53:06 PM	Senator Boyd recognized to close on the bill
4:53:14 PM	Roll call
4:53:26 PM	Reported favorably
4:53:36 PM	Tab 2 SB 104 by Senator Jones
4:53:44 PM	Senator Jones recognized to explain the bill
4:55:43 PM	Take up amendment barcode #564540
4:56:01 PM	Senator Jones recognized to explain the amendment
4:56:23 PM	Senator Jones recognized to close on the amendment
4:56:32 PM	Amendment adopted
4:56:40 PM	Senator Pizzo recognized for question
4:57:03 PM	Back and forth recognized
5:01:24 PM	Public testimony recognized
5:02:11 PM	Senator Pizzo recognized for debate
5:04:32 PM	Senator Osgood recognized for debate
5:06:55 PM	Senator Jones recognized to close on the bill
5:09:25 PM	Roll call
5:09:43 PM	Reported favorably
5:09:52 PM	Tab 12 SB 862 by Senator Jones
5:10:07 PM	Senator Jones recognized to explain the bill
5:11:24 PM	Take up amendment barcode #759884
5:11:32 PM	Senator Jones recognized to explain the amendment
5:12:06 PM	Senator Jones recognized to close on the amendment
5:12:18 PM	Amendment adopted
5:12:25 PM	Senator Pizzo recognized for question
5:12:34 PM	Public testimony recognized
5:13:08 PM	Senator Baxley recognized for debate on bill as amended
5:14:11 PM	Senator Jones recognized to close on bill as amended
5:14:19 PM	Roll call
5:14:33 PM	Reported favorably
5:14:39 PM	Tab 5 SB 438 by Senator Ingoglia
5:14:49 PM	Senator Ingoglia recognized to explain the bill
5:15:26 PM	Take up amendment barcode #674530
5:15:32 PM	Senator Ingoglia recognized to explain the amendment
5:15:51 PM	Senator Ingoglia recognized to close on the amendment
5:16:01 PM	Amendment adopted

5:16:09 PM Take up amendment barcode #341278  
5:16:21 PM Senator Ingoglia recognized to explain the amendment  
5:16:36 PM Senator Ingoglia recognized to close on the amendment  
5:16:45 PM Amendment adopted  
5:16:50 PM Back on the bill as amended  
5:16:54 PM Senator Berman recognized for question  
5:17:16 PM Back and forth recognized  
5:19:42 PM Senator Martin recognized for questions  
5:20:20 PM Senator Ingoglia  
5:20:27 PM Senator Pizzo recognized for questions  
5:21:02 PM Senator Ingoglia  
5:21:10 PM Senator Pizzo  
5:21:41 PM Senator Ingoglia  
5:22:12 PM Chair Osgood recognizes public testimony:  
5:22:21 PM Dr.Rich Templin, ALF-CIO  
5:23:34 PM Chris Doolin, Small County Coalition  
5:25:14 PM Public testimony from Ralph Thomas  
5:26:14 PM Public testimony from Michael Johnson  
5:26:55 PM Public testimony recognized  
5:27:30 PM Public testimony from Bob McKee  
5:29:51 PM Senator Berman recognized for debate  
5:30:18 PM Senator Pizzo recognized for debate  
5:31:27 PM Senator Ingoglia recognized to close on the bill  
5:34:53 PM Roll call  
5:35:14 PM Reported favorably  
5:35:25 PM Tab 8 SB 600 by Senator Ingoglia  
5:36:12 PM Senator Ingoglia recognized to explain the bill  
5:36:19 PM Public testimony recognized  
5:36:27 PM Senator Ingoglia recognized to close on the bill  
5:36:35 PM Roll call  
5:36:47 PM Reported favorably  
5:36:51 PM Tab 17 SB 1174 by Senator Ingoglia  
5:37:00 PM Senator Ingoglia recognized to explain the bill  
5:37:51 PM Senator Pizzo recognized for question  
5:38:12 PM Back and forth recognized  
5:41:27 PM Senator Osgood recognized for question  
5:42:31 PM Public testimony from Paula Munoz  
5:44:10 PM Public testimony from Jackson Oberlink  
5:45:44 PM Public testimony from Jonathan Webber  
5:47:00 PM Public testimony from Alexis Tsoukalas  
5:48:37 PM Public testimony recognized  
5:51:44 PM Public testimony from Michael  
5:53:50 PM Senator Pizzo recognized for debate  
5:55:42 PM Senator Ingoglia recognized to close on the bill  
5:58:00 PM Roll call  
5:58:19 PM Reported favorably  
5:58:26 PM Tab 7 SB 576 by Senator Ingoglia  
5:58:41 PM Senator Ingoglia recognized to explain the bill  
5:59:46 PM Senator Pizzo recognized for question  
6:00:17 PM Back and forth  
6:02:24 PM Take up amendment barcode #485116  
6:02:32 PM Senator Ingoglia recognized to explain the amendment  
6:03:20 PM Senator Ingoglia recognized to close on the amendment  
6:03:34 PM Amendment adopted  
6:04:00 PM Public testimony from Marion Brown  
6:06:04 PM Public testimony from NR Hines  
6:07:58 PM Public testimony from Jackson Oberlink  
6:08:40 PM Senator Pizzo recognized for question  
6:09:52 PM Public testimony from Delilah Pierre  
6:10:51 PM Public testimony from Susan Khoury  
6:12:42 PM Public testimony from Lisa Henning  
6:13:36 PM Public testimony from Steve Zona

6:15:21 PM Public testimony from Felix Del Rosario  
6:17:05 PM Public testimony recognized  
6:18:59 PM Senator Pizzo recognized for debate  
6:21:49 PM Senator Baxley recognized for debate  
6:24:21 PM Senator Ingoglia recognized to close on the bill as amended  
6:26:33 PM Roll call  
6:26:50 PM Reported favorably  
6:26:58 PM Tab 4 SB 400 by Senator Burgess  
6:27:16 PM Senator Burgess recognized to explain the bill  
6:27:32 PM Public testimony recognized  
6:27:45 PM Senator Burgess recognized to close on the bill  
6:27:54 PM Roll call  
6:28:03 PM Reported favorably  
6:28:08 PM Tab 9 SB 684 by Senator DiCeglie  
6:28:26 PM Take up amendment barcode #695408  
6:28:32 PM Senator DiCeglie recognized to explain the strike all  
6:30:04 PM Public testimony from Jeff Scala  
6:31:04 PM Public testimony from Jeff Branch  
6:32:12 PM Comments from Chair Calatayud  
6:32:23 PM Senator DiCeglie recognized to close on the amendment  
6:32:36 PM Amendment adopted  
6:32:41 PM Senator Berman recognized for question  
6:33:01 PM Back and forth recognized  
6:38:14 PM Senator Pizzo recognized for question  
6:39:34 PM Public testimony from Carol Bowen  
6:39:47 PM Public testimony recognized  
6:40:10 PM Senator DiCeglie recognized to close on the bill as amended  
6:40:40 PM Roll call  
6:41:03 PM Reported favorably  
6:41:09 PM Tab 18 SB 1456 by Senator Rodriguez  
6:41:21 PM Senator Rodriguez recognized to explain the bill  
6:41:37 PM Take up amendment barcode #250512  
6:42:08 PM Senator Rodriguez recognized to close on the amendment  
6:42:17 PM Amendment adopted  
6:42:22 PM Take up amendment barcode #786448  
6:42:29 PM Senator Rodriguez recognized to explain the amendment  
6:42:38 PM Senator Rodriguez recognized to close on the amendment  
6:42:49 PM Amendment adopted  
6:43:06 PM Public testimony recognized  
6:43:38 PM Chair Calatayud recognizes herself for debate on the bill as amended  
6:43:57 PM Roll call  
6:44:14 PM Reported favorably  
6:44:20 PM Tab 20 CS/SB 1532 by Senator Brodeur  
6:44:29 PM Senator Brodeur recognized to explain the bill  
6:45:01 PM Take up delete all amendment #490056  
6:45:10 PM Senator Brodeur recognized to explain the amendment  
6:46:15 PM Senator Brodeur recognized to close on the amendment  
6:46:23 PM Amendment adopted  
6:46:27 PM Senator Berman recognized for a question on the bill as amended  
6:48:46 PM Public testimony recognized  
6:49:10 PM Senator Brodeur recognized to close on the bill as amended  
6:50:03 PM Roll call  
6:50:20 PM Reported favorably  
6:50:29 PM Tab 21 CS/SB 1534 by Senator Bradley  
6:50:37 PM Senator Bradley recognized to explain the bill  
6:51:04 PM Public testimony recognized  
6:51:29 PM Senator Bradley recognized to close on the bill  
6:51:38 PM Roll call  
6:51:49 PM Reported favorably  
6:51:54 PM Stand in recess  
6:52:12 PM Recording Paused  
7:10:16 PM Recording Resumed

7:10:19 PM Tab 14 SB 1122 by Senator Martin  
 7:10:33 PM Senator Martin recognized to explain the bill  
 7:11:13 PM Take up delete all amendment #832932  
 7:11:20 PM Senator Martin recognized to explain the amendment  
 7:11:54 PM Senator Pizzo recognized for question on the amendment  
 7:12:04 PM Back and forth recognized  
 7:12:47 PM Senator Martin recognized to close on the amendment  
 7:12:56 PM Amendment adopted  
 7:13:03 PM Senator Pizzo recognized for question on the bill as amended  
 7:13:50 PM Back and forth  
 7:15:27 PM Senator Berman recognized for question  
 7:15:57 PM Back and forth  
 7:21:34 PM Senator Pizzo recognized for question  
 7:23:41 PM Back and forth  
 7:32:40 PM Vice Chair Osgood recognized for question  
 7:34:19 PM Back and forth  
 7:37:38 PM Senator Pizzo recognized for question  
 7:39:13 PM Public testimony from Kenneth Morrow Jr  
 7:40:28 PM Public testimony from Paula Munoz  
 7:41:50 PM Public testimony from Genesis Robinson  
 7:42:01 PM Public testimony from Kimberly Cox  
 7:43:22 PM Public testimony from Sarah Parker  
 7:44:43 PM Public testimony from Lola Smyth  
 7:45:25 PM Public testimony from William Wilder  
 7:47:04 PM Public testimony from Tsi Day Smyth  
 7:49:25 PM Public testimony from Wells Todd  
 7:50:52 PM Public testimony from Joseph Robinson  
 7:52:05 PM Public testimony from Abdelilah Skhir  
 7:53:22 PM Public testimony from Jonathan Webber  
 7:54:14 PM Public testimony from Lisa Lloyd  
 7:57:13 PM Public testimony recognized  
 7:57:32 PM Public testimony from Joe A. Schiller  
 7:58:46 PM Senator Osgood recognized for question  
 7:59:21 PM Senator Pizzo recognized for question  
 8:00:24 PM Public testimony from Lunelle McCallister  
 8:01:18 PM Public testimony from Charles Patrick  
 8:03:04 PM Senator Osgood recognized for question  
 8:03:39 PM Chair Calatayud recognizes herself for question  
 8:04:32 PM Public testimony from David McCallister  
 8:05:39 PM Senator Pizzo recognized for question  
 8:05:58 PM Senator Pizzo recognized for a follow up question  
 8:06:43 PM Senator Pizzo recognized for a follow up question  
 8:08:07 PM Public testimony from Laura Munoz  
 8:09:31 PM Public testimony from Seber Newsome III  
 8:10:50 PM Public testimony from Barney Bishop III  
 8:12:20 PM Public testimony recognized  
 8:13:34 PM Public testimony from Jackson Oberlink  
 8:14:53 PM Senator Pizzo recognized for debate on the bill as amended  
 8:19:30 PM Senator Berman recognized for debate on the bill as amended  
 8:21:02 PM Senator Osgood recognized for debate on the bill as amended  
 8:28:22 PM Senator Bradley recognized for debate on the bill as amended  
 8:29:10 PM Senator Baxley recognized for debate on the bill as amended  
 8:33:49 PM Chair Calatayud recognizes herself for debate  
 8:36:58 PM Senator Martin recognized to close on the bill as amended  
 8:45:21 PM Roll call  
 8:45:26 PM Reported favorably  
 8:45:44 PM Senator Broduer tabs 19,13 in the affirmative  
 8:46:23 PM Senator Martin votes in the affirmative for tabs 5,7,4,9,17,18,20,21. Chair Calatayud votes in the affirmative for tabs 10,22,11  
 8:46:33 PM Meeting adjourned